

Edward A. Biano
County Executive

Orange County Department of Planning

Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1,m, & n

Referral ID#:
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	SANTA MONICA Holdings LLC
Project Name:	MANSSION
Location of Project Site:	5268 Route 9W + Devito Drive

Tax Map #:	ZO-2-30,21
Tax Map #:	
Tax Map #:	
Local File No.:	2368-13
Size of Parcel:	4 Acres
*If more than one parcel, please include sum of all parcels.	
Current Zoning District (include any overlays):	B

Reason for County Review: ON US Route 9W

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____
Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision Number of lots proposed: _____
Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance AREA USE (circle one) Prior Built - Freestanding sign may not be located closer than 15ft from streetline & No Obstructions (signs) within 40' triangle

Other

Is this an update to a previously submitted referral? YES / NO (circle one) (BP#24936 Rescinded ^{stop work} ORDER 719 13)

Local board comments or elaboration:

Shane Cardone 11/14/13 Chairperson,
Signature of local official Date Zoning Board of Appeals

Municipal Contact Phone Number: 845 566-4901

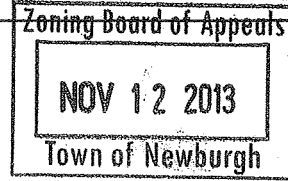
If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecounty.gov

TOWN OF NEWBURGH

Crossroads of the Northeast

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



APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 11/1/13

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

I (WE) Santa Monica Holdings LLC PRESENTLY

^{NP} RESIDING AT NUMBER 5208 Rte 9W

TELEPHONE NUMBER 845-565-0969

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

20 2 30.21 (TAX MAP DESIGNATION)

^{NP} 5208 Rte 9W (STREET ADDRESS)

B (ZONING DISTRICT)

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

185-14-B-1
185-17-B

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: _____

4. DESCRIPTION OF VARIANCE SOUGHT: Setback of freestanding sign (4'8" variance)

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:

The area the sign is located on is in a business area with many freestanding signs including some closer to Rt 9W

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:

Due to misinformation during the course of submitting application + obtaining approval the sign is installed. To move it would certainly cause a hardship.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Currently there are many freestanding signs along Rt 9W. New signs approved within the past 12 months and installed are closer to 9W + Property lines and have been granted variances.

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 sign does not impact the environment in any way and is along the highway business district with many freestanding signs

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

The building permit approval was issued in Jan. 2013 and the sign was installed. The Notice of disapproval was issued in July, 2013. The discrepancy of the setback was a result of the building inspector and myself reviewing the approved site plan and both ~~s~~ interpreting the "edge of road" incorrectly.

7. ADDITIONAL REASONS (IF PERTINENT):

Nancy Fenech
Nancy Fenech
PETITIONER(S) SIGNATURE

Dutchess
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8TH DAY OF NOVEMBER 20 13

M.F. Minogue

NOTARY PUBLIC

MICHAEL F. MINOGUE
Notary Public, State of New York
Residing in *Ulster* County
Commission Expires 4/30/17

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.

617.20
Appendix B
Short Environmental Assessment Form

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: Mansion - Santa Monica Holdings LLC			
Project Location (describe, and attach a location map): NS 5268 Rte 9W			
Brief Description of Proposed Action: Installation of a freestanding sign			
Name of Applicant or Sponsor: Santa Monica Holdings LLC		Telephone: 845-505-6969	
Address: NS 5268 Rte 9W		E-Mail:	
City/PO: Newburgh, NY 12550		State:	Zip Code:
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 checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			NO <input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed?			YES <input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO <input checked="" type="checkbox"/>
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
	<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 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 site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?			
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
	<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 type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Nancy Forrest</u>	Date: <u>11/1/13</u>	
Signature: <u>Nancy Forrest</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

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

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Keith Slifstein, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Quail Ridge Rd, Hyde Park, NY 12538
IN THE COUNTY OF Dutchess AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
The Mansion Gentlemen's Club
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Gloede Signs/Nancy Forrest
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/6/13

Keith Slifstein

OWNER'S SIGNATURE

[Signature]

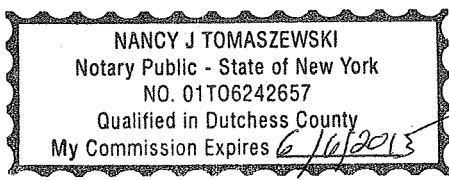
WITNESS' SIGNATURE

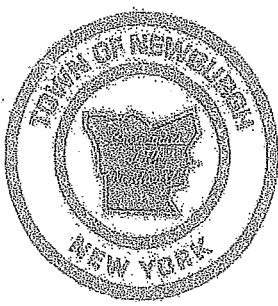
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF September 2013

[Signature]

NOTARY PUBLIC





TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

2368-13

~~2368-13~~ 2368-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/09/2013

Application No. 24936

~~To: Santa Monica Holdings, LLC~~

259 Route 17K
Newburgh, NY 12550

SBL: 20-2-30.21

ADDRESS: 5268 Route 9W

ZONE: B

PLEASE TAKE NOTICE that your application dated 07/09/2013 for permit to continue work for a free standing sign on the premises located at 5268 Route 9W is returned herewith and disapproved on the following grounds:

Failure to follow approved plans 1)185-14-B-1-(c) 2)185-17- B 3)185-14-C-2-(a)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: Santa Monica Holding LLC.

