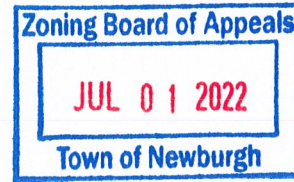




TOWN OF NEWBURGH

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: June 29, 2022

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

WE River Link Hotels, LLC PRESENTLY with offices
AT NUMBER 300 Westage Center Drive, Suite 390, Fishkill, N.Y. 12524

TELEPHONE NUMBER (732) 309-8529

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

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

1. LOCATION OF THE PROPERTY:

95-1-80 and 49.122 (TAX MAP DESIGNATION)

No # Route 17K (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185-27.D(1)

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED: N/A

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:

4. DESCRIPTION OF VARIANCE SOUGHT: N/A _____

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

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:

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

6. IF AN AREA VARIANCE IS REQUESTED: N/A

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

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:


c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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

7. ADDITIONAL REASONS (IF PERTINENT):

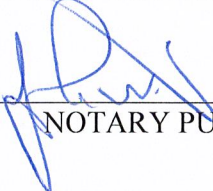
See attached cover letter with narrative.



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30th DAY OF June 2022



NOTARY PUBLIC

JOHN W. FURST
Notary Public, State of New York
No. 02FU6042001
Qualified in Orange County
Commission Expires 5/15/2026

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

Nicolas DiBrizzi of Cos17 II, LLC & the
DiBrizzi Trust, DEPOSES AND SAYS THAT

has offices
HE/SHE RESIDES AT 1089 Little Brittan Road, New Windsor, New York, 12553

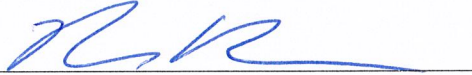
IN THE COUNTY OF Orange AND STATE OF New York
it

AND THAT HE/SHE IS THE OWNER IN FEE OF approximately 15 acres located off of Route 17k
(S-B-L, 95-1-80 & 49.122)

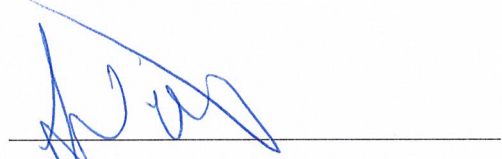
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED River Link Hotels, LLC and its attorneys Catania,
Mahon and Rider, PLLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: June 28, 2022



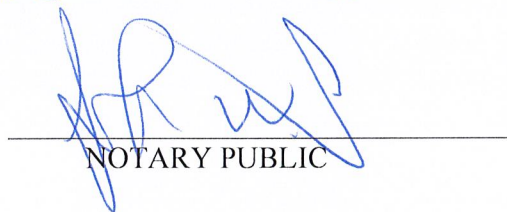
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28th DAY OF June 2022


NOTARY PUBLIC

JOHN W. FURST
Notary Public, State of New York
No. 02FU6042001
Qualified in Orange County
Commission Expires 5/15/2025

