Orange County Department of Planning

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

Edward A. Diana
County Executive

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	Tax Map #:	20-2-30.21
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	SANTA MONICA HOLDINGS LLC	Tax Map #:	
Project Name:	MANSION	Local File No.:	2368-13
Location of Project Site:	5268 Route 9W & DeVito Drive	Size of Parcel*:	4 Acres

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

Reason for County Review: ON US 9W

Current Zoning District (include any overlays): B

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) _____
- ☒ Other 185-54-A Interpretation 185-14-C-(2)(a) Sign Regulations - Shall Stay Stationary And Constant In Intensity And Color.

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

Local board comments or elaboration:

Grace Cardone — 11/14/13 — Chairperson, Zoning Board of Appeals

Signature of local official — Date — Title

Municipal Contact Phone Number: 845 566-4901

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

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

TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 11/1/13

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

I (WE) Santa Monica Holdings LLC PRESENTLY

NF RESIDING AT NUMBER 5268 Rte 9W

TELEPHONE NUMBER 845-565-6969

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:

90.2-30.21 (TAX MAP DESIGNATION)

NF 5268 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-C-2(a)

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

   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:

   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:
n/a

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:
n/a

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
n/a

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
n/a

7. ADDITIONAL REASONS (IF PERTINENT):

Nancy Forest
Nancy Forest
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~ Dutchess:

SWORN TO THIS 7th DAY OF November 20 13

NOTARY PUBLIC

MICHAEL F. MINOGUE
Notary Public, State of New York
Residing in Ulster County
Commission Expires 4/30/15

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.

ORIGINAL

5

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 Gentlemans Club

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Glaede Signs/Nancy Forrest

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/6/13

Keith Slifstein

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF September 2013

Nancy J Tomaszewski

NOTARY PUBLIC

NANCY J TOMASZEWSKI
Notary Public - State of New York
NO. 01TO6242657
Qualified in Dutchess County
My Commission Expires 6/16/2015

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): Mansion Gentlemans Club + Restaurant

NF 5268 Rte 9W

Brief Description of Proposed Action:

Installation of a freestanding sign

Name of Applicant or Sponsor:	Telephone: 845-565-6969
Santa Monica Holdings LLC	E-Mail:

NF Address: 5268 Rte 9W

City/PO:	State:	Zip Code:
Newburgh, NY 12550		

	NO	YES
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.	☒	☐
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:	☒	☐

3.a. Total acreage of the site of the proposed action? 0 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
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:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ 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?	☒	☐	
16. Is the project site located in the 100 year flood plain?	☒	☐	
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? ☒NO ☐YES	☒	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☒NO ☐YES			

	NO	YES
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:	☒	☐
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:	☒	☐
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:	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Nancy Forrest Date: 11/1/13

Signature: Nancy Forrest

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?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
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?	☐	☐
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?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	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?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

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.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

TOWN OF NEWBURGH

~Crossroads of the Northeast~

2368-13

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

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

ORIGINAL

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

Mo Properties, LLC

TO
Santa Monica Holdings, LLC

SECTION 20 BLOCK 2 LOT 30.21

RECORD AND RETURN TO:
(name and address)

