



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: 4/8/2024

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

I (WE) Michael Moyer PRESENTLY

RESIDING AT NUMBER 2178 Industrial Drive, Bethlehem, PA 18017

TELEPHONE NUMBER 610-952-2122

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

60-3-22.222 (TAX MAP DESIGNATION)

1420 Route 300, Newburgh, NY 12550 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Self Storage Centers use & section 185, attachment 13, schedule 8 (bulk table)

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

(b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
March 22, 2024

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Building height variance for an existing building to be re-used as a self storage facility.
13' variance, (28' tall building, 15' max. allowable)

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 - no use variance requested.

-

(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 - no use variance requested.

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
N/A - no use variance requested.

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
N/A - no use variance requested.

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 height variance is for an existing building. The variance is required because the applicant is seeking a change in use to a self storage facility. There will be no change to the height of the existing building, therefore there is no undesirable change to the character of the neighborhood.

- 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:

Granting the area variance for this existing structure is a necessary process to permit the reuse of the building for a self storage facility. The existing building would need to be demolished to eliminate the need for the area variance.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The requested variance is substantial. However it is associated with the reuse of an existing structure. Max Building height = 15' - 13' variance requested (86.6% greater than permitted)


- 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 area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. Granting this variance would allow the reuse of the existing building.

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

There is no other way to reuse the existing building for the new self storage use without the need for an area variance or demolition of the existing building. Therefore the need for a variance is self created, but essential to the project.

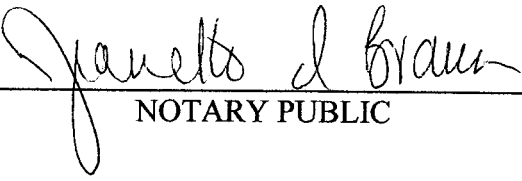
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

Pennsylvania *Montgomery*
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 1st DAY OF April 2024

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Jeanette I Braun Notary Public
Montgomery County
My Commission Expires 7/21/2027
Commission #1263800


NOTARY PUBLIC

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

Sam Newburgh, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 157 Dove Hill Drive

IN THE COUNTY OF Nassau AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot: 60-3-22.222

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: 4-4-2024 *Jan Hoofelder*
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF April 20 24

[Signature]

NOTARY PUBLIC

ROBIN FUNK
Notary Public - State of New York
NO. 01FU6184229
Qualified in New York County
My Commission Expires Jun 13, 2024

NY NY

Short Environmental Assessment Form

Part 1 - Project Information

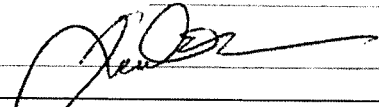
Instructions for Completing

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: Newburgh Self Storage				
Project Location (describe, and attach a location map): 1420 Route 300, Town of Newburgh, Orange County, NY (60-3-22-222)				
Brief Description of Proposed Action: The existing parcel is tax lot 60-3-22-222 and approximately 8.43 acres in size with roadway frontage along NYS Route 300 to the West. The site also has access to NYS Route 52 via an easement over the adjacent parcel to the North. The parcel currently contains the Showtime Cinemas Movie Theater and associated parking areas. The site is located within the Town of Newburgh IB (Interchange Business) Zoning District, the Town of Newburgh Consolidated Water District, and Crossroads Sewer District. The site is currently serviced by Town water and sanitary sewer. The applicant is proposing to redevelop the site with a self-storage center. A self-storage center use is a permitted use within the IB Zone, subject to site plan approval by the Planning Board. The project involves renovating the interior of the existing movie theater building into a 2-story storage facility (theater portion) and a drive-thru (within current concession portion of the building) and a 3,300 S.F. storage addition on the front side (north side). Additionally, ten (10) proposed buildings dedicated to self-storage totaling 71,825 S.F. and a 600 S.F. office building. The development complies with the bulk requirements established for the IB zone, except for the maximum permitted building height of 15 feet for self-storage centers. The existing height of the movie theater structure is 28 feet. The applicant shall seek a 13-foot height variance from the Zoning Board of Appeals.				
Name of Applicant or Sponsor: Michael Moyer		Telephone: (610) 952-2122 E-Mail: Budgetstorageus@yahoo.com		
Address: 2178 Industrial Drive				
City/PO: Bethlehem		State: PA	Zip Code: 18017	
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 checked="" 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: Town of Newburgh ZBA- Area variance, Town of Newburgh PB - Site Plan approval, OCP - 239 referral, OCDOH- watermain extension			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 8.43 acres b. Total acreage to be physically disturbed? _____ 6.9 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 8.43 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 type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	NO	YES	
If Yes, identify: _____	<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 services available at or near the site of the proposed action? Orange Transit Bus Route		YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?		YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 checked="" 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? Indiana Bat	NO	YES
	<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? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Modification and connection to existing storm water conveyance system. _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)? If Yes, explain the purpose and size of the impoundment: _____ Stormwater management areas. Size to be designed. _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Justin E. Dates, R.L.A.		Date: 4/8/2024
Signature: 		Title: Department Manager & Principal Associate

