



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
Local Referring Board:	Zoning Board of Appeals
Applicant:	JR & Ray LLC / Rhinereck Realty, LLC
Project Name:	MAVIS
Location of Project Site:	1413 Route 300

Tax Map #:	60-3-402
Tax Map #:	
Tax Map #:	
Local File No.:	PK Bldg
Size of Parcel*:	3+ Acres

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

Reason for County Review: on Route 300

Current Zoning District (include any overlays): FB

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) Total Maximum allowed

Other Amount of Signage

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

Local board comments or elaboration:

Shane Cardone 7/24/15 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: July 22, 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:

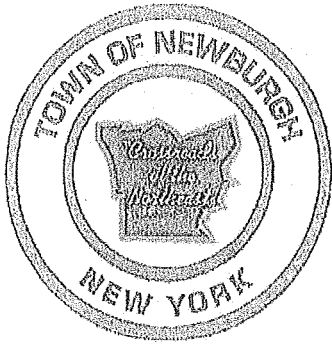
60.00-3-40.2 (TAX MAP DESIGNATION)

1413 Route 300 (a.k.a. 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 185-14B(c) Sign Regulations



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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: July 22, 2015

4. DESCRIPTION OF VARIANCE SOUGHT: See attachment.

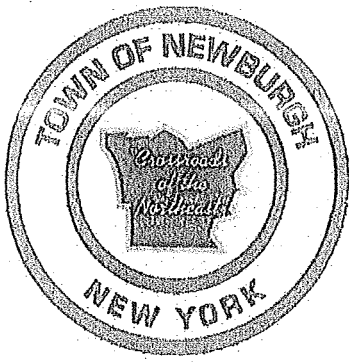
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:

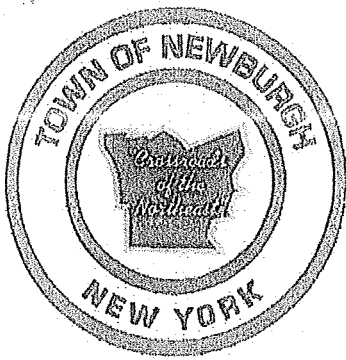
See attachment.

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.



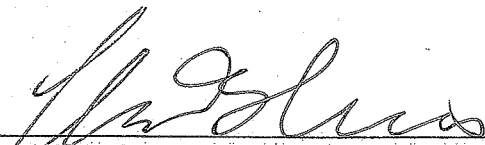
TOWN OF NEWBURGH

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ZONING BOARD OF APPEALS

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF July 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)

Supplement to ZBA Area Variance Application

July 23, 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 an area variances for the above referenced project site relative to the maximum allowable signage. 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:

An area variance is 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 maximum allowable signage requirement of §185-14(B)(1)(c) is necessary. The Planning Board Attorney, Michael H. Donnelly of Dickover, Donnelly & Donovan, LLP, prepared the requisite Planning Board referral letter (dated July 22, 2015) to the Zoning Board of Appeals for the area variance.

The Town of Newburgh's Zoning Code currently limits signage based upon street frontage. The Town of Newburgh's Code, as currently written, tends to discourage a shopping center similar to the proposed project with multiple buildings and interior site access to/from each of the buildings. Instead the Town Code seems to encourage strip malls. The Town's Comprehensive Plan recommends that the Town consider amending its sign law to base allowable signage on the overall square footage of a use or uses. However, the Town Board has not taken action on the Comprehensive Plan recommendations and due to the needs of the national tenants on this site the Applicant cannot delay the regulatory approval process.

The following summarizes the allowable and proposed signage for the project:

Signage area allowed per §185-14(B)(1)(c) = $\frac{1}{2}$ the linear length of street frontage
Frontage = (285.75' on Rt. 300 + 50' on Mall Road) x $\frac{1}{2}$ = 167.88 sq. ft. allowed

The proposed building signage is as follows:

Restaurant = four (4) signs totaling 231.67 sq. ft.

Mavis = three (3) signs totaling 210 sq. ft.

Retail = three (3) signs totaling 231.17 sq. ft.

Total = 672.84 sq. ft.

The proposed freestanding sign is as follows:

Restaurant = 20.44 sq. ft.

Mavis = 14.22 sq. ft.

Retail = 14.22 sq. ft.

Sub-total = 48.88 sq. ft. x two (2) sides = 97.76 sq. ft.