Green Acre Abstract LLC
201 Ward St., Suite 2A
Montgomery, NY 12549

10/30/R
See original

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 GA-09343-O

INSTRUMENT TYPE: DEED C ✓ MORTGAGE____ SATISFACTION____ ASSIGNMENT____ OTHER____

PROPERTY LOCATION

___2089	**BLOOMING GROVE (TN)**	
___2001	WASHINGTONVILLE (VLG)	
___2289	**CHESTER (TN)**	
___2201	CHESTER (VLG)	
___2489	**CORNWALL (TN)**	
___2401	CORNWALL (VLG)	
___2600	**CRAWFORD (TN)**	
___2800	**DEERPARK (TN)**	
___3089	**GOSHEN (TN)**	
___3001	GOSHEN (VLG)	
___3003	FLORIDA (VLG)	
___3005	CHESTER (VLG)	
___3200	**GREENVILLE (TN)**	
___3489	**HAMPTONBURGH (TN)**	
___3401	MAYBROOK (VLG)	
___3689	**HIGHLANDS (TN)**	
___3601	HIGHLAND FALLS (VLG)	
___3889	**MINISINK (TN)**	
___3801	UNIONVILLE (VLG)	
___4089	**MONROE (TN)**	
___4001	MONROE (VLG)	
___4003	HARRIMAN (VLG)	
___4005	KIRYAS JOEL (VLG)	
___4289	**MONTGOMERY (TN)**	
___4201	MAYBROOK (VLG)	
___4203	MONTGOMERY (VLG)	
___4205	WALDEN (VLG)	
___4489	**MOUNT HOPE (TN)**	
___4401	OTISVILLE (VLG)	
___4600	**NEWBURGH (TN)**	
___4800	**NEW WINDSOR (TN)**	
___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)	

CITIES

___0900	**MIDDLETOWN**
___1100	**NEWBURGH**
___1300	**PORT JERVIS**
___9999	**HOLD**

NO PAGES 5 CROSS REF.____
CERT.COPY____ ADD'L X-REF.____
MAP#____ PGS.____

PAYMENT TYPE: CHECK ✓
CASH____
CHARGE____
NO FEE____

Taxable
CONSIDERATION $ 825,000.00
TAX EXEMPT ____
Taxable
MORTGAGE AMT. $____

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Greenacres

RECORDED/FILED
04/30/2009/ 11:44:52
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#2009041445
DEED C / BK 12818PG 1446
RECORDING FEES 235.00
TTX# 005404 T TAX 3,300.00
Receipt#1018241 maryp

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, 20__

Schedule A Description

Title Number **GA-09343-O**

Revised: 04/20/2009

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

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:

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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

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.

GNS
GROUP
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

CODE COMPLIANCE DEPT.
DEC 05 2012
Sign X

BUILDING PERMIT APPLICATION

308 Gardnertown Road, Newburgh, NY 12550
Ph: (845)564-7801 Fax: (845)564-7802
(Please Print)

PERMIT #:
Tracking #: 12-820
Fee: $ 105 80 95
ck 29177, 29179
Receipt #: 63912, 63972
(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 Rt 9W	CONTRACTOR: Gloede Signs
CITY/STATE/ZIP: Newburgh, NY 12550	ADDRESS: 97 N Clinton St.
PHONE: 845-597-6390	CITY/STATE/ZIP: Poughkeepsie, NY 12601
CONSTRUCTION COST: $ 6,000	PHONE: 845-471-4306

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 WORKER'S 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 THIS 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: Joseph Matt

DISAPPROVED:

REFERRED TO ZBA:

CODE COMPLIANCE DEPT.
DEC 05 2012
Date Received Code Compliance Stamp
Sign X

BUILDING PERMIT APPLICATION

308 Gardnertown Road, Newburgh, NY 12550
Ph: (845)564-7801 Fax: (845)564-7802
(Please Print)

Permit #:
Tracking #: 12-819
BP200
Fee: $ CO 25
ck 29176, 29178
Receipt #: 63970, 971
(OFFICE USE ONLY)

JOB LOCATION: 5268 Rte 9W

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

OWNER: SantaMonica Holdings LLC	APPLICANT: Nancy Forrest
ADDRESS: DBA the Mansion 5268 Rte 9W	CONTRACTOR: Gloede Signs
CITY/STATE/ZIP: Newburgh, NY 12550	ADDRESS: 97 N. Clinton St.
PHONE: 845-597-6390	CITY/STATE/ZIP: Poughkeepsie, NY 12601
CONSTRUCTION COST: $ 30,000	PHONE: 471-4986

DESCRIPTION OF WORK TO BE PERFORMED:
Installation of an internally illuminated dauble 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

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- 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.
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APPLICANT'S SIGNATURE: Nancy Forrest

APPROVED: 12-4-12

DISAPPROVED:

BUILDING INSPECTOR:

REFERRED TO ZBA:

136

watchfire
Time-O-Matic

Regulating Digital Displays – to insure responsible sign programming

Suggested Regulation

A) Any proposed electronic message center must be equipped with automatic dimming capabilities or a photocell that detects ambient light and adjust brightness levels accordingly.