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

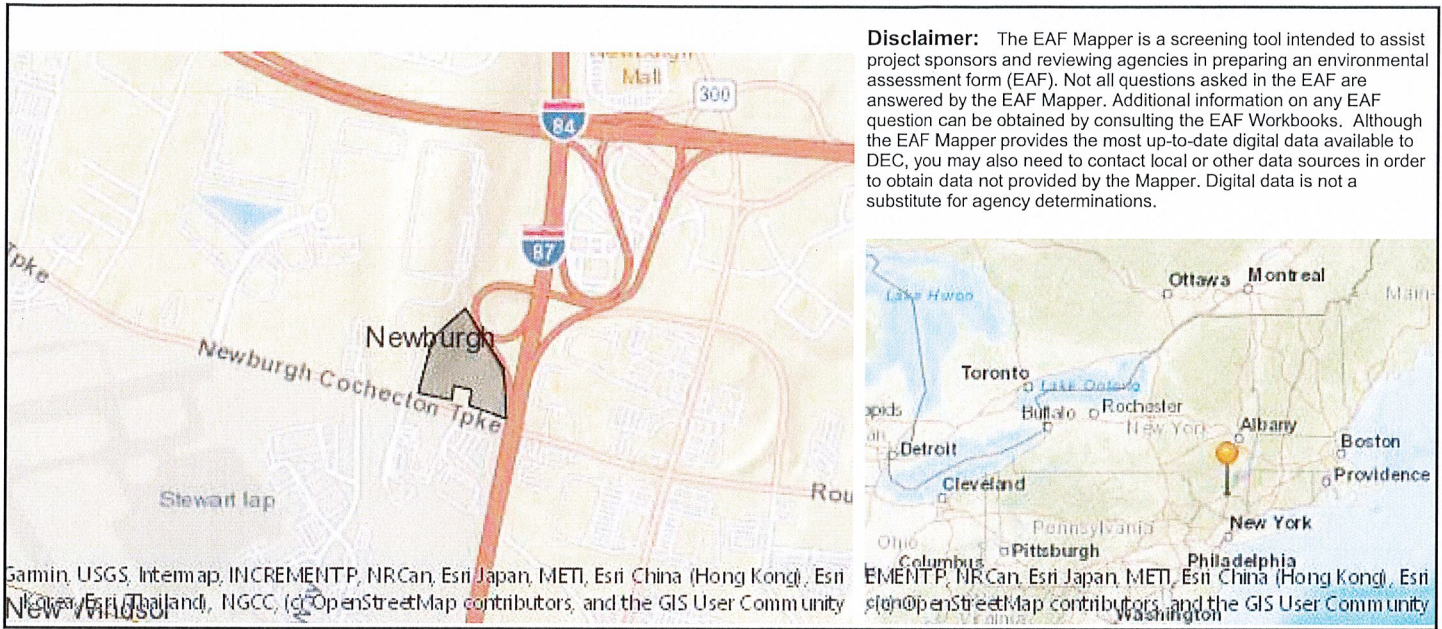
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 I. 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			
River Link Hotels			
Name of Action or Project: Interpretation Question re Town's Hotel regulations			
Project Location (describe, and attach a location map): Potential Property located off of Route 17K (Section 95, Block 1, Lots 80 and 49.122)			
Brief Description of Proposed Action: Applicant is looking to locate hotels within the Town of Newburgh where 50% of the rooms would be a suite with a fridge, dishwasher, sink and microwave. No specific site has be finalized yet. The Applicant is seeking an interpreation on whether Section 185-27.D(1) limits the Applicants ability to include these suites within the Town.			
Name of Applicant or Sponsor: River Link Hotels, LLC		Telephone: (732) 309-8529	
		E-Mail: bp@riverlinkhotels.com	
Address: 300 Westage Center Drive, Suite 390			
City/PO: Fishkill		State: NY	Zip Code: 12524
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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		15 acres	
b. Total acreage to be physically disturbed?		unknown acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		none 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): Institutional			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 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 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, Upland Sandpiper	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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input 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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



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

ANGELA DIBRIZZI, AS EXECUTRIX OF
THE LAST WILL AND TESTAMENT OF
COSIMO DIBRIZZI

TO
TRUSTEES ANGELA DIBRIZZI, ELISA
DIBRIZZI, NICOLAS C. DIBRIZZI AND
SERENA RUSSO

SECTION 95 BLOCK 1 LOT 49.12

RECORD AND RETURN TO:
(name and address)

TARSHIS, CATANIA, LIBERTH, MAHON &
MILLIGRAM, PLLC
P.O. BOX 1479
ONE CORWIN COURT
NEWBURGH, N.Y. 12550



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 X 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)
X 4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO. PAGES 7
CERT. COPY
MAP#
CROSS REF.
ADD'L X-REF.
PGS.

PAYMENT TYPE: CHECK X
CASH
CHARGE
NO FEE

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

MORTGAGE TAX TYPE:

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

Handwritten signature of Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From

Handwritten signature of Tarshis

RECORDED/FILED
01/06/2010/ 11:14:20
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100001300
DEED C / BK 12948PG 1116
RECORDING FEES 330.00
TTX# 003405 T TAX 0.00
Receipt#1118753 pete



EXECUTOR'S DEED (INDIVIDUAL OR CORPORATION)

THIS INDENTURE, made the 15 day of December, 2009,

BETWEEN

ANGELA DiBRIZZI, residing at 566 River Road, Newburgh, New York 12550, as Executrix of the Last Will and Testament of COSIMO DiBRIZZI, late of Orange County who died on the 30th day of August, 2004, party of the first part, and