ADDRESS: 5268 Rte 9W Newburgh NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: Free Standing Sign (STOP WORK ORDER ISSUED 7-9-2013)

SBL: 20-2-30.21 **ZONE:** B

TOWN WATER: **YES** **TOWN SEWER:** **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
Sign setback from road	15'	10'		5'	33.3%
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

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: Building permit (24936-13) issued 1-9-2013. See plan review sheet dated 12-10-2012
 and response E-Mail dated 12-19-2012 from Gloede Signs sales rep. Nancy.

VARIANCE(S) REQUIRED:

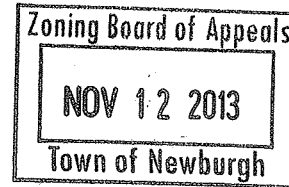
- 1 185-14-B-1-(c) signs shall setback 15' from street line. (Route 9W side)
- 2 185-17-B Corner lots no obstruction within 40' triangle. (Rte 9W & Devito Dr.)
- 3 185-54-A Interpretation of for section 185-14-C-2-(a)
- 4 185-14-C-2-(a) signs shall be stationary and constant in intensity and color.

REVIEWED BY: Joseph Mattina **DATE:** 9-Jul-13



G R O U P

97 N. CLINTON ST.
POUGHKEEPSIE, NY 12601
P 845.471.4366 F 845.471.0987



October 16 , 2013

To: ZBA Board Town of Newburgh

Re: 5268 Rte 9W

Chain of events leading up to the request for an area variance for set back and an interpretation of ordinance 185-14-c-1 for the pylon sign located at 5268 Rte 9W

12/5/2012 two building permit applications, drawings, and checks submitted to the Town for one internally illuminated wall sign and one internally illuminated pylon sign.
Application #s 12-819 and 12-820

12/10/2012 received letter signed by Joseph Mettina stating four issues with the pylon sign
(see attached copy)

I phoned Joe to discuss the 4 issues

1 was no longer an issue as Joe discussed with the ARB and new drawings for the changes to design were not necessary

#2 the set back from the street issue prompted me to schedule a meeting with Joe to review the approved location on the site plan signed by John Ewasutyn Chairman of the Planning Board in Nov.2011 . We determined the street line and the sign was 18' from 9W and over 20' from Devito Drive.

#3 The Electronic sign proposed was not going to flash and the messages would be of constant color and intensity. Based on the Towns amendment in May of 2009 , this LED message board would be allowed .

#4 Based on the review of issue #2 the sign was outside the triangle formed by the 40' set back from intersection of the two streets.

My follow up call to the Town on the building permit applications revealed they were approved 1/4/13

(see attached signed and dated applications)

I submitted for the fabrication of the signs and they were installed in April of 2013

I received a call from the GC of the job that Jim Campbell notified him that there was never a footing inspection for the pylon.

When the current Building application was first introduced some years ago I inquired about the footing inspection information on the second page and was told it did not pertain to signage. I have never been requested in the last 6-7 years of installing such signs to have an inspection done.

I called Jim Campbell and inquired how to proceed since the sign was already installed. He advised me that a engineer stamped drawing of the construction and installation along with dead load calculations would suffice.

I worked with an engineer , and with an additional requirement requested by him we were ready to complete it and submit to Jim.

The owner was then notified that the set back of the pylon was incorrect as well and the sign was not approved. Since I had already met with Joe before marking out the location for dig safe , I asked to meet with both Joe and Jim.

As previously mentioned , Joe and I sat with an approved site plan and determined the street line and now I was told that the definition of a street line is "the dividing line between a lot and a street" found in Article 2 Definitions 185-3 B

At that meeting I was told I would need to seek a 5' area variance for a set back in order to leave the sign in its current location being closer to the street line and within the Triangle marked 40' back from intersection of both streets

I was also told that the Electronic reader board portion of the sign was illegal. I was at the initial discussions the Town board held several years ago to answer questions about the LED reader boards prior to the adoption of the ordinance currently in force. I believe the sign in question is legal if used accordingly and am requesting an interpretation from the board.

I received a NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION in July 2013
Even though the initial applications were approved as submitted in January of 2013

I have been installing signs in the Town of Newburgh for the past 35 years and have worked with many boards and inspectors over the years. I have always submitted required permits , applications , fees , and drawings in addition to working closely with officials. If a variance was required I always obtained it prior to manufacturing and installing a sign. This is the first time a project has become so confused along the way.

Sincerely,

Nancy Forrest

*Gloede Neon Signs, Ltd.
97 North Clinton Street
Poughkeepsie, NY 12601
(845) 471-4366 phone
(845) 471-0987 fax*

U. CODE COMPLIANCE DEPT.
 DEC 05 2012
 SIGNATURE: [Signature]

BUILDING PERMIT APPLICATION
 308 Gardnerstown Road, Newburgh, NY 12550
 Ph: (845)564-7801 Fax: (845)564-7802
 (Please Print)

PERMIT #: 21111111
 Tracking #: 12820
 Fee: \$ 105 80 35
 CL29177, 29179
 Receipt #: 63912, 63913
 (OFFICE USE ONLY)

JOB LOCATION: 5268 Rte 9W

S.D.I.: 20-2-30-21 ZONE:

OWNER: Santa Monica Holdings LLC	APPLICANT: Nancy Forrest
ADDRESS: DBA The Mansions 5268 Rt 9W	CONTRACTOR: Gloede Signs
CITY/STATE/ZIP: Newburgh, NY 12550	ADDRESS: 97 W Clinton St.
PHONE: 845-597-6390	CITY/STATE/ZIP: Poughkeepsie, NY 12601
CONSTRUCTION COST: \$ 8,000	PHONE: 845-471-4308