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

Park Avenue Theaters, LLC

TO
Max Newburgh, LLC

SECTION 60 BLOCK 3 LOT 161 222



RECORD AND RETURN TO:
(name and address)

Neil S. Miller, Esq.
Greenburg Traurig, LLP
200 Park Ave
New York NY 10166

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

- | | |
|-----------------------------------|----------------------------------|
| <u>2089</u> BLOOMING GROVE (TN) | <u>4289</u> MONTGOMERY (TN) |
| <u>2001</u> WASHINGTONVILLE (VLG) | <u>4201</u> MAYBROOK (VLG) |
| <u>2289</u> CHESTER (TN) | <u>4203</u> MONTGOMERY (VLG) |
| <u>2201</u> CHESTER (VLG) | <u>4205</u> WALDEN (VLG) |
| <u>2489</u> CORNWALL (TN) | <u>4489</u> MOUNT HOPE (TN) |
| <u>2401</u> CORNWALL (VLG) | <u>4401</u> OTISVILLE (VLG) |
| <u>2600</u> CRAWFORD (TN) | <u>4600</u> NEWBURGH (TN) |
| <u>2800</u> DEERPARK (TN) | <u>4800</u> NEW WINDSOR (TN) |
| <u>3089</u> GOSHEN (TN) | <u>5089</u> TUXEDO (TN) |
| <u>3001</u> GOSHEN (VLG) | <u>5001</u> TUXEDO PARK (VLG) |
| <u>3003</u> FLORIDA (VLG) | <u>5200</u> WALLKILL (TN) |
| <u>3005</u> CHESTER (VLG) | <u>5489</u> WARWICK (TN) |
| <u>3200</u> GREENVILLE (TN) | <u>5401</u> FLORIDA (VLG) |
| <u>3489</u> HAMPTONBURGH (TN) | <u>5403</u> GREENWOOD LAKE (VLG) |
| <u>3401</u> MAYBROOK (VLG) | <u>5405</u> WARWICK (VLG) |
| <u>3689</u> HIGHLANDS (TN) | <u>5600</u> WAWAYANDA (TN) |
| <u>3601</u> HIGHLAND FALLS (VLG) | <u>5889</u> WOODBURY (TN) |
| <u>3889</u> MINISINK (TN) | <u>5801</u> HARRIMAN (VLG) |
| <u>3801</u> UNIONVILLE (VLG) | |
| <u>4089</u> MONROE (TN) | CITIES |
| <u>4001</u> MONROE (VLG) | <u>0900</u> MIDDLETOWN |
| <u>4003</u> HARRIMAN (VLG) | <u>1100</u> NEWBURGH |
| <u>4005</u> KIRYAS JOEL (VLG) | <u>1300</u> PORT JERVIS |
| | <u>9999</u> HOLD |