ANGELA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C. DiBRIZZI, and SERENA RUSSO, residing at 566 River Road, Newburgh, New York 12550, as Trustees under the Trust created pursuant to Article Third under the Last Will and Testament of COSIMO DiBRIZZI, Deceased dated March 7, 1994 as to a forty (40%) percent interest, and ANGELA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C. DiBRIZZI, and SERENA RUSSO, residing at 566 River Road, Newburgh, New York 12550, as Trustees under the Trust created pursuant to Article Fourth under the Last Will and Testament of COSIMO DiBRIZZI, Deceased dated March 7, 1994 as to a sixty (60%) percent interest, parties of the second part,

WITNESSETH, that the party of the first part, to whom letters testamentary were issued by the Surrogate's Court, Orange County, New York on September 9, 2004 and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and Ten Dollars (\$10.00) lawful money of the United States and other good and valuable consideration pursuant to Will paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever,

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 on Schedule A annexed hereto.

BEING and intended to be the same premises conveyed in a certain deed dated March 14, 1985 from Fred W. Rustmann and Gertrude S. Rustmann to Cosimo DiBrizzi and recorded in the office of the Orange County Clerk on March 18, 1985 in Liber 2337 at Page 174 and deed dated August 31, 1988 from Lempra Associates, Limited to Cosimo DiBrizzi and recorded in the office of the Orange County Clerk on September 2, 1988 in Liber 3001 of deeds at page 72.

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 also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

EXECUTOR'S DEED

ANGELIA DiBRIZZI, as Executrix of the Last Will
and Testament of COSIMO DiBRIZZI,

to

ANGELIA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C.
DiBRIZZI, and SERENA RUSSO, as Trustees under the
Trust created pursuant to Article Third under the Last Will
and Testament of COSIMO DiBRIZZI, and
ANGELIA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C.
DiBRIZZI, and SERENA RUSSO, as Trustees under the
Trust created pursuant to Article Fourth under the Last Will
and Testament of COSIMO DiBRIZZI

SECTION 95
BLOCK 1
LOT 49.12
COUNTY/CITY/TOWN
Orange/Town of Newburgh

RETURN BY MAIL TO:
TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC
One Corwin Court, POB 1479
Newburgh, New York 12550
SLT/gpa - 3412-52621

Schedule A

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, bounded and described as follows:

BEGINNING at a point on the northerly line of S.H. 113 (Route 17 K) distant 57+' easterly as measured along said Route 17 K from lands now or formerly of DeLong, said point of beginning being in line of lands conveyed by Harold F. Denniston to Hoyt-Simmons, Inc. by deed dated April 7, 1969, and recorded in Orange County Clerk's Office on May 2, 1969, in Liber 1818 cp 1037 and from said point of beginning the following courses and distances:

As measured along lands of Denniston conveyed to Hoyt-Simmons, Inc., the following six courses and distances:

- (1) North 27° 50' 15" East a distance of 612.12 feet; thence
- (2) South 50° 34' 05" East a distance of 211.26 feet; thence
- (3) South 54° 28' 25" East a distance of 359.15 feet; thence
- (4) South 21° 30' 40" west a distance of 239.18 feet; thence
- (5) South 22° 37' 40" West a distance of 154.24 feet; thence
- (6) South 20° 34' 40" West a distance of 127.95 feet to the northerly side of New York State Route 17 K; thence as measured along the northerly line of Route 17 K the

following five courses and distances:

- (7) North 64° 33' 27" West a distance of 216.04 feet to a granite monument; thence
- (8) North 48° 02' 20" West a distance of 85.32 feet to a granite monument; thence
- (9) North 62° 34' 40" West a distance of 27.79 feet to a granite monument; thence
- (10) North 64° 57' 15" West a distance of 291.60 feet to a concrete monument; thence

(11) North 64° 57' 15" West 1.80 feet to the point and place of beginning.

EXCEPTING THEREFROM 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, more particularly described as follows:

BEGINNING at a point in the northerly line of New York State Highway Route 17K, where the same is intersected by the dividing line between lands now or formerly DeLong on the west, and lands now or formerly Samuel L. Grimes on the east, and running thence:

A. North 76° 06' 38" East 57.38 feet to a bend therein, thence;

B. South 77° 15' 30" East 293.40 feet to another bend therein, thence;

C. South 74° 52' 55" East 27.79 feet to another bend therein, thence;

D. South 60° 20' 35" East 45.46 feet to the point of beginning and running thence;

(1) South 60° 20' 35" East 39.86 feet along the said northerly line of New York State Highway Route 17K, to a bend therein, thence;

(2) South 76° 51' 42" East 162.54 feet still along the same to a point, thence

(3) North 08° 51' 00" East 171.36 feet to a point, thence

(4) North 76° 51' 42" west 200.00 feet to a point, thence;

(5) South 08° 51' 00" West 160.00 feet to the aforementioned northerly line of New York State Highway Route 17K, and to the point and **place** of beginning.