DESCRIPTION OF WORK TO BE PERFORMED:

Installation of a single sided illuminated wall sign over entrance

STRUCTURE (CHECK ONE):

- DECK
- ENCLOSED DECK
- ACCESSORY BLDG.
- 3 SEASON ROOM
- SIGN
- FIRE PLACE / WOOD STOVE
- DEMOLITION PERMIT
- GENERATOR
- ELECTRICAL WORK (SECONDARY PERMIT ONLY)

PERMIT FEES:

- \$10.00 PER \$1,000 OF COST
- \$25.00 CERT. OF OCCUPANCY
- DECKS: \$60.00 BASE FEE
- \$5.00 PER \$1,000 OF COST
- \$25.00 CERT. OF OCCUPANCY

DEMO: RES. \$100.00/STORY
 RES. ACCESSORY \$50.00, COMM. \$300.00/STORY

- NO WORK IS TO BE STARTED WITHOUT A BUILDING PERMIT.
- ALL APPLICATIONS MUST BE ACCOMPANIED BY A SURVEY SHOWING ALL EXISTING STRUCTURES AND SEPTIC SYSTEM.
- ONE COMPLETE SET OF PLANS & SPECIFICATIONS MUST BE FILED WITH THIS APPLICATION.
- PROOF OF OWNERSHIP
- PROOF OF LIABILITY INSURANCE, LIST TOWN OF NEWBURGH AS CERTIFICATE HOLDER.
- PROOF OF NYS WORKERS COMPENSATION INSURANCE OR EXEMPTION FORM, LIST TOWN OF NEWBURGH AS CERTIFICATE HOLDER.
- PROOF OF NYS DISABILITY INSURANCE, IF APPLICABLE.
- ANY CHANGES TO THE ORIGINAL PLANS MUST BE APPROVED IN WRITING BY THE BUILDING INSPECTOR.
- THE TOWN OF NEWBURGH HAS OFFICIALLY ADOPTED THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE AND THEREFORE ALL WORK MUST CONFORM TO THE LATEST EDITION.
- APPROPRIATE FEES ARE REQUIRED TO BE SUBMITTED WITH THE APPLICATION.

THE UNDERSIGNED CERTIFIES THAT THE PLANS AND SPECIFICATIONS AS FILED ARE IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN ZONING ORDINANCE AND AGREES THAT ALL WORK AND MATERIAL SHALL BE IN STRICT CONFORMITY WITH CODES GOVERNING BUILDING IN THIS TOWN AND THE STATE OF NEW YORK. THE PERSON SIGNING THIS APPLICATION AGREES TO NOTIFY THE BUILDING INSPECTOR AS NEEDED FOR THE REQUIRED BUILDING INSPECTIONS. FAILURE TO DO SO MAY RESULT IN LEGAL ACTION AND POSSIBLE FINES. OCCUPYING A NEW BUILDING OR ADDITION BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS A VIOLATION OF THE CODE OF THE TOWN OF NEWBURGH AND PUNISHABLE BY FINE AND OR IMPRISONMENT.

APPLICANT'S SIGNATURE: Nancy Forrest

APPROVED: 1-4/13

BUILDING INSPECTOR: [Signature]

DISAPPROVED: _____

REFERRED TO ZBA: _____

CODE COMPLIANCE DEPT.

DEC 05 2012

Not to be used for Compliance Stamp

Sign x

BUILDING PERMIT APPLICATION

308 Gardnertown Road, Newburgh, NY 12550

Ph: (845)564-7801 Fax: (845)564-7802

(Please Print)

Tracking #: 12-819

Fee: \$ BP200 CU 25

ck 29176, 29178

Receipt #: 63970.971

(OFFICE USE ONLY)

JOB LOCATION: 5268 Rte 9W

S.B.L.: 20-2-30.21 ZONE:

OWNER: Santa Monica Holdings LLC	APPLICANT: Nancy Forrest
ADDRESS: DBA the Mansion 5268 Rte 9W	CONTRACTOR: Gloade Signs
CITY/STATE/ZIP: Newburgh, NY 12550	ADDRESS: 97 N. Clinton St.
PHONE: 845-597-6390	CITY/STATE/ZIP: Poughkeepsie, NY 12601
CONSTRUCTION COST: \$ 20,000	PHONE: 471-4986

DESCRIPTION OF WORK TO BE PERFORMED:

Installation of an internally illuminated double sided freestanding electric sign

STRUCTURE (CHECK ONE):

- DECK
- ENCLOSED DECK
- ACCESSORY BLDG.
- 3 SEASON ROOM
- SIGN
- FIRE PLACE / WOOD STOVE
- DEMOLITION PERMIT
- GENERATOR
- ELECTRICAL WORK (SECONDARY PERMIT ONLY)

PERMIT FEES:

- \$10.00 PER \$1,000 OF COST
- \$25.00 CERT. OF OCCUPANCY
- DECKS: \$60.00 BASE FEE
- \$5.00 PER \$1,000 OF COST
- \$25.00 CERT. OF OCCUPANCY