The total combined signage = 770.60 sq. ft. We understand that this is a sizable request however, much like the previous project and associated signage variance that was granted on this site, we feel there is reasonable justification for this request and we are looking forward to discussing this with the Board.

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:**

The site lies within an area of other shopping center uses with signage similar to the proposed use. The proposed uses are consistent with uses that are permitted within the IB zoning district. In addition, 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:**

The Applicant has to work within the confines of the project parcel. The project parcel is long and narrow which limits the allowable signage but in practicality dictates the need for additional signage given the limited frontage and the need to place buildings further away from the road. The site does not lend itself to the development of additional streets that would ultimately allow additional signage under the current Code.

- c. **The requested area variance is not substantial because:**

Although it may seem that the Applicant is requesting a large variance, in reality and as will be demonstrated at the Zoning Board of Appeals hearing, the proposed signage for the site is consistent with signage provided at many of the major developments in the Town, within Orange County and across the nation. Although the project parcel is adjacent to the Newburgh Mall ring road which is essentially a street as defined by the Town Code the Applicant is not taking credit for the parcel frontage along the ring road. If taken into consideration the frontage along the southerly side of the site, or along the Newburgh Mall ring road, would add approximately 600 lineal feet of frontage which equates to approximately 300 sf of additional allowable signage thereby decreasing the significance of the requested variance.

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

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 and signage relief sought are consistent with other uses and signs in the area. Granting the proposed variance will 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 and out of character with the current development in the area.

- 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 has no controls over the lot frontage of the property directly related to the maximum allowable signage and signage is critical for the businesses to succeed due to the lack of frontage and visibility along Union Avenue.

In summary, the granting of the requested variance will help improve the character and the physical/environmental condition of the neighborhood as it will promote the redevelopment of former truck terminal facility that has been in a state of disrepair for decades.

Short Environmental Assessment Form

Part 1 - Project Information

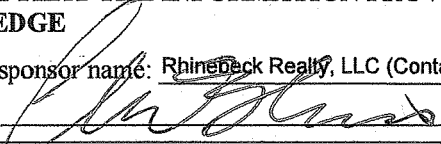
Instructions for Completing

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 +/-17,570sf 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 an area variance related to maximum allowable signage, 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.			NO <input type="checkbox"/>
			YES <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:			NO <input type="checkbox"/>
			YES <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? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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"/>	
	<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 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>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<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>Date: <u>7/22/15</u></p>	
<p>Signature: <u></u></p>		

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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input 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)

PROJECT NARRATIVE

July 23, 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 ±3,200 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 ±3,200 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 is proposed along Union Avenue (New York State Route 300). The existing southerly, full access drive on Route 300 is proposed to be removed. 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 153 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 & Vurno, Esqs., Warwick, N.Y.

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

July 22, 2015

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

RE: Mavis [Rhinebeck Realty, LLC] 15.03
1413 ~~Union Avenue~~ ← Route 300
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 has recently received variances from your board. The applicant again appeared before the planning board during its meeting of July 16 2015 with a modified site plan. The applicant's proposed modifications will require additional variances for signs as outlined on page three of the attached letter.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Bohler Engineering



BOHLERTM ENGINEERING

17 Computer Drive West
Albany, NY 12205
PHONE 518.438.9900
FAX 518.438.0900

Via Hand Delivery

July 13, 2015

Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

Attn: Mr. John P. Ewasutyn, Planning Board Chairman

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

Dear Chairman Ewasutyn and Members of the Planning Board:

On behalf of our client, Rhinebeck Realty, LLC, we are pleased to submit this response to comments summary to the Town of Newburgh for the above referenced project. This summary is in response to the various comments received in a May 7, 2015 "Technical Review Comments" summary by McGoey, Hauser and Edsall (MHE) Consulting Engineers, D.P.C., as noted below with our responses in italics.

As part of this response to comments summary, enclosed please find the following items for the Planning Board's consideration at their next meeting:

- A. Three (3) 24"x36" and nine (9) 11"x17" copies of a set of plans entitled "Site Development Plans", consisting of eighteen (18) sheets, dated January 27, 2015, revised through July 9, 2015, prepared by Bohler Engineering.
- B. Three (3) 24"x36" and nine (9) 11"x17" copies of the survey entitled "1413 Union Avenue, ALTA/ACSM Land Title Survey of the Lands to be conveyed to Mavis Tire Supply, LLC", dated June 20, 2014, revised through June 12, 2015 (included in the site plan set).
- C. Three (3) 24"x36" and nine (9) 11"x17" color copies of a set of plans entitled "Preliminary Exterior Elevations", consisting of three (3) sheets, Drawing Nos. A-200, A-201 and A-202, each dated May 26, 2015, revised through June 26, 2015, prepared by DCAK MSA Architecture and Engineering.
- D. One (1) copy of the Stormwater Pollution & Prevention Plan (SWPPP) dated July 10, 2015, prepared by Bohler Engineering.
- E. Twelve (12) copies of the Traffic Impact Analysis dated July 9, 2015, no revisions listed, prepared by Atlantic Traffic & Design Engineers, Inc.