BEING known as Lot 1, on map entitled, "Proposed subdivision and Topographic Map of Glendale Associates, Town of Newburgh, Orange County, New York". Filed in the Orange County Clerk's Office on June 19, 1972, as Filed Map #2803 as prepared by the Raimondi Associates, P.C. 110 State Road, Monroe, New York and

BEGINNING at a point in the northerly line of N.Y.S. Route 17K, said point being in the division line between the lands now or formerly of Monia Investors, Inc. on the west and the

parcel herein described on the east; thence, along the last said division line, N15° - 32' - 00" E 650.30 feet to a point; thence, through the lands of Lempra Associates and H.V.A. 86 Associates, S63°- 09' - 45" E 50.96 feet to a point on the division line between the lands now or formerly DiBrizzi on the east and the parcel herein described on the west; thence, along the last said division line, S15°- 32' - 00" W 612.12 feet to a point in the aforesaid northerly line of N.Y.S. Route 17K; thence, along the last said line S76° - 06' - 37" W 57.38 feet to the point or place of beginning.

SUBJECT TO an easement right-of-way granted in Liber 1119 cp 239 and recorded in the office of the Clerk of Orange County, New York, the state of facts shown on Survey and Topographical Map for Carlyle Construction Corp., Lands of Cosimo DiBrizzi dated September 14, 1987, prepared by Vincent J. Doce Associates, Newburgh, New York and Filed Map No. 2803 recorded in the office of the Clerk of Orange County.



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: 13970 / 582
 INSTRUMENT #: 20150072035
 Receipt#: 2036519
 Clerk: MRL
 Rec Date: 11/12/2015 03:01:47 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 7
 Rec'd Frm: CTI ABSTRACT (8)

Party1: COS17 II LLC TR
 Party2: MATRIX NEWBURGH LLC
 Town: NEWBURGH (TN)
 95-1-54.1

Recording:
 Recording Fee 55.00
 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: 330.00

Transfer Tax
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 330.00

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

***** Transfer Tax *****
 Transfer Tax #: 2687
 Commercial Transfer Tax
 Consideration: 0.00

Total: 0.00

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

Comment: _____

Ann G. Rabbitt
 Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

CATANIA MAHON MILLIGRAM & RIDER PLLC
 ONE CORWIN COURTOB 1479
 NEWBURGH, NY 12550

Portion of Section 95 Block 1 Lot 4.12

DEED

Form 8002 — Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 9th day of November, in the year 2015.

BETWEEN

MATRIX NEWBURGH I, LLC, a New Jersey limited liability company, having an office at Forsgate Drive, CN 4000, Cranbury, New Jersey 08512,

party of the first part, and

COS17 II, LLC, a New York limited liability company, having an office at 1089 Little Britain Road, New Windsor, 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 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 any buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, as more fully described on Schedule A annexed hereto. This Deed is made pursuant to that certain plan entitled "Lot Line Change, of Section 95, Block 1, Lot 4.12, Lot 54.1, Lot 69.25, and Lot 49.12," prepared by Langan, dated July 17, 2015, last revised October 27, 2015 (the "Lot Line Change Plat"), which Lot Line Change Plat was filed in the Orange County Clerk's Office on November 10, 2015 as Map No. 262-15.

c/o
95
1
4.12

BEING a portion of the premises described in a Deed of Lempra Associates and HVA '86 Associates, LP, dated September 11, 2007 and recorded in the Orange County Clerk's Office on September 17, 2007 in Liber 12528 Page 629.

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.

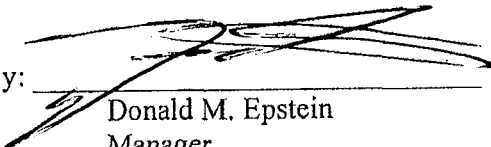
[Signatures On Following Page]

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

IN PRESENCE OF:

MATRIX NEWBURGH I, LLC

By: Taylor/Epstein Investment Fund
L.L.C., Its Manager

By: 
Donald M. Epstein
Manager

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

State of New Jersey)
) ss.:
County of Middlesex)

On the 15th day of October in the year 2015, before me, the undersigned, personally appeared Donald M. Epstein, Manager of Taylor/Epstein Investment Fund, L.L.C., Manager of Matrix Newburgh I, LLC, a New Jersey limited liability company, 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.

