

TOWN OF NEWBURGH

Crossroads of the Northeast

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: March 25, 2021

4. DESCRIPTION OF VARIANCE SOUGHT: Lot area = 27,173 s.f., where 40,000 s.f. is required. Both Side Yards = 65 feet, where 80 feet is required. Rear Yard = 10 feet, where 60 feet is required.

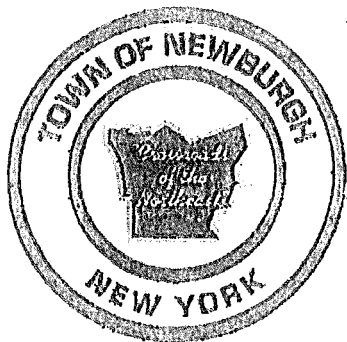
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(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:



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

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 surrounding area is zoned IB, Interchange Business District, and the properties adjoining the project parcel consist of commercial uses.

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:

It is essential to the business to have free vacuum spaces for customers paying for the car wash. By placing the building in the rear of the site, which allows for adequate queuing for the car wash, the vacuum spaces can be allocated towards the front of the site which allows the business to function similarly to their other sites in the area.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

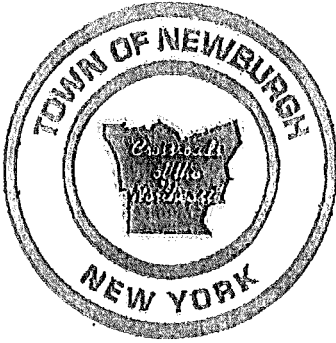
The requested area variances are not substantial because the building setback line does not enable practical area for the business and ancillary facilities. Additionally, the variances requested would not result in a significant impact and result in an out of character appearance in this area of the Town.

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 proposed project is located in the IB, Interchange Business District, and the requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the project fits in with the surrounding character of the neighborhood.

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

The hardship has not been self created because the existing building on the property currently does not meet zoning setback requirements.



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF APRIL 2021



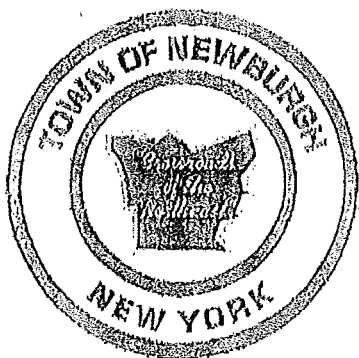
NOTARY PUBLIC

TERESA PANICO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA5028266
Qualified in Orange County
My Commission Expires 06-31-2022

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 10 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)



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Daniel Zimmerman, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 1295 Route 300, Newburgh

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 1295 Route 300

Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Glen Sheeley

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4-8-21

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF APRIL 2021

THERESA PANICO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA5028266
Qualified in Orange County
My Commission Expires 06-31-2021

NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

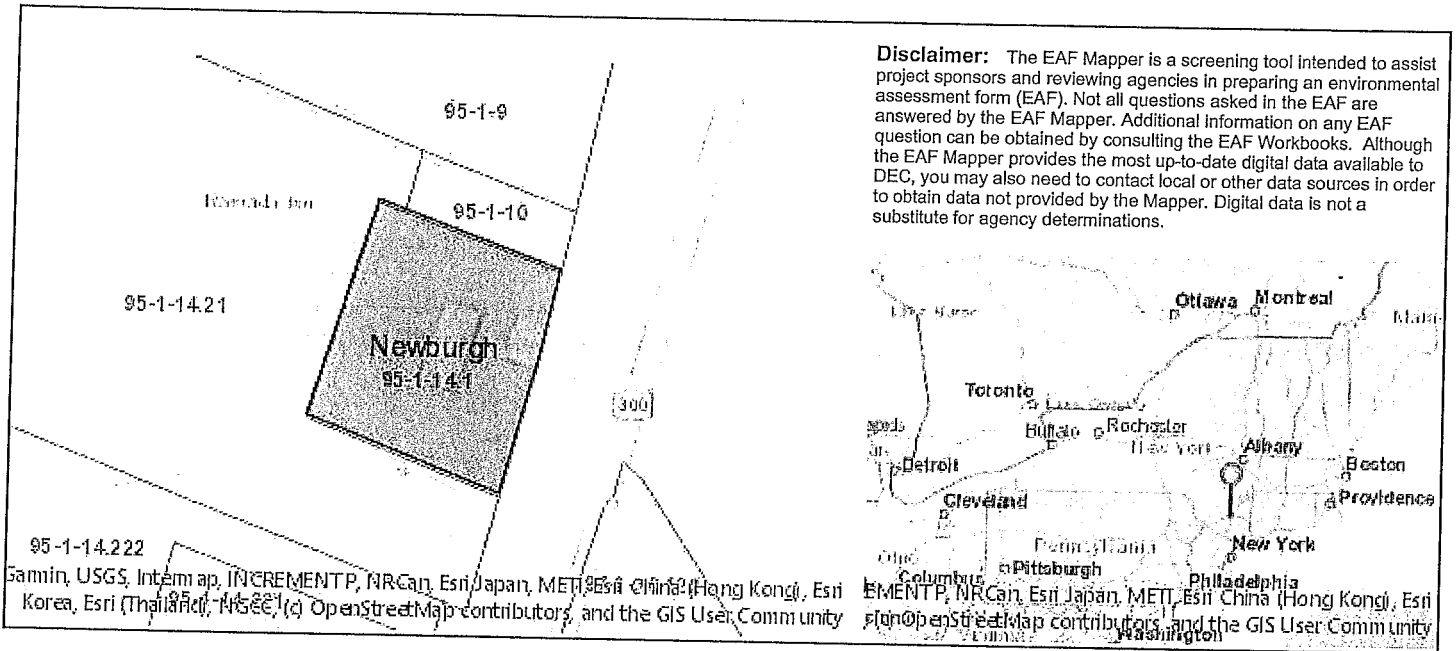
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: ADS Properties, LLC - Carwash			
Project Location (describe, and attach a location map): 1295 Route 300, Newburgh, New York			
Brief Description of Proposed Action: Project will consist of an automated carwash, vacuum spaces and ancillary facilities. The proposed facility is to be served by central water and sewer.			
Name of Applicant or Sponsor: ADS Properties		Telephone: (845) 597-0379	
Address: 1020 Dolsontown Road		E-Mail: sheeleywash@hotmail.com	
City/PO: Middletown		State: NY	Zip Code: 10940
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: Town of Newburgh ZBA - Area Variances			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.62+/- acres	
b. Total acreage to be physically disturbed?		0.62+/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.62+/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

March 25, 2021

BY EMAIL ONLY

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

Re: ADS Properties LLC / 1295 Route 300 Car Wash;
Planning Board Project No. 21-04

Dear Chairman Scalzo and Board Members:

At the Planning Board's March 18, 2021 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances required for this project.

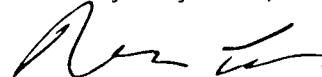
In particular, the applicant seeks site plan approval from the Planning Board for an automated car wash and associated site improvements. The site is located at 1295 Route 300, and is within the IB Interchange Business zoning district. The project requires the following area variances:

- (1) Lot area – 27,173sf provided where 40,000sf is required;
- (2) Both side yards – 71 feet provided where 80 feet is required; and
- (3) Rear yard – 10 feet provided where 60 feet is required.

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

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

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

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

SHELLMARK, LLC

TO

ZIMPLEX, INC.

SECTION 95 BLOCK 1 LOT 14.1

RECORD AND RETURN TO:
(name and address)

BRANDON OZMAN, ESQ.
130 Main Street
Walden, New York 12586



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

OR 0552

INSTRUMENT TYPE: DEED 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 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 7000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____
DATE _____

MORTGAGE TAX TYPE:

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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: gt

RECORDED/FILED
07/25/2007 11:52:37
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20070082428
DEED C / BK 12493 PG 0316
RECORDING FEES 207.00
TTX# 010437 T TAX 3,000.00
Receipt#766551 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 7/25/07 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY 9/19/07



Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the *3rd* day of *July*, 2007

BETWEEN SHELLMARK, LLC, a New York Limited Liability Company, with a principal place of business located at 97 Beacon Mill Lane, Palm Coast, Florida 32137-8648

party of the first part, and **ZIMPLEX, INC.**, a New York Corporation, with a principal place of business located at 30 Westwood Drive, Walden, New York 12586

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, more particularly described in Schedule A attached hereto.