Per the referenced MHE comments:

1. Plans have been revised schematically since the last board meeting, relocating the proposed auto retail use outside of the front yard setback. In addition, the right out turn lane on the southern portion of the site has been removed.
Comment acknowledged.



BOHLER[™] ENGINEERING

Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

July 13, 2015
Page 2 of 3

2. NYSDOT approval for access drive is required.
Coordination with the NYSDOT has been initiated and is ongoing.
3. Detail design plans and reports must be provided in support of the revised location.
Detailed design plans and reports accompany this submission for the revised plans.
4. Future submissions should identify no outdoor storage of any materials on the site.
A note has been included on the Site Plan indicating no outdoor storage is proposed.
5. Unified site plan documents should be executed allowing for mixed use of the commercial parking. Site must operate as a unified site plan regarding maintenance and operation of the site.
Unified site plan documents have been included within this submission.
6. Utilities were previously commented on. Result of discussions with Town Representatives should be identified with the Board.
Per discussions and a site visit with the Town of Newburgh Department of Public Works, a single water service connection is proposed into the site to provide fire and domestic water services to the proposed buildings. A new sewer connection is proposed for the Restaurant and Retail use while the existing sewer connection is proposed to be reused for the Mavis Tire center as a result of the phased approach.
7. Storm water management plans and reports must be developed on future submissions.
Stormwater Pollution Prevention Plan and the associated stormwater management report have been included within this submission.
8. Gerald Canfield's comments regarding 18 foot access lane width to the rear should be received.
These comments have been addressed and the applicant secured a variance from the Town of Newburgh Zoning Board of Appeals on April 23, 2015 to allow the 18' wide rear egress drive.
9. Further review will be undertaken upon submission of detail design reports.
Comment acknowledged.

Per the May 29, 2015 site plan review letter from Creighton Manning to the Planning Board, the following statement was provided:

Creighton Manning Engineering, LLP (CM) is in receipt of the Preliminary Site Plan, last revised May 28, 2015 prepared by Bohler Engineering. After reviewing the referenced materials, all of our previous comments have been addressed. The applicant has initiated a traffic study. Upon submission, we will/may provide additional comments.

Comment acknowledged; the applicant has prepared a Traffic Impact Analysis report that is included with this submission.

Based on the last Planning Board meeting involving the above referenced project, the Applicant requested that we revise our site plans to incorporate a phased approach to the project. As such the enclosed plans now show that the proposed tire center will be constructed initially while the restaurant and retail components will be constructed in a subsequent phase. The Applicant is essentially taking a master plan type approach to the project and is providing plans and studies that reflect the overall proposed site development for SEQR purposes, however detailed site plan review and approval is only being sought for the proposed tire center at this time. It is



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Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

July 13, 2015
Page 3 of 3

anticipated that any SEQR findings on the master plan approach would take into account the overall project and that as long as any subsequent phase or phases are consistent with the SEQR findings that there would be no further SEQR review necessary.

In addition, the Applicant has included building elevations that identify the proposed signage for the three (3) proposed uses and is respectfully requesting a positive recommendation to the Zoning Board of Appeals for the variances that will be necessary to secure the appropriate permits for the proposed signage. The following summarizes the proposed signage for the project:

Signage area allowed = $\frac{1}{2}$ the linear length of street frontage
Frontage = (285.75' on Rt. 300 + 50' on Mall Road) x $\frac{1}{2}$ = 167.88 sq. ft. allowed

The proposed building signage is as follows:

Restaurant = six (6) signs totaling 282.84 sq. ft.
Mavis = three (3) signs totaling 210 sq. ft.
Retail = two (2) signs totaling 180 sq. ft.
Total = 672.84 sq. ft.

The proposed freestanding sign is as follows:

Restaurant = 20.44 sq. ft.
Mavis = 14.22 sq. ft.
Retail = 14.22 sq. ft.
Sub-total = 48.88 sq. ft. x two (2) sides = 97.76 sq. ft.