B) The proposed sign shall hold a static message for 9 seconds (NY State Highway Standard)

C) Transitions between ad's shall be limited to 2 seconds

D) The applicant shall be willing to participate in emergency town alerts such as, driving bans, school closings, and amber alerts

E) If an Electronic Message Center is installed the given property shall no longer use temporary signage such as portable arrow signs or steak signs, or banners.

ELECTRONIC MESSAGE CENTERS CHANGE MESSAGES. THEY DON'T FLASH.

"No flashing signs." If this term is still in your sign code, it is outdated, and applies a restriction which is meant for older and now increasingly ineffective signs. Consider the current standard established by the Federal Highway Administration: electronic message centers are not "flashing" signs. Even the U.S. Coast Guard defines a flashing light as "a light in which the total duration of light in each period is clearly shorter than the total duration of darkness and in which the flashes of light are all of equal duration." That's not what electronic message centers do. Technology has changed and improved. It's time for outdated sign code language to change and improve with it.

U.S. Department of Transportation
Federal Highway Administration

What Does the Traffic Accident Data Say?

Traffic accident data is a valued, standard tool for policy makers. The National Highway Traffic Safety Administration (NHTSA) sums up this point:

> ***"Traffic records are the basis for defining, managing, and evaluating traffic safety and performance."***

Did you know that crash-data studies show no increase in accidents near digital billboards?

Industry studies in five areas found:

- **There is no statistically significant relationship between accidents and digital billboards; digital billboards are "safety neutral"**
- **More than 160,000 accident records in proximity to 69 digital billboard faces were analyzed**
- ***Different circumstances . . . conclusion the same***
  - Size of digital billboards were different:
    - Standardized bulletins in Cuyahoga County (14'x48')
    - Standardized bulletins in Rochester (10'6"x36')
    - Standardized posters in Albuquerque (12'x24')
    - Variety of bulletins, posters, and miscellaneous sizes in Reading and Richmond
  - Digital billboard locations were different:
    - Along **Interstates** in the Cuyahoga County
    - Along **local roads** in Rochester and Albuquerque
    - Along **local roads and expressways** in Reading
    - Along **Interstates and local roads** in Richmond
  - Combined traffic counts exceed one-half billion cars per year
- ***The age of driver is a neutral factor***
  - Younger drivers (under 21) show no increases in accident rates
  - Older drivers (over 65) show no increases in accident rates
  - *The researchers said: "For comparisons of younger, older or nighttime drivers, there are no increases in accident rates near these digital billboards"*
- ***Time of day is a neutral factor***
  - Daytime and nighttime comparisons show no increases in rates in the area surrounding the digital billboards

Areas studied:

- **Cuyahoga County, OH (2007)**
  - Accident reports **3 years** before and after installation of digital billboards
  - **7 digital billboards** located along Interstates
  - **33,000 accident records** from the Ohio DOT

- **Rochester, MN (2009)**
  - Accident reports spanning more than **4 years** before and after installation
  - **5 digital billboards** located along local roads
  - **18,000 accident records** from the local police department

- **Cuyahoga County, OH (2009)**
  This study updated the 2007 report, evaluating more time and data:
  - Accident reports **4 years** before and after installation
  - **7 digital billboards** along Interstates (same structures as 2007 study)
  - **60,000+ accident records** from the Ohio DOT

