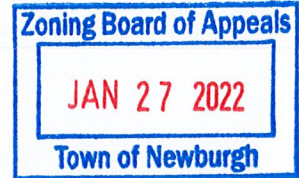




TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 01/27/2023

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

I (WE) PDH Realty LLC (Attn: James Barrett, Newburgh Kia) PRESENTLY

~~RESIDING~~ AT NUMBER 114 Route 17K, Newburgh, NY 12550

TELEPHONE NUMBER 845-565-7033

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

- | | |
|-------------------|---------------------------------|
| <u> </u> N/A | USE VARIANCE |
| <u> </u> X | AREA VARIANCE (S) |
| <u> </u> N/A | INTERPRETATION OF THE ORDINANCE |
| <u> </u> N/A | SPECIAL PERMIT |

1. LOCATION OF THE PROPERTY:

95-1-53 (TAX MAP DESIGNATION)

114 Route 17k, Newburgh NY 12550 (STREET ADDRESS)

IB (Interchange Business) (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185 - 14 J (5) (a)

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:
9/28/22

- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
N/A

4. DESCRIPTION OF VARIANCE SOUGHT:

Re-branding signage to match current logo. Revise building mounted signage and pylon sign. Replacement in the same location of the existing, previously approved pylon sign requires an area variance for being too close to the front property line.

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:
N/A

(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:
N/A

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

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

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:

This action is for the corporate re-branding. The Existing pylon sign is to be replaced with the current logo, in the same location of the existing, previously approved pylon sign. This requires an area variance for being too close to the front property line.

- 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:

To avoid additional disruptive site disturbance by replacing current sign with the new sign in its current location utilizing the existing foundation and mounting.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
No greater variance is required beyond that currently in existence. This replacement avoids additional disruptive site disturbance by installing the new pylon sign in the same location as the current sign, utilizing the existing foundation and mounting.

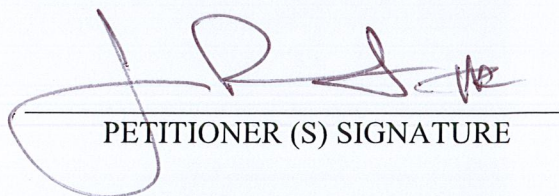
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

This replacement will create no such adverse effect or impact as the pylon sign is proposed to replace the currently existing sign.

- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
The Town previously approved this sign location for the sign to be replaced.
-
-

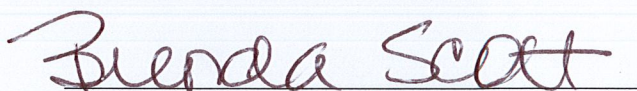
7. ADDITIONAL REASONS (IF PERTINENT):

This re-branding is a corporate requirement, necessitating the replacement of the existing building and pylon signage. The pylon sign replacement requires an area variance.


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26 DAY OF Jan 20 22


NOTARY PUBLIC

BRENDA SCOTT
Notary Public, State of New York
No. 01SC6186080
Qualified in Orange County 24
Commission Expires 4/28/

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

PDH Realty LLC (Attn: James Barrett), DEPOSES AND SAYS THAT
is employed at _____
~~HE/SHE RESIDES AT~~ 114 Route 17k, Newburgh, New York 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____
Healey Kia, 114 Route 17K, Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Colliers Engineering & Design
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: _____

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 26 DAY OF Jan 20 22


NOTARY PUBLIC

BRENDA SCOTT
Notary Public, State of New York
No. 01SC6186080
Qualified in Orange County
Commission Expires 4/28/ 24

Short Environmental Assessment Form

Part 1 - Project Information

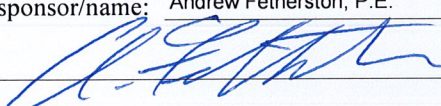
Instructions for Completing

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.