NO PAGES 7 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. \$ _____
DATE _____

MORTGAGE TAX TYPE:

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: EAM

RECORDED/FILED
04/16/2004/ 10:42:04
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20040050893
DEED / BK 11461 PG 0104
RECORDING FEES 101.00
TTX# 010245 TRANS TAX 0.00
Receipt#254835 dab

STATE OF NEW YORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, 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 4/16/2004 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 03/29/2024.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County





CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on as of January 1, 2003

BETWEEN Park Avenue Theaters, LLC, a New York limited liability company, having an address at c/o Max Capital, Attn: Mr. Adam Hochfelder, 230 Park Avenue, New York, NY 10169

party of the first part, and

Max Newburgh LLC, a Delaware limited liability company, having an address at c/o Max Capital, Attn: Mr. Adam Hochfelder, 230 Park Avenue, New York, NY 10169

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other 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

City of Newburgh, County of Orange and State of New York, and more particularly described on Schedule A attached hereto and made a part hereof.

Being the same premises as conveyed to party of the first part by deed dated 1/28/00 and recorded on 2/28/00 in the office of the Orange County Clerk in Liber 5250 Page 114

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 first part covenants that the party of the first part has not done or suffered anything whereby the above 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:

Joshua D. Brown 2/25/04

JOSHUA D. BROWN
Notary Public, State of New York
No. 01BR8104942
Qualified in New York County
Commission Expires January 20, 2008

By: Park Avenue Theaters Corporation,
its Manager

By:
Adam Hochfelder, President

COMMISSION EXPIRES JANUARY 31, 2008
ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of New York ss.:
County of

On February 25, 2004 before me, the undersigned, personally appeared ADAM HOCHFELDER

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

John D. Brown
Notary Public, State of New York
Qualified in New York City
Commission Expires January 31, 2008

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. CS40432

PARK AVENUE THEATERS, LLC

TO

MAX NEWBURGH LLC

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared _____

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken. And that said subscribing witness(es) made such appearance before the undersigned in

_____)

(signature and office of individual taking acknowledgment)

SECTION 60
BLOCK 3
LOT 16.1 and 22.22
COUNTY OR TOWN County of Orange
Town of Newburgh
PREMISES: 1124 Union Avenue, Newburgh, NY

RETURN BY MAIL TO:

Neil S. Miller, Esq.
Greenburg Traurig, LLP
200 Park Avenue
New York, NY
Zip No. 10166

Reserve this space for use of Recording Office.

Schedule A

As to Parcel I: Lot 16.1

All that piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being designated as Lot No. 2 of a map entitled "Subdivision Plan Lands of Newburgh Algonquin Lanes, Inc.", dated November 4, 1985, last revised April 30, 1986, said parcel being more particularly bounded and described as follows:

BEGINNING at a point, said point being the southeasterly corner of lands now or formerly of Kestler, said point being South 38 degrees, 17 minutes 57 seconds West 225.22 feet from the northwesterly corner of Newburgh Algonquin Lanes, Inc.;

RUNNING THENCE, from said point of beginning and through the lands of said Newburgh Algonquin Lanes, Inc., South 33 degrees 14 minutes 33 seconds West 201.07 feet to point on the division line between lands now or formerly of Meadow Associates on the west and north and the parcel herein described on the east and south;

THENCE, along the last said division line, North 12 degrees 06 minutes 04 seconds West 252.23 feet and North 75 degrees 51 minutes 48 seconds East 62.60 feet to a point on the division line between the lands now or formerly of Kestler on the northeast and parcel herein described on the southwest;

THENCE, along the last said division line, South 47 degrees, 31 minutes, 23 seconds East 138.83 feet to the point or place of BEGINNING, containing 0.50 acres of land, more or less.