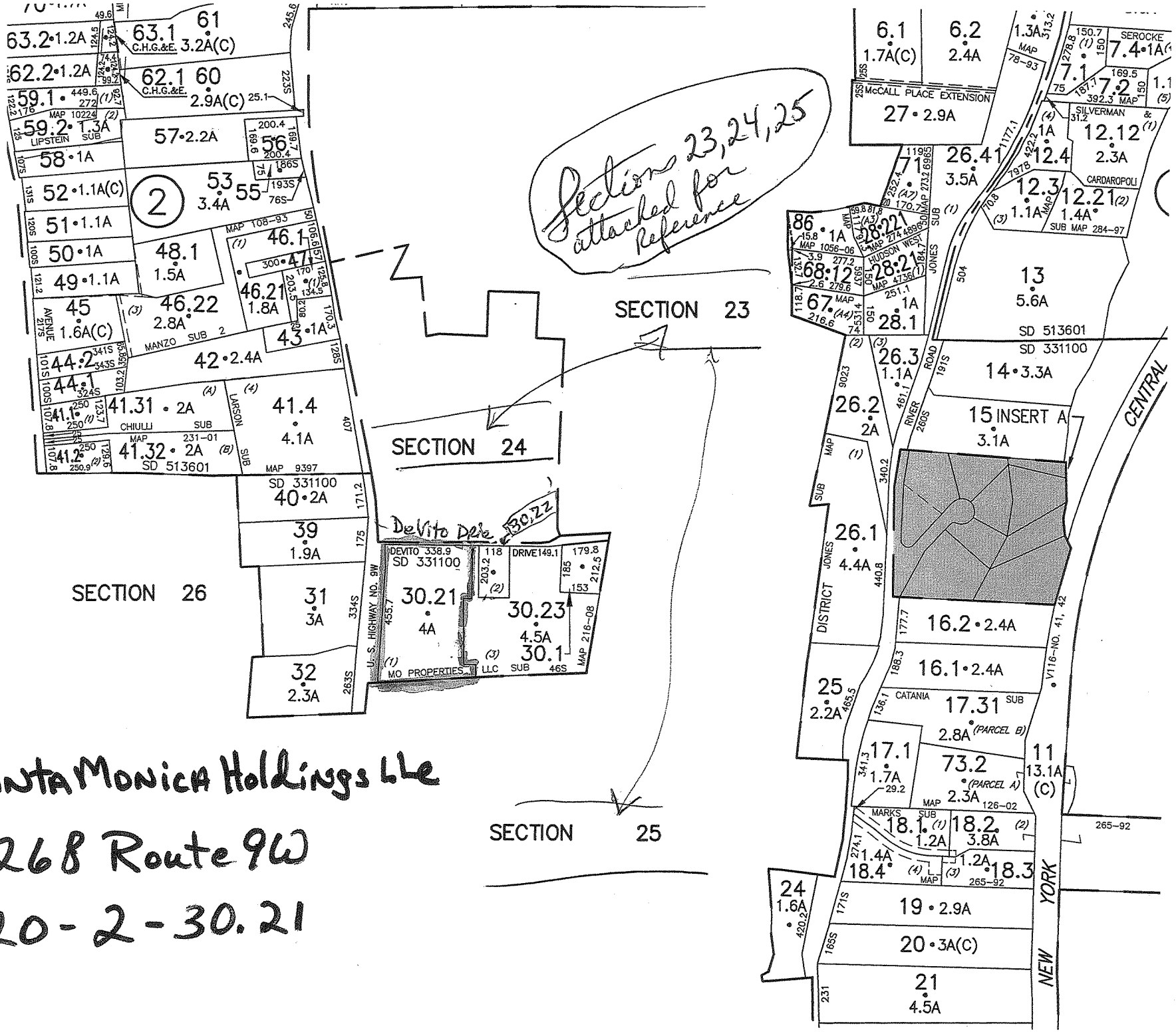
- **Albuquerque, NM (2010)**
  - Accident reports spanning **3½ years** before and after the installation
  - **17 digital billboards** located along local roads
  - **7,000+ accident records** from the local police department

- **Reading, PA (2010)**
  - Accident reports spanning **4 years** before and after installation
  - **26 digital billboard faces** on 20 structures along expressways and local roads
  - **Used Empirical Bayes Method to evaluate similar roadways without digital billboards**
  - FHWA is conducting a eye glance duration and frequency study in this area
  - **35,000 accident records** from Pennsylvania DOT and local police

- **Richmond, VA (2010)**
  - Accident reports spanning **7 years** before and after installation
  - **14 digital billboard faces** on 10 structures along Interstates and local roads
  - **Used Empirical Bayes Method to evaluate similar roadways without digital billboards**
  - FHWA is conducting a eye glance duration and frequency study in this area
  - **Approximately 40,000 accident records** from Virginia DOT, Henrico County, and local police