The total combined signage = 770.60 sq. ft. We understand that this is a sizable request however, much like the previous project and associated signage variance that was proposed on this site, we feel there is reasonable justification for this request and we are looking forward to discussing this with the Board.

We look forward to appearing at the next available Planning Board meeting to review the project with the Planning Board. Should you have any questions or any additional needs please do not hesitate to contact us at (518) 438-9900.

Sincerely,

BOHLER ENGINEERING MA, LLC

Robert W. Osterhoudt, P.E.

Enclosures/Attachment

cc: Michael Manes (via email w/ 1 copy of enclosures)
Kenneth W. Wersted, Creighton Manning (via hand delivery w/ 3 copies of enclosures)
Patrick J. Hines, McGoey, Hauser and Edsall (via hand delivery w/ 1 copy of enclosures)
Michael H. Donnelly, Dickover, Donnelly & Donovan (via overnight delivery w/ 1 copy of enclosures)



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

17 July 2015

Re: proposed redevelopment of 1413 Union Ave.

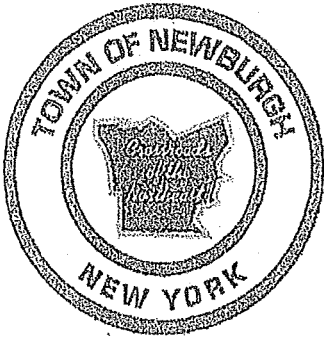
To Whom It May Concern:

Rhinebeck Realty, on behalf of Mavis Tire Supply/Rhinebeck Realty, LLC, authorizes Rob Osterhoudt of Bohler Engineering to represent us in the pursuit of the necessary regulatory approvals for the redevelopment of the property known as 1413 Union Avenue in the Town of Newburgh.

Thank you,

A handwritten signature in black ink, appearing to read "Michael B. Manes", is written below the "Thank you," text. The signature is fluid and cursive.

Michael



TOWN OF NEWBURGH

Crossroads of the Northeast

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: 7/20/2015

John Lease III
OWNER'S SIGNATURE *OWNER-MANAGER*

Jay Finberg
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20th DAY OF July 2015

John Lease III
NOTARY PUBLIC

JOHN LEASE III
Notary Public, State of New York
Qualified in Orange County
No. 4893815
Commission Expires May 26, 2019.

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

TRUCKING TERMINAL ASSOCIATES

TO
JR & RAY LLC

SECTION 60 BLOCK 3 LOT 40

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
JEL

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)
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- 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 10/01/08 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
Ann G. Rabbit
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY 10/4/2008

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#939159 joanned

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



#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

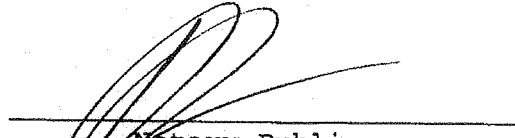
STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 12 day of ~~August~~^{Sept}, 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.
NJ.
C
OR
EX



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 ~~August~~^{Sept}, 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

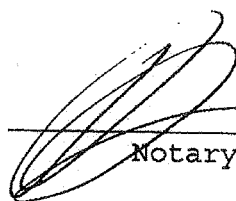
STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 12 day of ~~August~~^{Sept}, 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
gll



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)
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4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
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4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
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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 5 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 10/01/08 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
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY July 20, 2008

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

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



#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

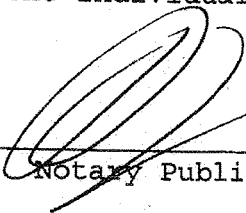
STATE OF NEW YORK:

: 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

Table with columns for address, location name, and mortgage details. Includes entries for Blooming Grove, Washingtonville, Chester, Cornwall, Crawford, Deer Park, Goshen, Florida, Chester, Greenville, Hamptonburgh, Maybrook, Highlands, Minisink, Unionville, Monroe, and various other locations.