DEMO: RES. \$100.00/STORY

RES. ACCESSORY \$50.00, COMM. \$300.00/STORY

- NO WORK IS TO BE STARTED WITHOUT A BUILDING PERMIT.
- ALL APPLICATIONS MUST BE ACCOMPANIED BY A SURVEY SHOWING ALL EXISTING STRUCTURES AND SEPTIC SYSTEM.
- ONE COMPLETE SET OF PLANS & SPECIFICATIONS MUST BE FILED WITH THIS APPLICATION.
- PROOF OF OWNERSHIP
- PROOF OF LIABILITY INSURANCE, LIST TOWN OF NEWBURGH AS CERTIFICATE HOLDER.
- PROOF OF NY'S WORKERS COMPENSATION INSURANCE OR EXEMPTION FORM, LIST TOWN OF NEWBURGH AS CERTIFICATE HOLDER.
- PROOF OF NY'S DISABILITY INSURANCE, IF APPLICABLE.
- ANY CHANGES TO THE ORIGINAL PLANS MUST BE APPROVED IN WRITING BY THE BUILDING INSPECTOR.
- THE TOWN OF NEWBURGH HAS OFFICIALLY ADOPTED THE NY'S UNIFORM FIRE PREVENTION AND BUILDING CODE AND THEREFORE ALL WORK MUST CONFORM TO THE LATEST EDITION.
- APPROPRIATE FEES ARE REQUIRED TO BE SUBMITTED WITH THE APPLICATION.

THE UNDERSIGNED CERTIFIES THAT THE PLANS AND SPECIFICATIONS AS FILED ARE IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN ZONING ORDINANCE AND AGREES THAT ALL WORK AND MATERIAL SHALL BE IN STRICT CONFORMITY WITH CODES GOVERNING BUILDING IN THIS TOWN AND THE STATE OF NEW YORK. THE PERSON SIGNING THIS APPLICATION AGREES TO NOTIFY THE BUILDING INSPECTOR AS NEEDED FOR THE REQUIRED BUILDING INSPECTIONS. FAILURE TO DO SO MAY RESULT IN LEGAL ACTION AND POSSIBLE FINES. OCCUPYING A NEW BUILDING OR ADDITION BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS A VIOLATION OF THE CODE OF THE TOWN OF NEWBURGH AND PUNISHABLE BY FINE AND OR IMPRISONMENT.

APPLICANT'S SIGNATURE: Nancy Forrest

APPROVED: 1-4-12

BUILDING INSPECTOR: [Signature]

DISAPPROVED: _____

REFERRED TO ZBA: _____

NY-006 - Bargain and Sale Deed With Covenant Against Grantor's Acts - Individual or Corporation
(Double Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the 24th day of April, in the year 2009

BETWEEN

**Mo Properties, LLC, a Limited Liability Company having its address at 337
Pressler Road, Wallkill, NY 12589**

party of the first part, and

**Santa Monica Holdings, LLC, a Limited Liability Company having its address at
c/o APT Accounting & Tax Service, 259 Route 17K, Newburgh, New York 12550**

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 Town of Newburgh, County of Orange
and State of New York.

**SAID PREMISES BEING MORE PARTICULARLY DEDSCRIBED ON
SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.**

**Being and intended to be a portion of the same premises conveyed to MO
Properties, LLC by deed date April 22, 2003 and recorded in the Orange County
Clerk's Office on April 29, 2003 in Liber 11032 page 1164.**

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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 incumbered in any way whatever,
except as aforesaid.

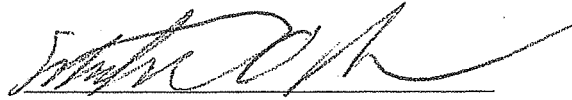
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants
that the party of the first part will receive the consideration for this conveyance and will
hold the right to receive such consideration as a trust fund to be applied first for the
purpose of paying the cost of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

Mo Properties, LLC



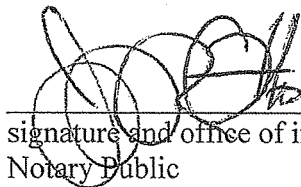
by: Michael O'Brien, *member*

STATE OF NEW YORK ; COUNTY OF ORANGE ; ss

On the 24th day of April in the year 2009 before me the undersigned, a Notary Public in and for said State, personally appeared

Michael O'Brien

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


signature and office of individual taking acknowledgment
Notary Public

JEFFREY R. OTTO
Notary Public, State of New York
No. 8244742
Qualified in Dutchess County
Commission Expires February 28, 2011

Schedule A Description

Title Number GA-09343-O

Revised: 04/20/2009

Page 1

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 being known as Lot #1 on a map entitled "3 Lot Subdivision for Mo Properties LLC" filed in the Orange County Clerk's Office on March 25, 2008, as map #216-08 being more particularly bounded and described as follows:

BEGINNING at a point lying on the easterly side of New York State Route 9W, said point being the northwesterly corner of lands now or formerly of Kantrowitz, DiMatteo, Goldhamer & Friedman. Said point also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 30 degrees 21 minutes 50 seconds east for a distance of 455.67 feet along the easterly side of New York State Route 9W to a point.

THENCE north 25 degrees 24 minutes 50 seconds east for a distance of 86.96 feet continuing along the easterly side of New York State Route 9W to a point.

THENCE south 62 degrees 31 minutes 35 seconds east for a distance of 381.10 feet along the southerly side of Devito Drive and partially along a stonewall to a point.