The consistent outcome from these studies:

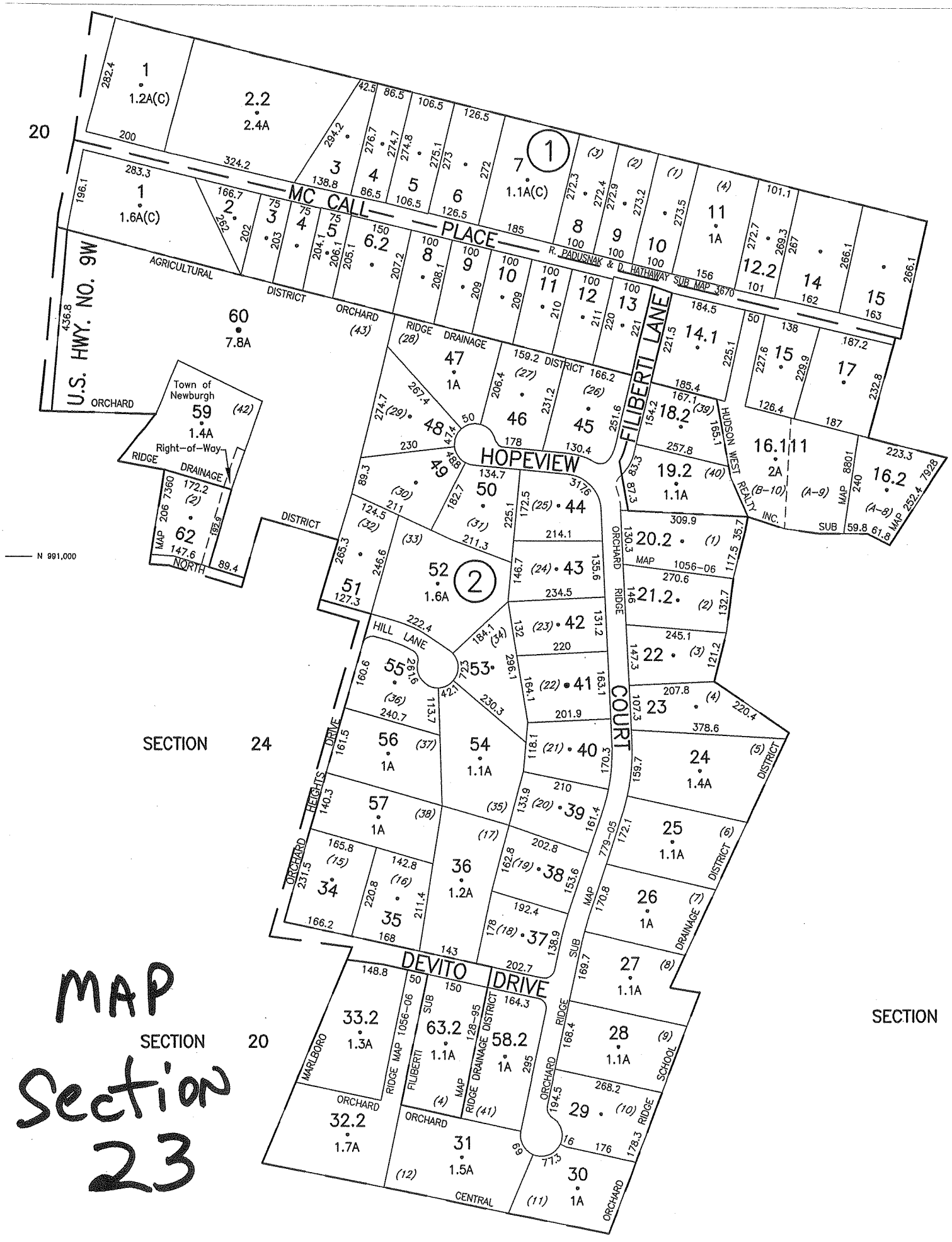
Digital Billboards are NOT Linked to Accidents