BEING the same premises as described in a deed dated July 31, 2001 from Mark Zimmerman and Shellie Zimmerman to Shellmark, LLC which deed has been recorded in the Office of the Orange County Clerk on March 21, 2007 in Liber 12393 at page 0725.

The premises are not in an agricultural district and that the subject premises is entirely owned by the transferor(s).

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 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.

Schedule A Description

Title Number JT-OR2552

Page 1

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, described as :

BEGINNING at a point on the northwesterly side of Union Avenue, as widened, is intersected by the southwestery side of land conveyed to Hedwig Cortes as recorded in Liber 709 page 73 of the Orange County Deed Records;

running thence along the northwesterly side of Union Avenue as widened, South 16° 43' 38" West 175.00 feet to a point;

running thence North 67° 16' 42" West 156.13 feet to a point;

running thence North 16° 43' 38" East 175.00 feet to a point;

running thence southerly and partly along land now or formerly of Cortes South 67° 16' 42" East 156.13 feet to the northwesterly side of Union Avenue as widened, at the point or place of beginning.

J.T. Abstract Inc. Co.
717 Broadway
Newburgh, New York 12550
845-562-8855 fax 845-562-1160

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

SHELLMARK, LLC

BY Mark Zimmerman
Mark Zimmerman, Member

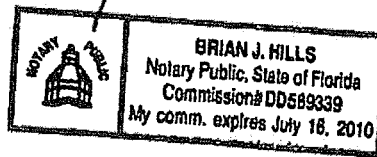
STATE OF FLORIDA, COUNTY OF Flagler

ss:

On July 2, 2007 before me, the undersigned, a Notary Public in and for the State, personally appeared MARK ZIMMERMAN personally known to me or proved to be me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument and that said instrument was executed in

Palm Coast, Florida, Flagler County
Insert City/Town and County.

Brian J. Hills
Notary Public



92 B6335870

NEW YORK

No. 0012-3497
Page One of Three

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

95
1
14.1

SUN COMPANY, INC. (R&M), formerly Sun Refining and Marketing Company, Inc., a Pennsylvania Corporation, formerly Sun Oil Company of Pennsylvania, a Pennsylvania Corporation, successor by merger to Sun Oil Company, a New Jersey Corporation, 1801 Market Street, Philadelphia, Pennsylvania 19103

GRANTOR, for and in consideration of the sum of Three Hundred and Twenty-Five Thousand Dollars (\$325,000.00)

The receipt of which is hereby acknowledged, grants and releases to Mark Zimmerman and Shellie Zimmerman, 557B Hulsetown Road, Campbell Hall, New York 10916, AS TENANTS by the ENTIRETY

GRANTEE, the heirs or successors and assigns of Grantee, forever, all that certain parcel of Real Estate situate in the Town of Newburgh, County of Orange, State of New York, to wit:

BEGINNING at a point on the northwesterly side of Union Avenue as widened where said Union Avenue, as widened, is intersected by the southwesterly side of land conveyed to Hedwig Cortes as recorded in Liber 709 page 73 of the Orange County Deed Records; running thence along the northwesterly side of Union Avenue as widened, South 16° 43' 38" West 175.00 feet to a point; running thence North 67° 16' 42" West 156.13 feet to a point; running thence North 16° 43' 38" East 175.00 feet to a point; running thence southerly and partly along land now or formerly of Cortes South 67° 16' 42" East 156.13 feet to the northwesterly side of Union Avenue as widened, at the point or place of beginning.

Being the same premises conveyed by Deed dated October 4, 1968 recorded October 10, 1968 in Liber 1805 of Deeds at Page 621.

Subject to easements, restrictions and conditions of record, easements or restrictions visible upon the ground and any state of facts which an accurate survey would disclose.