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 10/12/10 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbit
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY July 20, 2015

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 juls

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

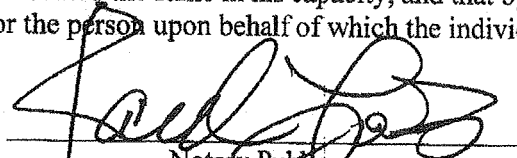
By: 
John J. Lease, Jr., Manager

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

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

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

Heritage Land Surveying, P.C. P.O. Box 579, Plattekill, NY 12568 Phone (845)562-4148
Darren J. Stridiron, P.L.S. Email: Heritagesurvey@hotmail.com Fax (845)566-1416

LANDS OF JR & 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,

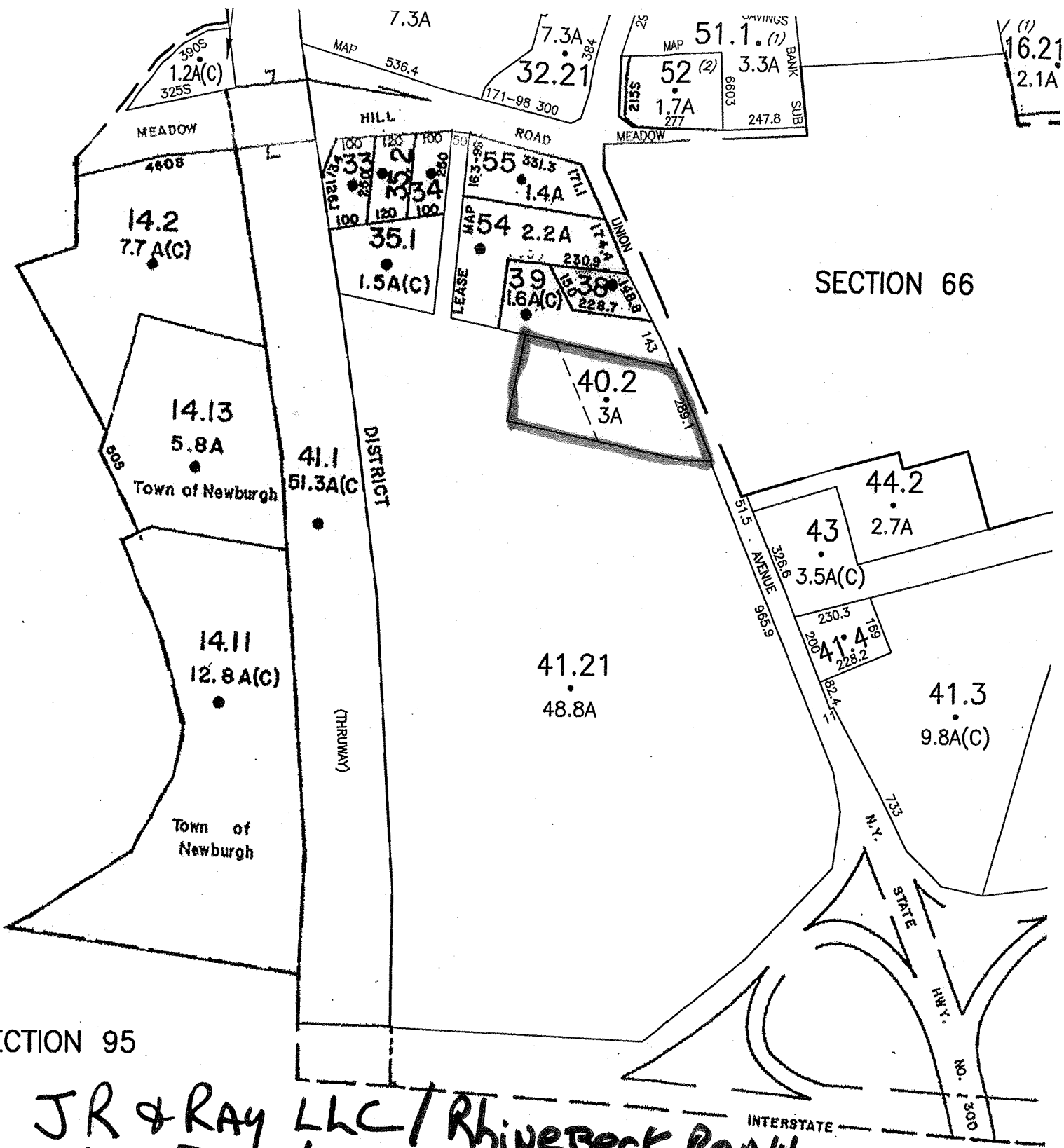
North 85 degrees 58 minutes 10 seconds West 79.70 feet along the northerly bounds of lands of Newburgh Mall, LLC (Tax lot 60-3-41.21); thence,

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 JR & 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 / Rhinebeck Realty
 1413 Route 300
 (60-3-40.2)