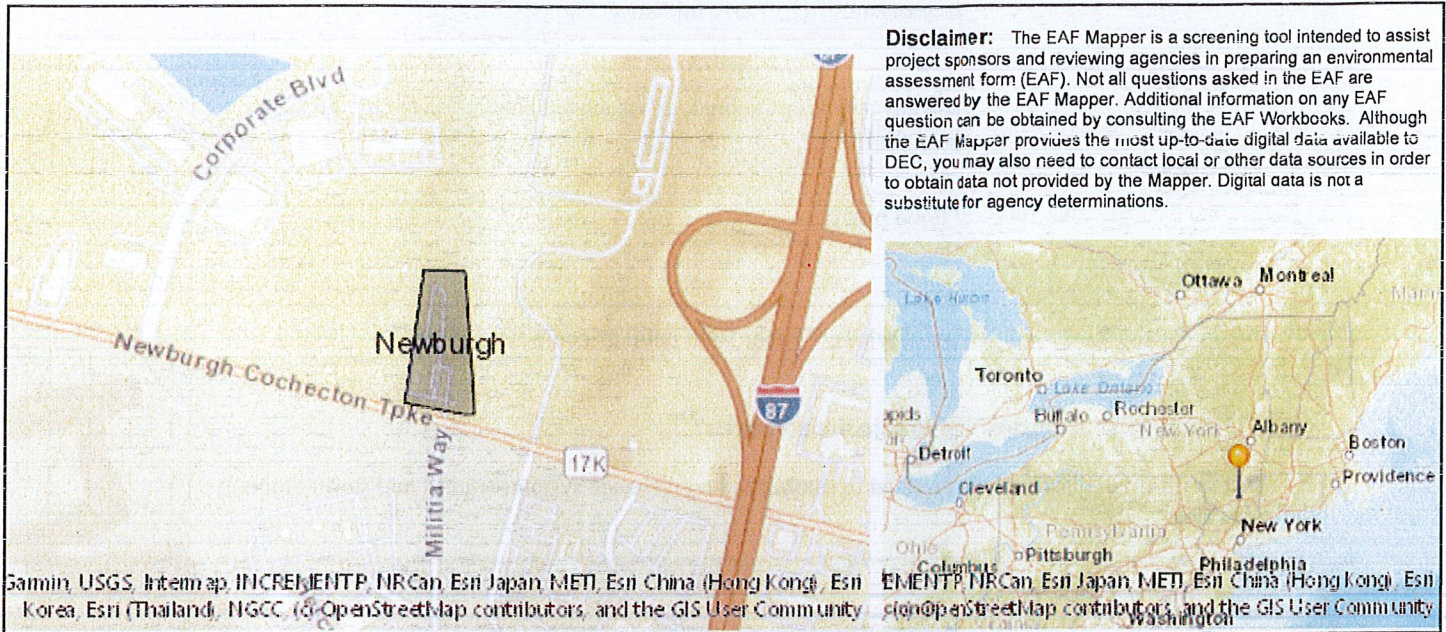
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Healey Kia			
Project Location (describe, and attach a location map): SBL: 95-1-53, 114 Route 17k, Newburgh, New York 12550			
Brief Description of Proposed Action: Re-branding signage to match current logo. Revise building mounted signage and pylon sign. Replacement in the same location of the existing, previously approved pylon sign requires an area variance for being too close to the front property line.			
Name of Applicant or Sponsor: PDH Realty LLC (Attn: James Barrett)		Telephone: 845-565-7033	
		E-Mail: James.Barrett@healeybrothers.com	
Address: 114 Route 17K			
City/PO: Newburgh		State: New York	Zip Code: 12550
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 government Agency? If Yes, list agency(s) name and permit or approval: Zoning Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		5.1 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" 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 checked="" type="checkbox"/> Other(Specify): Stewart International Airport			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input 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
Indiana Bat, Upland Sandpiper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adjoining property Stewart National Guard Base is part of a State Superfund Environmental Cleanup Site, NYSDEC Site Code 336089, having to do with the PFOS fire fighting foam.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Andrew Fetherston, P.E.	Date:	1/27/23
Signature: 	Title:	Project Engineer

PRINT FORM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Upland Sandpiper
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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

Newburgh Commons, LLC
TO
PDH Realty, LLC

SECTION 95 BLOCK 1 LOT 53



RECORD AND RETURN TO:
(name and address)

RECORD AT THE REQUEST OF
New York Title Research
550 Mamaroneck Ave
Suite 401
Harrison NY 10528
Date Recd 09/26/2014