MAUREEN ANN PETRIGNANI
Notary Public of New Jersey
ID # 2045907
My Commission Expires June 8, 2018

SCHEDULE A
LEGAL DESCRIPTION

24 August 2015
9190601

**WRITTEN DESCRIPTION
FOR
SECTION 95, BLOCK 1, PROPOSED LOT B
IN THE TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK**

Beginning at a point being the intersection of the northerly line of New York State Route 17K (width varies) and the westerly line of New York State Thruway Route 87 (width varies) as shown on a certain map entitled "Lot Line Change of Section 95, Block 1 Lot 4.12, Lot 54.1, Lot 69.25 and Lot 49.12" prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC, dated 17 July 2015, last revised 24 August 2015, Sheet CB-101 and running; thence

Along said northerly line of New York State Route 17K the following six courses and distances; thence

1. North 72°11'23" West, a distance of 115.64 feet to a point; thence
2. North 14°31'32" East, a distance of 28.00 feet to a point; thence
3. North 75°28'28" West, a distance of 40.00 feet to a point; thence
4. South 14°31'32" West, a distance of 24.00 feet to a point; thence
5. North 72°35'24" West, a distance of 220.35 feet to a point; thence
6. North 76°38'47" West, a distance of 53.40 feet to point on the easterly line of lands now or formerly of Singh Realty Corp. (recorded in Liber 4655 Page 286); thence
7. Along said lands, North 09°03'58" East, a distance of 171.36 feet to a point on the easterly line of lands now or formerly of DiBrizzi (recorded in Liber 12848 Page 1116); thence
8. Along said lands, North 10°15'49" East, a distance of 358.82 feet to a point; thence
9. Along the northerly line of said lands, North 66°33'42" West, a distance of 307.62 feet to a point; thence
10. Still along same, North 62°39'22" West, a distance of 211.26 feet to an iron pipe found; thence
11. Along a new line through lands now or formerly of Matrix Newburgh I, LLC (recorded in Liber 12528 Page 629), North 46°23'18" East, a distance of 475.04 feet to a point on a non-tangent curve on the westerly line of New York State Thruway Route 87 (width varies); thence

Along said westerly line of New York State Thruway Route 87 (width varies) the following ten courses and distances:

12. Southeasterly along a curve to the left, having an arc distance of 213.60 feet, a radius of 618.34 feet and a central angle of 19°47'33" and being subtended by a chord which bears, South 28°18'18" East, a distance of 212.54 feet to a point of non-tangency marked by a monument found; thence
13. South 41°55'45" East, a distance of 173.84 feet to a monument found; thence
14. South 37°20'41" East, a distance of 209.95 feet to a point; thence

-
15. South 26°24'59" East, a distance of 134.84 feet to a triangular Thruway monument found;
thence
 16. South 20°35'17" East, a distance of 47.88 feet to a point; thence
 17. South 11°05'11" East, a distance of 38.92 feet to a monument found; thence
 18. South 08°01'48" East, a distance of 92.92 feet to a monument found; thence
 19. South 04°27'05" East, a distance of 217.25 feet to a triangular Thruway monument found;
thence
 20. South 00°50'02" West, a distance of 78.71 feet to a triangular Thruway monument found;
thence
 21. South 05°43'07" West, a distance of 123.07 feet to a point on the aforementioned
northerly line of New York Route 17K being the point of Beginning.

Encompassing an area of 392,658 square feet or 9.014 acres, more or less.

This description is prepared in accordance with a plan entitled "Lot Line Change of Section 95, Block 1 Lot 4.12, Lot 54.1, Lot 69.25 and Lot 49.12, Matrix Newburgh I, LLC, Town Of Newburgh, Orange County, New York", prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC Sheet No. CB-101 dated 17 July 2015, last revised on ~~24 August~~

27 October

Joseph E. Romano
Professional Land Surveyor
NY License No. 50130-1

g:\data\9190601\survey data - 9190601\office data\descriptions\descriptions for subdivision 9-16-13\lot line change descriptions\proposed lot b.docx

LANGAN

Invoice Date	Check Date	Invoice No.	Description	Matter ID	Invoice Amount
6/30/2022	6/30/2022		FILING FEE JWF	15607-67807	\$250.00

CATANIA, MAHON & RIDER, PLLC
DISBURSEMENT ACCOUNT
641 BROADWAY
NEWBURGH, NY 12550



7580

NO.