TOGETHER with an easement, for purposes of placing a drainage culvert and appurtenances, and for the purposes of access to said culvert and appurtenances and maintenance thereof, said easement being 30 feet in width, and the centerline of said easement being described as follows:

BEGINNING at a point in the southeasterly line of the above described parcel, said point being located North 33 degrees 14 minutes 33 seconds West 87 feet (more or less) from the northeasterly corner of said parcel;

THENCE, through the lands of the grantor herein the following six courses:

- 1) South 63 degrees 53 minutes 49 seconds East 84 feet (more or less);
- 2) South 48 degrees 07 minutes 49 seconds East 128.56 feet;

- continued -

Schedule A Continued

- 3) South 56 degrees 51 minutes 24 seconds East 124.89 feet;
- 4) South 70 degrees 50 minutes 15 seconds East 78.30 feet;
- 5) South 51 degrees 45 minutes 46 seconds East 90.40 feet; and
- 6) South 26 degrees 19 minutes 00 seconds East 27 feet (more or less) to a point in the northerly boundary of the existing Meadow Avenue

TOGETHER with the right to move utility poles and wires, and appurtenances thereto, as they appear on the above mentioned subdivision map, as may be necessary to place, maintain, and have access to above mentioned drainage lines and appurtenances.

- continued -

Schedule A Continued

As to Parcel II: Lot 22.22

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

BEGINNING at a point in the easterly line of the existing N.Y.S. Route 300 (A.K.A. Union Avenue), said point being on the division line between the lands now or formerly of Byrne on the north and the parcel herein described on the south;

RUNNING THENCE, along the last mentioned division line, South 81 degrees 36 minutes 15 seconds East 150.00 feet to a point on the division line between the lands now or formerly of New York Telephone on the north and northwest and the parcel herein described on the south and southeast;

THENCE, along the last mentioned division line the following two courses:

- 1) South 81 degrees 43 minutes 41 seconds East 344.73 feet; and
- 2) North 22 degrees 47 minutes 11 seconds East 387.01 feet to a point on the division line between the individual lands of Salese, Meadow Associates, and Morgano respectively on the northeast and the parcel herein described on the southwest;

THENCE, along the last mentioned division line, South 47 degrees 15 minutes 50 seconds East 493.29 feet to a point on the division line between the lands now or formerly of Newburgh Algonquin Lanes, Inc. on the south and east and the parcel herein described on the north and west;

THENCE, along the last mentioned division line the following two courses:

- 1) South 75 degrees 51 minutes 48 seconds West 58.17 feet; and
- 2) South 12 degrees 06 minutes 04 seconds East 306.79 feet to a point on the division line between the individual lands now or formerly of Zeiffuss, Rhodes, Meadow Associates, Pezold, Doody, and Coutant on the south and the parcel herein described on the north;

THENCE, along the last mentioned division line the following two courses:

- 1) South 84 degrees 53 minutes 00 seconds West 300.10 feet; and
- 2) South 86 degrees 41 minutes 54 seconds West 301.20 feet to a point on the division line between lands now or formerly of Newburgh Savings Bank on the west and south and the parcel herein described on the east and north;

Schedule A Continued

THENCE, along the last mentioned division line the following four courses:

- 1) North 7 degrees 07 minutes 42 seconds West 153.00 feet;
- 2) North 81 degrees 52 minutes 15 seconds West 256.40 feet;
- 3) North 17 degrees 36 minutes 45 seconds East 100.00 feet; and
- 4) North 81 degrees 52 minutes 15 seconds West 200.00 feet to the aforementioned easterly line of N.Y.S. Route 300 (A.K.A. Union Avenue);

THENCE, along the easterly line of N.Y.S. Route 300, North 17 degrees 36 minutes 45 seconds East (Deed), North 17 degrees 36 minutes 54 seconds East (Survey) 100.80 feet to the point or place of BEGINNING.