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)
- 2003 SO. BLOOMING GROVE (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 WALKHILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 5809 WOODBURY (VLG)
- 0900 CITIES
- 1100 MIDDLETOWN
- 1300 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

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

PAYMENT TYPE: CASH
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$ 1,050,000.-
TAX EXEMPT
Taxable MORTGAGE AMT. \$

- MORTGAGE TAX TYPE:
- (A) COMMERCIAL/FULL
 - (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

Ann G. Rabbitt
ANN G. RABBITT
ORANGE COUNTY CLERK

Received From N.Y. Title

RECORDED/FILED
09/26/2014/ 15:03:28
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140080873
DEED C / BK 13799PG 0497
RECORDING FEES 315.00
TTX# 001321 T TAX 4,200.00
Receipt#1817508 lindar

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, KELLY A. ESKEN, 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 9-26-14 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Kelly A. Eskin 11-3-22
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



NYT16227

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR
(INDIVIDUAL)
(STATUTORY FORM C)**

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD WE
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE
SIGNING

THIS INDENTURE, made ^{as of} the 19 day of September in the year Two Thousand Fourteen

Between NEWBURGH COMMONS, LLC
One Shinev Court
Monroe, NY 10950

Party of the first part, and PDH REALTY, LLC
2528 Route 17M
Goshen, NY 10924

Party of the second part:

WITNESSETH, that the party of the firsts 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 grant and release unto the party of the second part, his heirs and assigns 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, and being more particularly described on the Schedule "A" annexed hereto.

SAID PREMISES BEING and intended to be the same premises described and conveyed to
NEWBURGH COMMONS, LLC, from BUTTERHILL DEVELOPMENT PROPERTIES, dated
July 17, 2002, recorded July 22, 2002 in the Orange County Clerk's Office, in Liber 5942, Page
96.

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, his
heirs and assigns forever. And the party of the first part covenants that he 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 received the consideration for this conveyance and will hold the
right to received such consideration as a trust fund to be applied first for the purpose of paying
the cost of improvement and will apply the same first to the payment of the cost of 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.

NEW YORK TITLE RESEARCH CORPORATION

as Agent for
Stewart Title Insurance Company

SCHEDULE A (Description)

AMENDED 8/20/14

Title Number: **NYT16227**

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

BEGINNING at the point of intersection of the easterly line of Mulbury Lane, a private road with the northeasterly line of N.Y.S. Route 17K;

THENCE from said point of beginning and along the easterly line of the aforesaid Mulbury Lane, North 20 degrees 15 minutes 00 seconds East, 721.39 feet to a point on the division line between the lands now or formerly of Plessner and now or formerly of COS17, LLC on the north and east side and the parcel herein described on the south and west;

THENCE along the last mentioned division line, the following four (4) courses and distances:

1. South 74 degrees 32 minutes 00 seconds East, 214.60 feet;
2. South 08 degrees 23 minutes 00 seconds West, 379.20 feet;
3. South 07 degrees 17 minutes 00 seconds West, 260.00 feet; and
4. South 10 degrees 14 minutes 00 seconds West, 129.65 feet to a point in the northerly line of the aforesaid N.Y.S. Route 17K;

THENCE along the northerly and northeasterly lines of said N.Y.S. Route 17K, North 78 degrees 47 minutes 52 seconds West, per deed and North 78 degrees 49 minutes 13 seconds, 47.28 feet per actual measurement and North 63 degrees 19 minutes 48 seconds West, per deed and North 66 degrees 08 minutes 32 seconds West, 325.12 feet per actual measurement, 315.46 feet and North 64 degrees 33 minutes 21 seconds West, 0.44 feet to the point and place of **BEGINNING**.

TOGETHER with the right in common with others, to use Mulbury Lane recited in Liber 691 page 276 and in Liber 1605 page 279.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

In presence of:

NEWBURGH COMMONS, LLC

By: Abraham Goldberger - Mz Mb

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss:
COUNTY OF ROCKLAND)

On the 15 day of September, in the year 2014, before me, the undersigned, a Notary Public in and for said State personally appeared Abraham Goldberger, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in is/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC



Town of Newburgh: Tax Map

Section: 95
Block: 1
Lot: 53

RECORD AND RETURN TO:

Kurzman, Eisenberg, Corbin & Lever
1 North Broadway
White Plains, NY 10601
Attn: Stuart Berg, Esq.