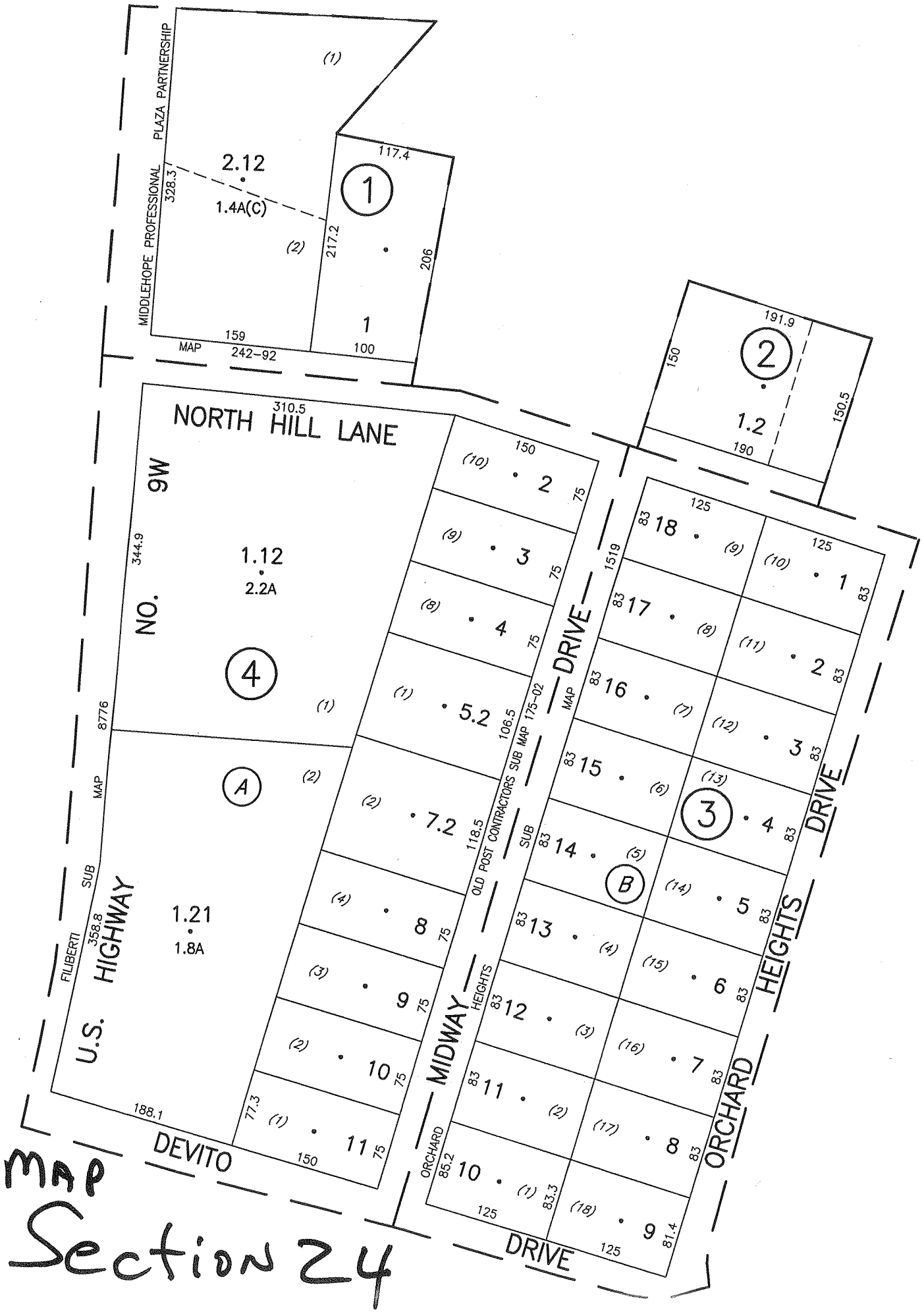


Santa Monica Holdings LLC

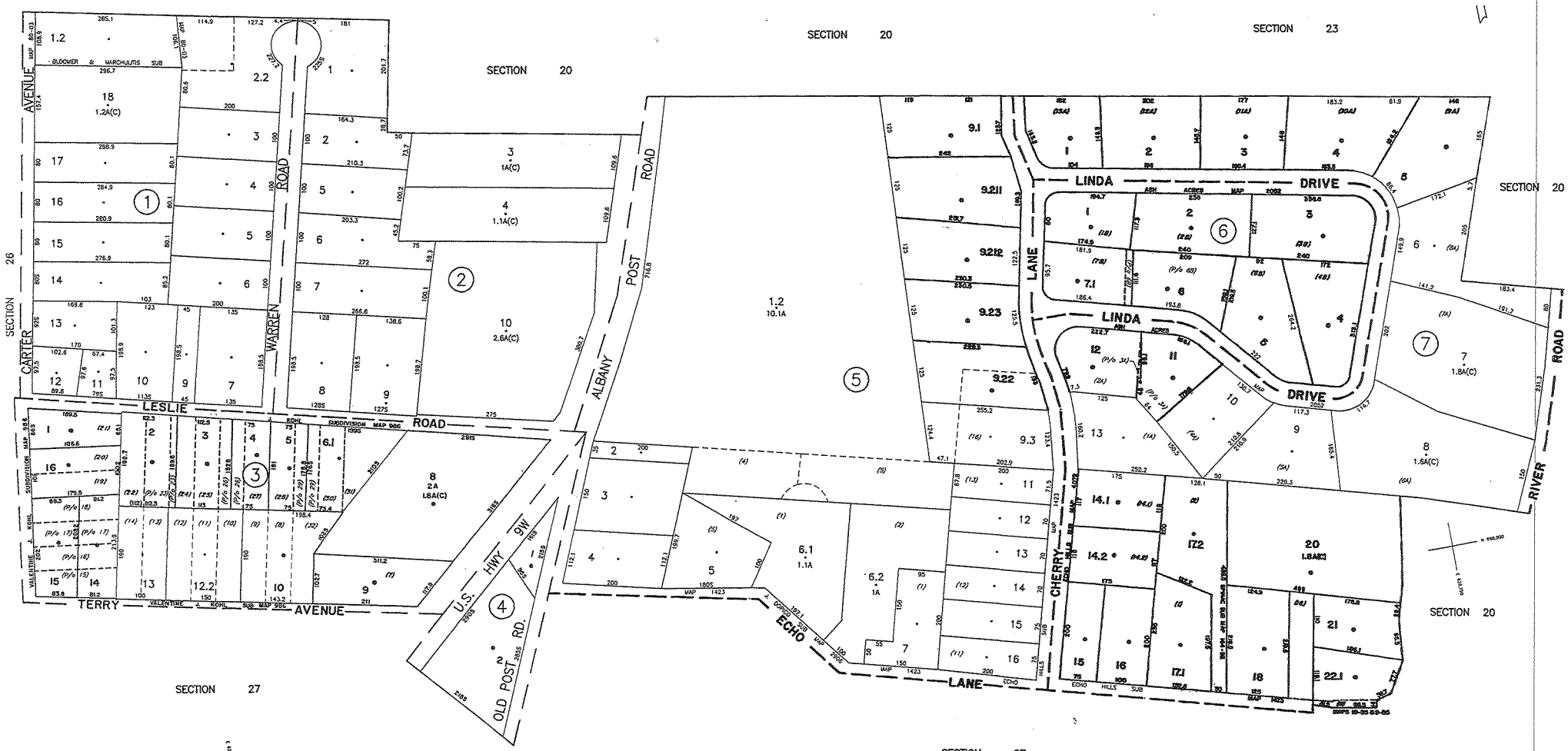
5268 Route 9W

20-2-30.21


MAP
SECTION 20
Section 23
SECTION 24
SECTION
MC CALL PLACE
HOPEVIEW
DEVITO DRIVE
FILIBERTI LANE
HILL LANE
COURT
U.S. HWY. NO. 9W
AGRICULTURAL DISTRICT
ORCHARD
RIDGE DRAINAGE
Town of Newburgh
Right-of-Way
HUDSON WEST REALTY INC.
N 991,000
NORTH



MAP
Section 24



MAP 25
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