TOGETHER with the right for ingress and egress to and from Route 52 to and from the above described premises. Said right for ingress and egress is more particularly described as follows:

BEGINNING at a point in the southwesterly line of the existing N. Y. S. Route 52, South Plank Road, said point being South 51 degrees 50 minutes 40 seconds East 39.16 feet along said southwesterly line of N. Y. S. Route 52 from the northwesterly corner of Lot No. 3 of Orange County filed Map No. 5831;

THENCE along the southwesterly line of said N. Y. S. Route 52 South 51 degrees 50 minutes 40 seconds East 51.07 feet to a point;

THENCE through the lands of Meadow Associates, the following two (2) courses:

1. South 60 degrees 23 minutes 51 seconds West 5.22 feet, and
2. South 38 degrees 15 minutes 17 seconds West 174.87 feet to a point on the division line between the lands now or formerly of Meadow Associates (presently occupied by UA Cinemas 10) on the southwest and the herein described access drive on the northeast;

THENCE along the last said division line, North 47 degrees 31 minutes 23 seconds West 45.67 feet to a point;

THENCE through the lands of Meadow Associates, the following two (2) courses:

1. North 37 degrees 41 minutes 39 seconds East 171.15 feet, and
2. North 18 degrees 00 minutes 30 seconds East 5.45 feet to the point or place of BEGINNING.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield **
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation
**Member NY & NJ Bar

March 22, 2024

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Newburgh Self Storage // ZBA referral
Planning Board Project No. 2024-06

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's March 21, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances that are required for this site plan application for the redevelopment of the current Showtime Cinemas property into a self-storage facility, located at 1420 Route 300.

The applicant proposes the conversion of the cinema into a self-storage facility along with the addition of exterior self-storage units. The property is located in the IB zone, where self-storage facilities are allowed. However, the height of a self-storage structure is limited to fifteen (15) feet. The existing building is twenty-eight (28) feet in height, and as a result, a variance will be required.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,

Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer





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

STATE OF NEW YORK: COUNTY OF ORANGE:

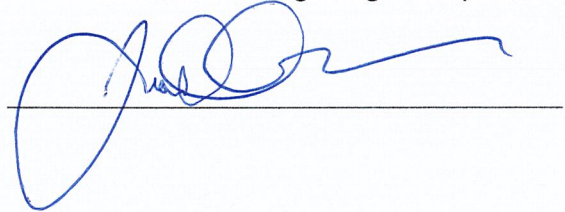
I JUSTIN DATES (COLLIERS ENGINEERING AND DESIGN) being duly sworn, depose and say that I did on or before

April 11, 2024, post and will thereafter maintain at

1420 Route 300 60-3-22.222 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 10

day of April, 2024.

Joanne Munkelt

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

NEMA



NOTICE



KEEP RIGHT





STATE OF NEW HAMPSHIRE
Department of Transportation
NOTICE TO CONTRACTORS
The State of New Hampshire Department of Transportation (DOT) is seeking proposals for the construction of a new road project. The project is located in the town of [redacted] and is estimated to cost \$[redacted] million. The project consists of [redacted] miles of new road construction, including [redacted] miles of two-lane road and [redacted] miles of four-lane road. The project is scheduled to start in [redacted] and is expected to be completed in [redacted].

**KEEP
RIGHT**



TOWN OF NEWBURGH

Common of the People
220 Main Street, 2nd Floor
Newburgh, NY 12550

Office of the Town Clerk
220 Main Street, 2nd Floor
Newburgh, NY 12550

NOTICE OF HEARING

NOTICE is hereby given that application for a Zoning Change of the Town Code, State of New York and Federal 201-121-1211 and the Design Department of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, Newburgh, New York on the 22nd day of April, 2011 at 10:00 AM, in the Town Hall, 220 Main Street, Newburgh, New York, and from the following land:

APPLICANT: *[Name]*, 220 Main Street, Newburgh, New York
ADDRESS: 220 Main Street, Newburgh, New York

CALL 607-525-1211 for application details and for more information.

FOR MORE INFORMATION, call 607-525-1211 or visit the Town of Newburgh website.

[Signature]
Town Clerk