RECORD AT THE REQUEST OF
New York Title Research
550 Mamaroneck Ave
Suite 401
Harrison NY 10528
File No NYT 16227



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14545 / 1414
INSTRUMENT #: 20190020537

Receipt#: 2628679
Clerk: MAH
Rec Date: 03/27/2019 02:43:56 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 5
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: MATRIX NEWBURGH DEV PARCELS LLC
Party2: PDH REALTY LLC
Town: NEWBURGH (TN)
95-1-54.2

Recording:
Recording Fee 45.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 All others - state 241.00
RP5217 - County 9.00

Sub Total: 320.00

Transfer Tax
Transfer Tax - State 2000.00

Sub Total: 2000.00

Total: 2320.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 7710
Commercial Transfer Tax
Consideration: 500000.00

Transfer Tax - State 2000.00

Total: 2000.00

Payment Type: Check _____
Cash _____
Charge _____
No Fee _____

Comment: _____

Ann G. Rabbitt
Orange County Clerk

STATE OF NEW YORK (COUNTY OF ORANGE), SS:
I, JUDY A. ESKEN, 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 3-27-19 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

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

Record and Return To:

ROBERT W FINK ESQ
210 MAIN STREET
PO BOX 900
GOSHEN, NY 10924-1106



HW 62929

BARGAIN AND SALE DEED

THIS INDENTURE, made this ^{26th} day of March, in the year 2019.

BETWEEN

MATRIX NEWBURGH DEVELOPMENT PARCELS, LLC, a New York limited liability company, party of the first part, having an address at c/o Matrix Realty, Inc., Forsgate Drive, CN 4000, Cranbury, New Jersey 08512, and

PDH REALTY LLC, a New York limited liability company, party of the second part, having an address at 2528 Route 17 M, P.O. Box 859, Goshen, New York 10924,

WITNESSETH, that the party of the first part, in consideration of FIVE HUNDRED THOUSAND AND 00/100 Dollars (\$500,000.00) 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 real property, with improvements, if any, thereon erected, situate and lying and being in the Township of Newburgh, County of Orange, and State of New York and more particularly described on Exhibit A attached hereto.

95 - 1-54.2

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, subject to the permitted exceptions of record as of the date hereof.

AND the party of the first part covenants that the party of the first part has not done or suffered anything where by the said premises have been encumbered in any way whatsoever, except for easements, restrictions and covenants of record.

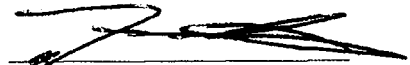
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration of this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

[Signature page follows]

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

MATRIX NEWBURGH DEVELOPMENT PARCELS, LLC
a New York limited liability company

By: Taylor/Epstein Investment Fund, LLC
its manager

By: 
Name: Donald M. Epstein
Title: Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT TAKEN OUTSIDE NEW YORK STATE

STATE OF NEW JERSEY)
COUNTY OF Middlesex)

On March 22, 2019, before me, Donna M. Papkin, Notary Public, personally appeared Donald M. Epstein, Manager of Taylor/Epstein Investment Fund, LLC, Manager of Matrix Newburgh Development Parcels, LLC, a New York limited liability company, personally known to me or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Donna M. Papkin (SEAL)
Notary Public Signature

Donna M. Papkin
Notary Public of New Jersey
ID# 50090750
My Commission Expires October 1, 2023

Section 95
Block 1
Lot 54.2
County or Town ORANGE

Return by mail to:

Robert W. Fink, Esq.
P.O. Box 900
210 Main Street
Goshen, NY 10924

**BARGAIN AND SALE DEED WITH
COVENANT AGAINST GRANTOR'S ACTS**

EXHIBIT A

LEGAL DESCRIPTION

**Section 95 Block 1 Lot 54.2
Town of Newburgh**

All that certain plot, 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 point on the northeasterly line of the existing New York State Route 17K, said point being on the division line between the lands now or formerly of DeLong (reputed owner) on the west and south and the parcel herein described on the east and north, thence along the last mentioned division line the following