RM-B&S 370 1
November 20, 1992

LIBER 3731 PAGE 216

REC-12/29/92

NEW YORK - Bargain and Sale W/Covenants

No. 0012-3497
Page Two of Three

UNDER AND SUBJECT TO the restriction, running with the land, that said premises shall not be used for or in connection with the operation of a gasoline service station or filling station or for the advertising or sale of gasoline, motor fuel, petroleum products or for the retail sale of products normally associated with the operation of a convenience-type food store for a period of forty (40) years from the date of this Deed of Conveyance.

This conveyance is made in the normal course of business of the Grantor herein, and does not constitute the sale of all or substantially all of the assets of the Corporation.

TOGETHER with all right, title and interest, if any, of the Grantor 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 Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of the Grantee forever.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the premises have been encumbered in any way whatever, except as aforesaid.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

IN WITNESS WHEREOF, SUN COMPANY, INC. (R&M), has set its hand and seal this 16th day of November, 1992.

SUN COMPANY, INC. (R&M)

BY: Daniel I. Hughes
Daniel I. Hughes
Director, Real Estate
& Special Projects

ATTEST:

Charles G. Schanz
Charles G. Schanz
Assistant Secretary

RM-E&S 370 2
November 10, 1992

LIBER 3731 PAGE 216

meineke
car care center

RAMADA

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

STATE OF NEW YORK; COUNTY OF ORANGE:

I *Calvin Vangelisti*, being duly sworn, depose and say that I did on or before

May 13, 2021, post and will thereafter maintain at

1295 Route 300 95-1-14.1 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.

Calvin Vangelisti

Sworn to before me this *22nd*

day of *APRIL*, 2021.

Theresa Panico

THERESA PANICO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA5028266
Qualified in Orange County
My Commission Expires 05-31-*2022*



TOWN OF NEWBURGH
County of Sullivan
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-564-8991
FAX LINE 845-564-7982

Notice of Public Hearing

PLEASE TAKE NOTICE that due to the current COVID-19 pandemic, the Zoning Board of Appeals meeting of the Town of Newburgh scheduled for May 27, 2021 at 7:00 p.m. at the Town Hall, 1496 Route 300, Newburgh, NY 12550 will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meeting Law. Accordingly, virtual attendance by the public at the meeting will not be permitted. **Virtual attendance and public input for consideration of applications, plans, orders and decisions are not permitted.**

PLEASE TAKE FURTHER NOTICE that the public may view the meeting live using the

Zoom platform at the following link:

Topic: ZBA Meeting

Time: May 27, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/81424162879?pwd=VERBkSH0TzZkAGRkZWZlVjVoa0Zl>

Meeting ID: 814 2416 2879

Passcode: 887931

One tap mobile

+1646679923,81424162879#_887931 US (New York)

+13126160799,81424162879#_887931 US (Chicago)

+14408767923 US (New York)

+13126160799 US (Chicago)

Meeting ID: 814 2416 2879

Passcode: 887931

Find your local number: <https://zoom.us/join?source=vczba&vczba=887931>

Application of Glen Steeley for area variances of lot area, both side yards and the rear yard for an

application to the Planning Board for an automated car wash and associated site improvements.

Location: 1295 Route 300 95-1-14.1 1B Zone

After each hearing scheduled for May 27, 2021 is opened, the public will be able to make comments

through the Zoom live stream or by telephone through the Zoom interconference option. Written

comments will be accepted prior to the meeting. Such comments may be submitted by email to

managers@townofnewburgh.org or by regular First Class mail to Town of Newburgh ZBA 21 Hudson

Valley Professional Plaza Newburgh, NY 12550. Meeting materials may be viewed on the Town of

Newburgh web site at <https://www.townofnewburgh.org/CMS/index.cfm?app=4729>. As permitted by

Section 104 of the Public Officers Law and the Governor's Executive Order, the ZBA Board Chairman and

individual board members may participate from remote locations. Consistent with the aforementioned

Executive Orders, physical attendance at said remote locations shall not be permitted.

BY ORDER OF THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH

Dated: May 13, 2021

Newburgh, New York

[Signature]
Applicant