THENCE south 27 degrees 28 minutes 38 seconds west for a distance of 208.16 feet along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE north 62 degrees 31 minutes 22 seconds west for a distance of 32.60 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 26 degrees 06 minutes 49 seconds west for a distance of 259.44 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 62 degrees 31 minutes 22 seconds east for a distance of 45.13 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 27 degrees 28 minutes 38 seconds west for a distance of 50.00 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point,

Continued On Next Page

Schedule A Description

Title Number GA-09343-O

Revised: 04/20/2009

Page 1

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 being known as Lot #1 on a map entitled "3 Lot Subdivision for Mo Properties LLC" filed in the Orange County Clerk's Office on March 25, 2008, as map #216-08 being more particularly bounded and described as follows:

BEGINNING at a point lying on the easterly side of New York State Route 9W, said point being the northwesterly corner of lands now or formerly of Kantrowitz, DiMatteo, Goldhamer & Friedman. Said point also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 30 degrees 21 minutes 50 seconds east for a distance of 455.67 feet along the easterly side of New York State Route 9W to a point.

THENCE north 25 degrees 24 minutes 50 seconds east for a distance of 86.96 feet continuing along the easterly side of New York State Route 9W to a point.

THENCE south 62 degrees 31 minutes 35 seconds east for a distance of 381.10 feet along the southerly side of Devito Drive and partially along a stonewall to a point.

THENCE south 27 degrees 28 minutes 38 seconds west for a distance of 208.16 feet along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE north 62 degrees 31 minutes 22 seconds west for a distance of 32.60 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 26 degrees 06 minutes 49 seconds west for a distance of 259.44 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 62 degrees 31 minutes 22 seconds east for a distance of 45.13 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point.

THENCE south 27 degrees 28 minutes 38 seconds west for a distance of 50.00 feet continuing along lands now or formerly of Mo Properties LLC (Lot #3 on the above referenced filed map) to a point,

Continued On Next Page

Schedule A Description - continued

Title Number GA-09343-0

Revised: 04/20/2009

Page 2

THENCE north 66 degrees 14 minutes 10 seconds west for a distance of 378.27 feet along lands now or formerly of Kantrowitz, DiMatteo, Goldhamer & Friedman and generally along a stonewall to the point or place of beginning.

EXCEPTING AND RESERVING TO THE PARTY OF THE FIRST PART A PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF WATER, SEWER, GAS, ELECTRIC AND OTHER UTILITIES OVER AND THROUGH THE PREMISES DESCRIBED AS FOLLOWS:

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

Beginning at a point lying on the easterly side of the New York State Route 9W ROW, said point being located at the intersection of the Lands of Mo Properties (SBL: 20-2-30.21) and the Lands of Kantrowitz (SBL: 25-5-1).

Thence N 300 21'50" E for a distance of 50.33 feet along the Route 9W ROW to a point;

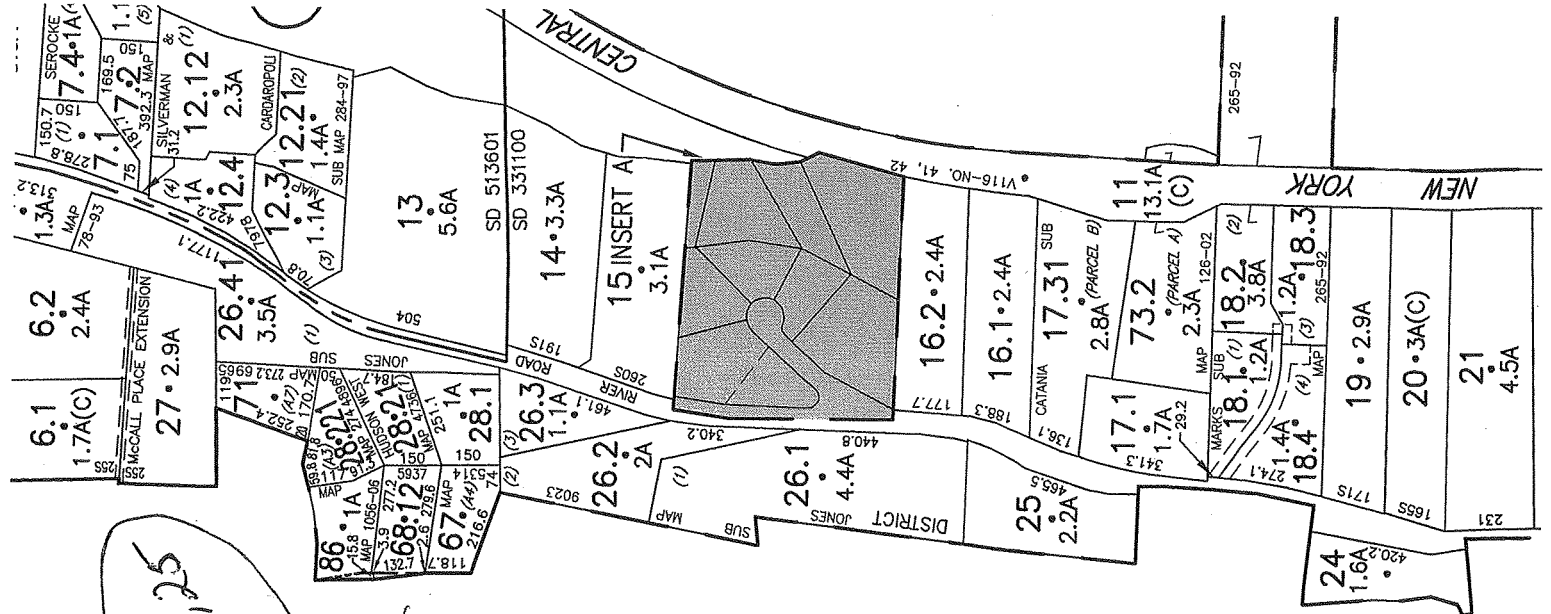
Thence S 66° 43' 28" E for a distance of 330.77 feet to a point;

Thence S 62° 31 '22" E for a distance of 45.13 feet along lands now or formerly of Mo Properties to a point;

Thence S 27° 28'38" W for a distance of 50.00 feet continuing along lands now or formerly of Mo Properties(SBL: 20-2-3 0.23) to a point;

Thence N 66° 14' 10" W for a distance of 378.27 feet along a stonewall and along lands now or formerly of Kantrowitz to the point of beginning.