66-150/212

PAY: Two Hundred Fifty & No/100 Dollars

DATE	AMOUNT
6/30/2022	250.00

TO THE Town of Newburgh
ORDER
OF



⑈007580⑈ ⑆026013673⑆ 4331381395⑈

CATANIA, MAHON & RIDER, PLLC
DISBURSEMENT ACCOUNT

7580

Invoice Date	Check Date	Invoice No.	Description	Matter ID	Invoice Amount
6/30/2022	6/30/2022		FILING FEE JWF	15607-67807	\$250.00



Invoice Date	Check Date	Invoice No.	Description	Matter ID	Invoice Amount
6/30/2022	6/30/2022		FILING FEE JWF	15607-67807	\$50.00

CATANIA, MAHON & RIDER, PLLC
DISBURSEMENT ACCOUNT
641 BROADWAY
NEWBURGH, NY 12550



7581

NO.

55-160/212

PAY: Fifty & No/100 Dollars

DATE	AMOUNT
6/30/2022	50.00

TO THE Town of Newburgh
ORDER
OF



⑈00758⑈ ⑆026013673⑆

4331381395⑈

CATANIA, MAHON & RIDER, PLLC
DISBURSEMENT ACCOUNT

7581

Invoice Date	Check Date	Invoice No.	Description	Matter ID	Invoice Amount
6/30/2022	6/30/2022		FILING FEE JWF	15607-67807	\$50.00



CATANIA, MAHON & RIDER, PLLC

ATTORNEYS AT LAW

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JOSEPH G. McKAY
MICHAEL E. CATANIA (NJ)
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MELISSA L. COWAN
JUSTIN W. VAN HOUTEN

HOBART J. SIMPSON (1975-2016)

(ALSO ADMITTED IN)

* Of Counsel
** Special Counsel

Writer's Direct No.
(845) 569-4377

Writer's E-Mail
jfurst@cmrlaw.com

July 1, 2022

VIA HAND DELIVERY (11 Copies)

Town of Newburgh Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

Attn: Siobhan Jablesnik, Acting Secretary

RE: Potential Brand Hotel(s) in Town of Newburgh
Our File No.: 15607-67807



Dear Chairman Scalzo and Members of the ZBA,

I represent River Link Hotels, LLC ("River Link" or "Applicant") in connection with its desire to locate approximately two (2) national brand hotels within the Town of Newburgh. There is no specific location for the hotel(s) to date, but there is a potential property on the north side of Route 17K just west of the Thruway. The potential site is identified on the Orange County Tax maps as Section 95, Block 1, Lots 80 & 49.122 (the "Potential Property"). The Potential Property is located within the Town's Interchange Business Zoning District.

The Applicant is proposing to construct a hotel where 50% of the rooms are traditional and the other 50% are suites with a sink, dishwasher, microwave and fridge. Many of the national brands have recently gravitated to this model. These new types of hotels are intended for business/government travelers coming in for a few days during the mid-week; or a family

CATANIA, MAHON & RIDER, PLLC

Town of Newburgh Zoning Board of Appeals
July 1, 2022
Page 2

visiting for the weekend for a travel sporting event. In the past, the Applicant has worked with Hilton's Home2 Suites and Tru Hotel as well as Marriot's Townplace Suites and Fairfield Inn.

I have attached a generic photo, site plan and elevation of Hilton Home2 Suites and Tru Hotel. A typical floor plan for a suite and traditional room are also attached. These suites are not meant to be apartments (as they have no stoves ovens or ranges within the room and do not constitute a dwelling unit). Such suites have been very successful recently; and would generate substantial revenue for the Town by way of the hotel occupancy tax and real estate taxes.

There is a question as to whether the proposed suites, which will contain a sink, microwave, dishwasher, and fridge contain "kitchen facilities" under Section 185-27.D(1) of the Town's Zoning Code. Section 185-27.D(1) reads as follows:

Hotel and Motel units shall not contain kitchen facilities of any type in more than 25% in a particular hotel or motel complex; shall not be used as apartments for nontransient tenants; and shall not be connected by interior doors in groups of more than two.