courses, N 10 degrees 44' E, 142.22 feet, N 7 degrees E, 260.0 feet, N 8 degrees 23' E, 379.2 feet and N 74degrees 32' W, 214.6 feet to a point on the easterly line of Mulbury Lane; thence, along said line, N 21 degrees 50' E, 414.8 feet to a point on the division line between the lands now or formerly of Frank C. and Michael M. Mazzarelli (reputed owners) on the north and the parcel herein described on the south; thence, along the last mentioned division line S 75 degrees 49' E, 484.5 feet to a point; thence, through the lands of the grantor herein the following courses, S 21 degrees 55' 51" W, 420.25 feet and S 14 degrees 37' 12" W, 785.83 feet to a point on the aforementioned northeasterly line of the existing New York State Route 17K; thence, along the last mentioned line of the following courses, N 67 degrees 57' 36" W, 142.83 feet and N 89 degrees 46' 36" W 44.23 feet to the place of beginning.

Together with a right-of-way in common with all others entitled to use the same and insofar as the party of the first part has the right to grant the same for all purposes of ingress and egress over the lane bounding the above described premises along a portion of its westerly line and known as Mulbury Lane leading to New York State Route 17K and subject to the party of the second parts covenants and agreement to pay its proportionate share with the other parties using the said lane of the cost of its upkeep and maintenance.

Together with a right-of-way in common with all others entitled to use the same and insofar as the party of the first part has the right to grant the same for all purposes of ingress and egress over the lane north of an immediately adjacent to the north line of the above described premises for its entire length with the right to cross the bridge (if any) across the brook, which said right-of-way shall be limited to a width of Twenty-five (25) feet except at the bridge and the approaches thereto in the event the said bridge is not wholly within the said twenty five foot strip but the party of the second part is under no obligation to keep the said right-of-way and bridge in repair.

HILL-N-DALE ABSTRACTERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3003-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/28/2022

Application No. 22-1039

To: PDH Realty LLC
2528 Rte. 17M
Goshen, NY 10924

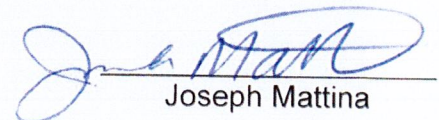
SBL: 95-1-53
ADDRESS: 114 Route 17K

ZONE: IB

PLEASE TAKE NOTICE that your application dated 09/20/2022 for permit to replace the existing non-conforming free standing sign on the premises located at 114 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-G-1-a: The lawful use of a sign or signs existing at the time of adoption of this chapter may be continued, even though the sign does not conform to the regulations and limitations of this section, until one or more of the following occurs:
 - (a) The structure, size, location or accessories of any or all signs previously granted approval and permits are altered, modified, changed, reconstructed or moved.
- 2) 185-14-J-5-a: No freestanding sign shall be located less than 15 feet from any front or side property line, or a distance equal to the height of said sign, whichever is greater.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: PDH REALTY LLC Application # 22-1039

ADDRESS: 2528 RT. 17M GOSHEN NY 10924

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: FREE STANDING SIGN @ 114 RT. 17K HEALEY KIA

SBL: 95-1-53 ZONE: IB ZBA Application # 3003-22

TOWN WATER: YES / NO TOWN SEWER: YES / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
SETBACK REQUIRED	20'	15'		5'	25.00%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

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

NOTES:

REVIEWED BY: Joseph Mattina

DATE: 28-Sep-22



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Priscilla Washington, being duly sworn, depose and say that I did on or before

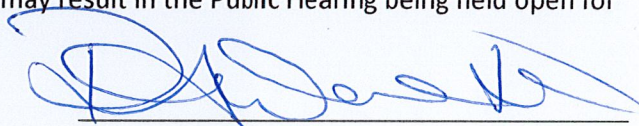
February 9, 2023, post and will thereafter maintain at

114 Route 17K 95-1-53 IB Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which

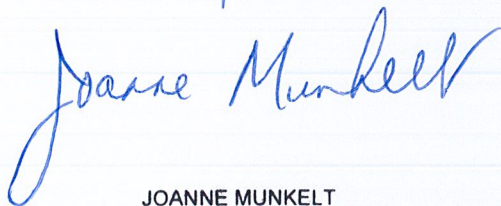
notice was in the form attached hereto.

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



Sworn to before me this 1

day of February, 2023.



JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2026