Said easement totaling an area of 0.44 acres.

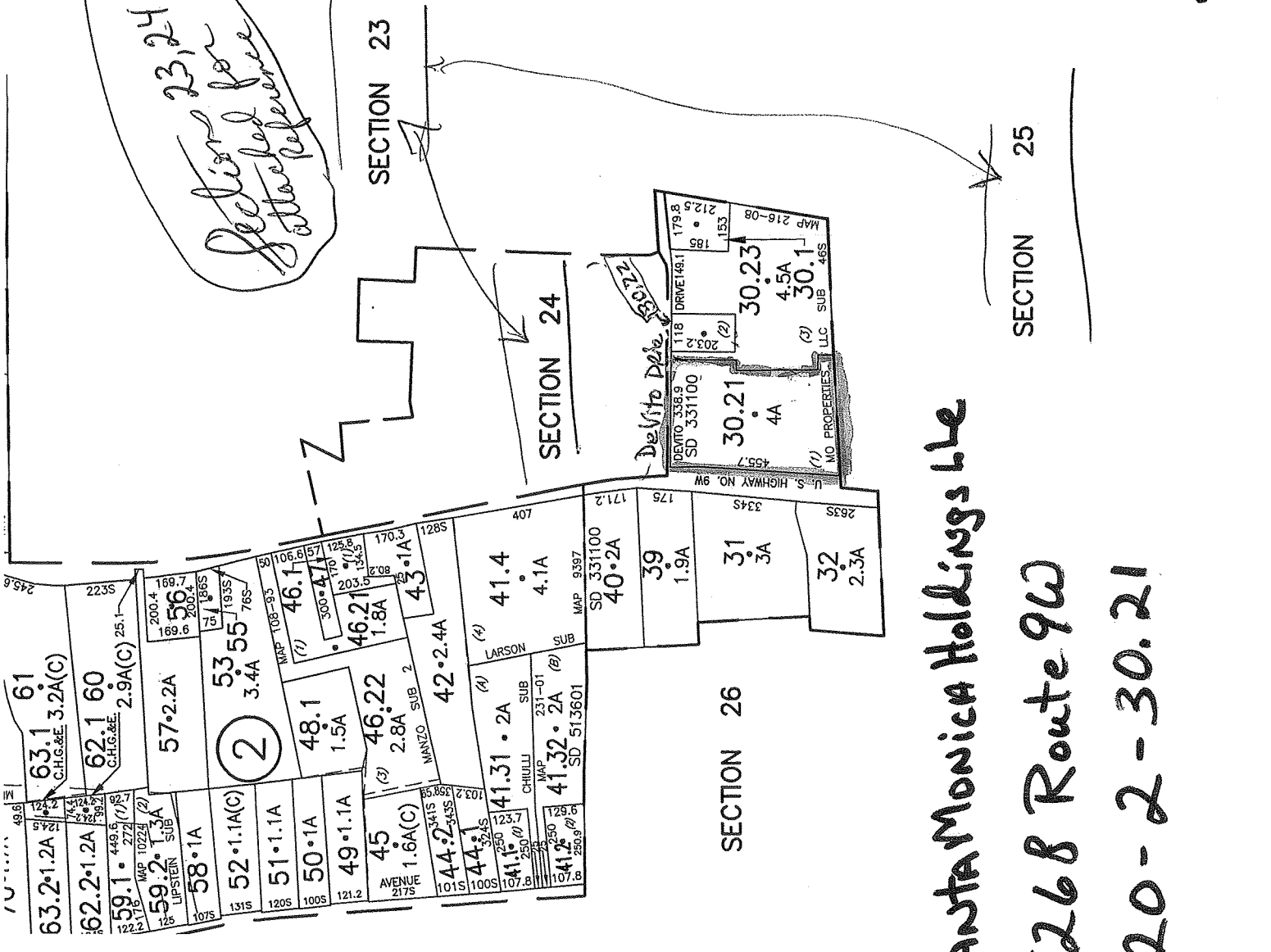


*Section 23, 24, 25
Attached reference*

SECTION 23

SECTION 24

SECTION 25



SECTION 26