As noted above, here the applicant is proposing a hotel in which approximately 50% of the rooms will be suites with a fridge, microwave, sink and dishwasher; while the other 50% will be traditional rooms. Portable cook tops can be available at the front desk if a guest request one. However, no stovetop, range or oven will be within the suite. In contrast, most extended stay hotel rooms contain stoves/stovetops within the room. The suites in Hilton and Marriot do not contain a stovetop or oven. The suites will be charged on a per night basis. The price points for these suites are not conducive to long-term stays. Generally, most guests tend to stay for a few days to a week. These suites are not dwelling units and cannot support long-term home usage.

Since the proposed suites do not house any cooking facilities, such as an oven, range, stove or cooktop; then they do not contain "kitchen facilities". In addition, the fridge, sink, microwave and dishwasher that are included within the suite are not within a separate room or divided area. Therefore, the 25% limitation on "kitchen facilities" should not apply here.

In connection with the ZBA application enclosed please find the following:

- (1) A copy of some generic photos, site plans and elevations for a proto-typical Hilton Home2 Suites and Tru Hotel;
- (2) Floor plans for proto-typical suite by Hilton Home2 Suits as well as a traditional room by Tru;
- (3) A copy of a Short Environmental Assessment Form (please note that zoning code interpretations are Type II Actions under the SEQRA regulations and exempt from further environmental review);
- (4) The fully executed ZBA application form with the signed owner's proxy;
- (5) A copy of the Building Inspector's Referral Letter;

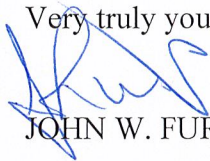
CATANIA, MAHON & RIDER, PLLC

Town of Newburgh Zoning Board of Appeals
July 1, 2022
Page 3

- (6) The Town Clerk's receipt for the \$250 application fee and \$50 public notice hearing fee; and
- (7) A copy of the relevant deeds and subdivision map for the Potential Property;

Kindly place on the ZBA's next meeting agenda for July 28, 2022. If you have any questions or comments, please feel free to contact me. Thank you.

Very truly yours,



JOHN W. FURST

JWF/

Enclosures

Cc: David Donovan, Esq. (via e-mail only)
River Link Hotels, LLC (via e-mail only)
COS 17 II, LLC and DiBrizzi Trust (via e-mail only)

Very truly yours,

JOHN W. FURST

JWF/jd/2128349

Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.



NY-17K

95-1-49.122



Image capture: Oct 2019 © 2022 Google

Newburgh, New York

Google

Street View - Oct 2019



NY-17K

95-1-49.122



Image capture: Oct 2019 © 2022 Google

Newburgh, New York

Google

Street View - Oct 2019



110 NY-17K

95-1-49.122



Image capture: Sep 2021 © 2022 Google

Newburgh, New York

Google

Street View - Sep 2021

Google Maps

NY-17K

95-1-49.122



Image capture: Oct 2019 © 2022 Google

Newburgh, New York

Google

Street View - Oct 2019



98 NY-17K

95-1-80



Image capture: Sep 2021 © 2022 Google

Newburgh, New York

Google

Street View - Sep 2021



98 NY-17K
95-1-80

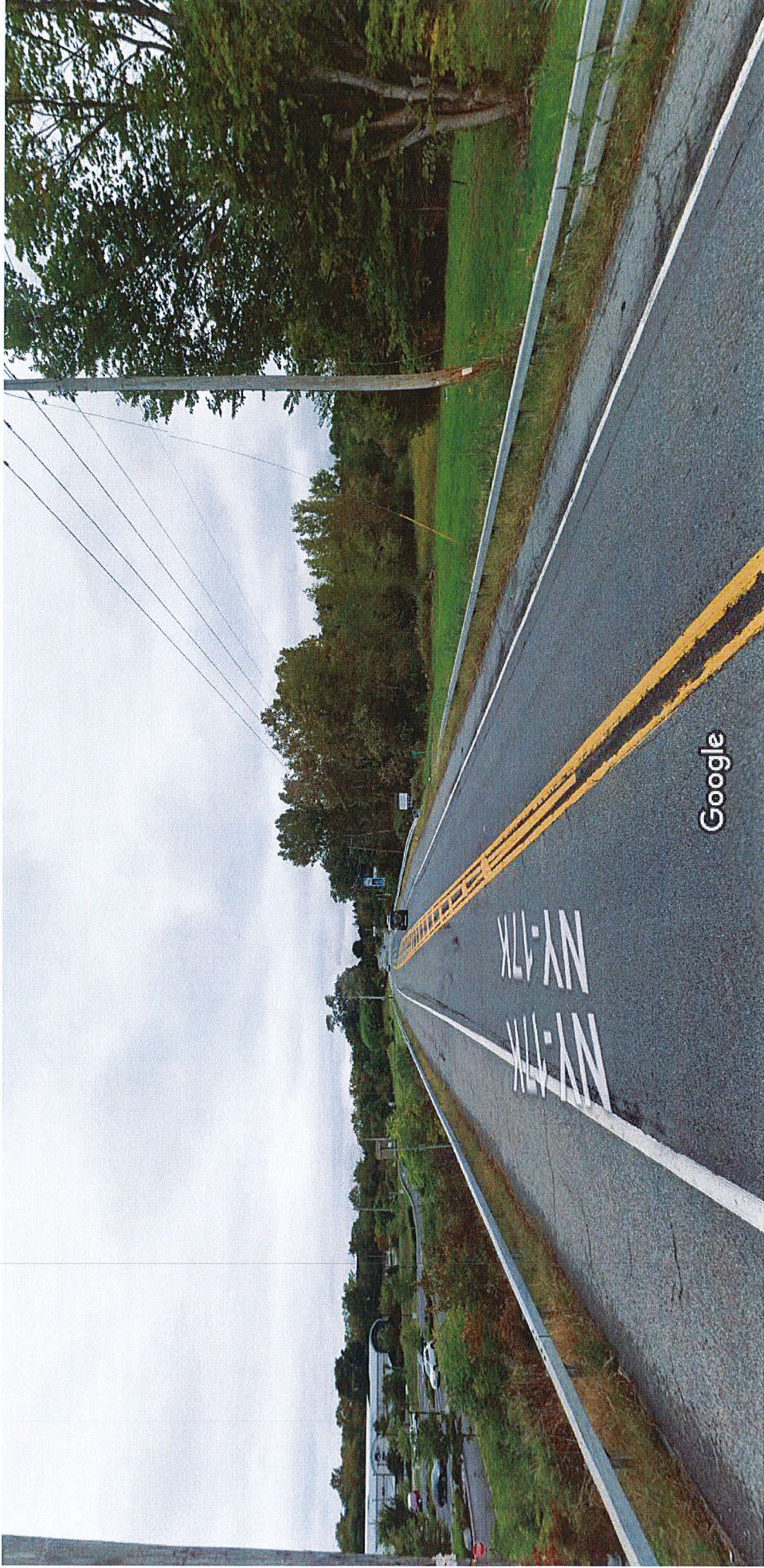


Image capture: Sep 2021 © 2022 Google

Newburgh, New York

Google

Street View - Sep 2021



98 NY-17K

95-1-80



Image capture: Sep 2021 © 2022 Google

Newburgh, New York

Google

Street View - Sep 2021

Google Maps

98 NY-17K

95-1-80



Image capture: Sep 2021 © 2022 Google

Newburgh, New York

Google

Street View - Sep 2021

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Jonathan DeJoy, Esq., being duly sworn, depose and say that I did on or before

July 14, 2022, post and will thereafter maintain at

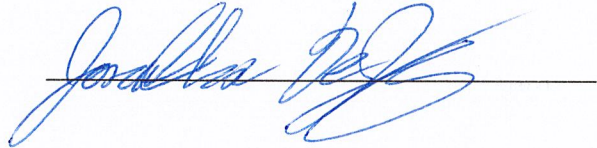
Route 17k 95-1-80 & 95-1-49.122 IB Zone in the Town of Newburgh, New York, at or near the front

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.

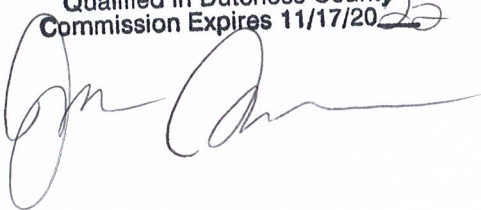
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the 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 6th

day of July, 2022.



JULIE A. DURKIN
Notary Public, State of New York
No. 01DU6314887
Qualified in Dutchess County
Commission Expires 11/17/2022



Jonathan DeJoy

From: Jon DeJoy <jondejoy@yahoo.com>
Sent: Wednesday, July 6, 2022 12:58 PM
To: Jonathan DeJoy

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Sent from my iPhone