Santa Monica Holdings LLC

5268 Route 9W

20-2-30.21

20

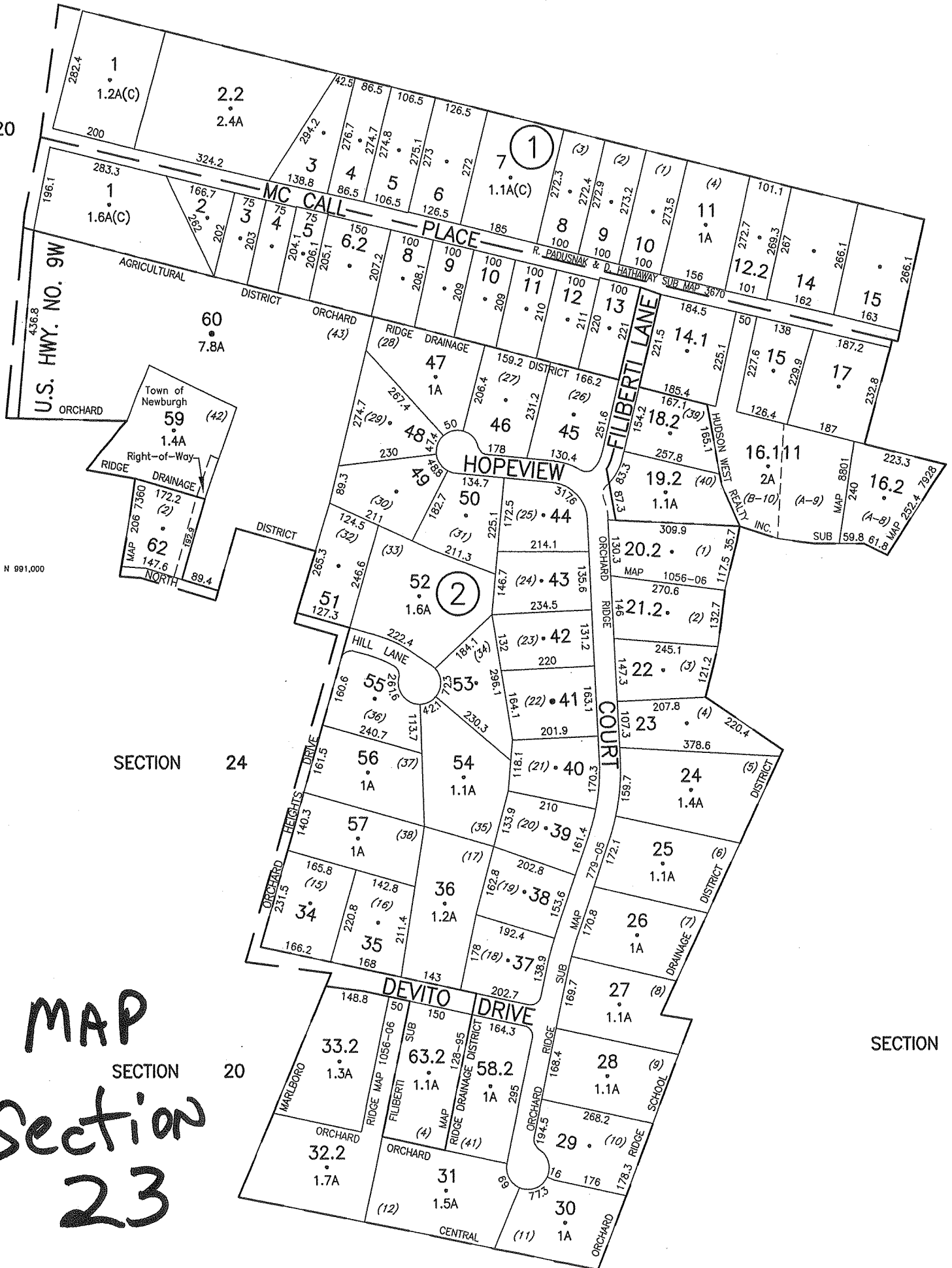
SECTION 24

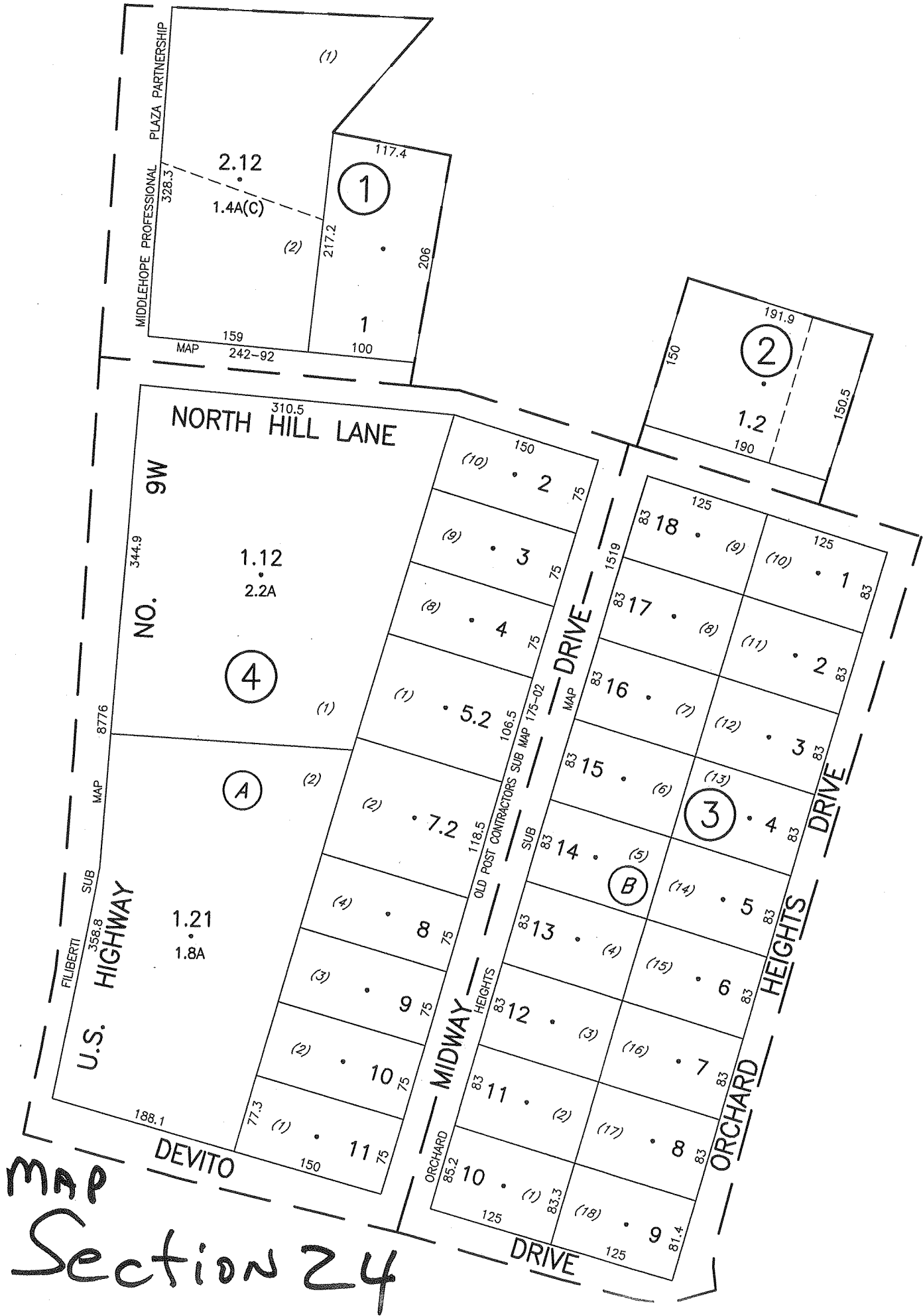
SECTION 20

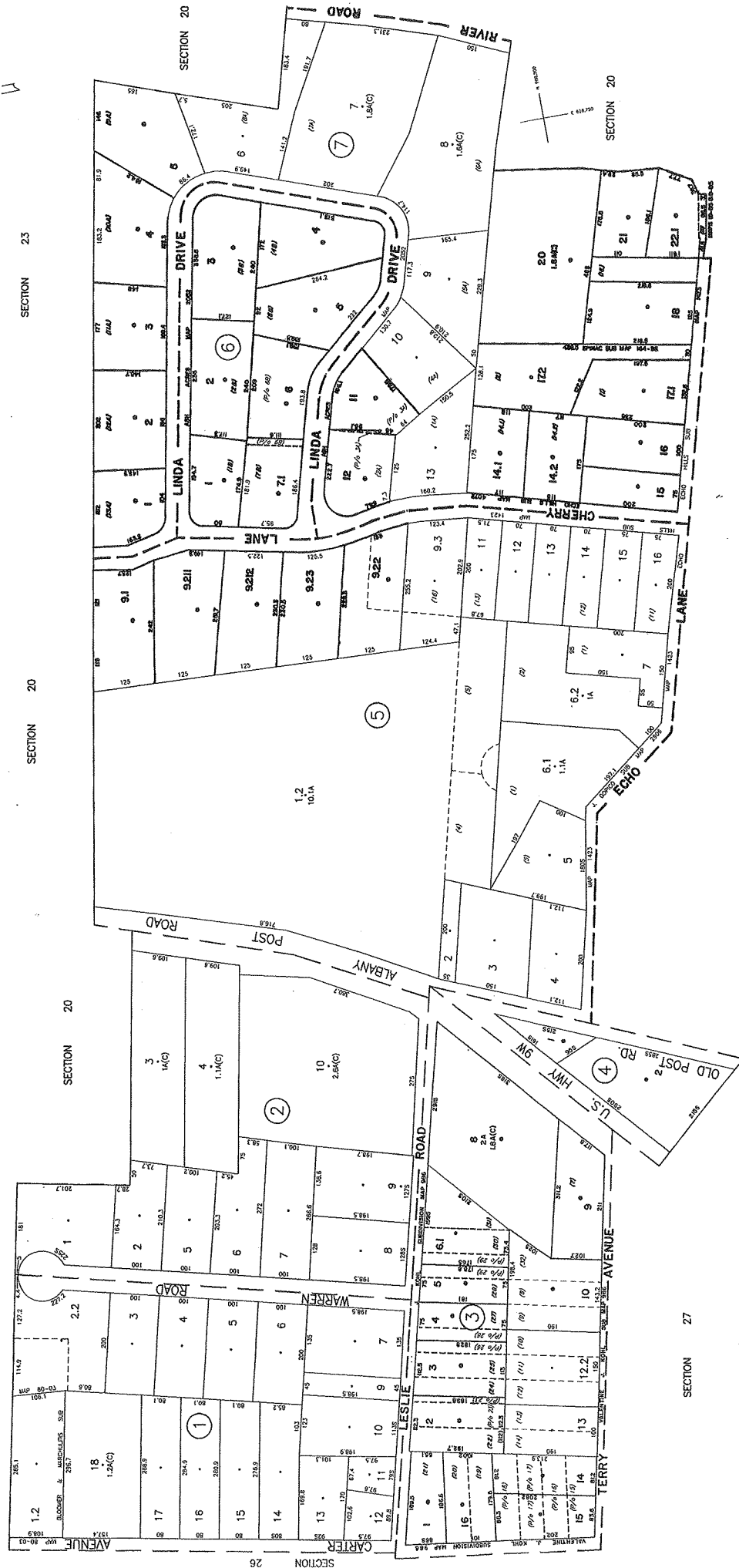
SECTION

MAP SECTION 20
Section 23

N 991,000







SECTION 27

MAP 25 Section 25

SECTION 23

SECTION 20

SECTION 20

SECTION 20

SECTION 20

SECTION 27

SECTION 26

SECTION 26