



# 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: SEPTEMBER 15, 2020

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

I (WE) SIGIN STARNY, Inc PRESENTLY  
RESIDING AT NUMBER 95 P NOFFMAN LANE, ISLANDIA, NY 11749  
TELEPHONE NUMBER (631) 513-4809

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:

97-2-44 (TAX MAP DESIGNATION)

601 AUTO PARK PL (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-14A-B-7-[3]-(C): DOES NOT  
ADDRESS SIGNAGE ON CANOPY



# 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: 8/20/2020
- 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: FUEL CANOPY SIGNS

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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 SIGNS WILL BE LOCATED IN A GAS STATION  
IN AN INDUSTRIAL - BUSINESS AREA.

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:

ALTERNATIVE SIGN STYLES (E.G. A GROUND SIGN)  
WOULD BE MORE COSTLY & SUBSTANTIAL.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE SIGNS WILL BE LOCATED ON A FUEL  
CANOPY IN A GAS STATION.

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 SIGNS WILL RESULT IN NO GROUND DISTURBANCE.  
THEY WILL BE LOCATED IN AN AREA ALREADY  
IMPACTED BY BUSINESS, PARKING LOTS.

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

THERE IS NOTHING IN THE CODE THAT  
ADDRESSES THIS TYPE OF SIGN.



# TOWN OF NEWBURGH

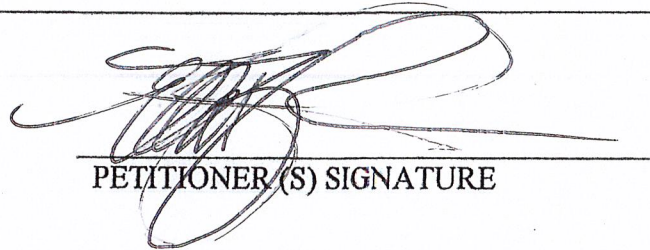
*Crossroads of the Northeast*

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

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 16<sup>th</sup> DAY OF September 20 20

  
\_\_\_\_\_  
NOTARY PUBLIC

THOMAS CONWAY  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CO6369443  
Qualified in Suffolk County  
Commission Expires January 08, 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)

**Short Environmental Assessment Form  
Part 1 - Project Information**

**Instructions for Completing**

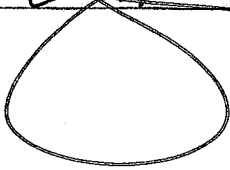
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>FUEL CANOPY SIGNS-ZONING BOARD APPLICATION</b>			
Project Location (describe, and attach a location map): <b>601 AUTO PARK PLACE, NEWBURGH NY 12550</b>			
Brief Description of Proposed Action: <b>"BJ'S GAS" SIGNS AFFIXED TO FUEL CANOPY IN GAS STATION. FOUR SIGNS ON NORTH, SOUTH, EAST, WEST FACES OF CANOPY</b>			
Name of Applicant or Sponsor: <b>SIGNSTAR (ELLA BAGLIONE)</b>		Telephone: <b>(631) 513-4809</b>	
		E-Mail: <b>ELLA@SIGNSTARONLINE.COM</b>	
Address: <b>95 P HOFFMAN LANE, ISLANDIA, NY 11749</b>			
City/PO:		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	YES
		<input checked="" type="checkbox"/>	<input 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:		NO	YES
<b>VARIANCE FROM TOWN OF NEWBURGH ZONING BOARD OF APPEALS</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>  21  </u>	acres
b. Total acreage to be physically disturbed?		<u>  21  </u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>  21  </u>	acres
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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation 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?	NO	YES	
	<input checked="" type="checkbox"/>	<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: <u>n/a</u>	NO	YES	
	<input 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: <u>n/a</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: <u>n/a</u>	NO	YES	
	<input 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?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	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, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Ena Bogliore</u> Date: <u>9-16-2020</u></p> <p>Signature: <u>[Signature]</u></p>		



Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

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"/>
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"/>



Agency Use Only [If applicable]

Project:

Date:

### *Short Environmental Assessment Form Part 3 Determination of Significance*

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

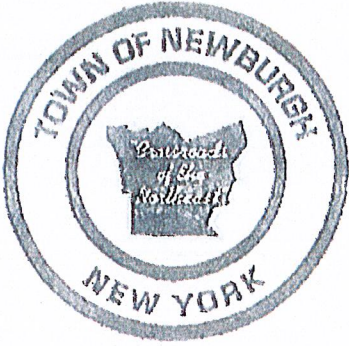
\_\_\_\_\_  
Date

\_\_\_\_\_  
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)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

JRBT LLC / Ronald K Burton <sup>mgr.</sup> DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 22 old mill Rd, Wallkill NY, 12589  
IN THE COUNTY OF orange. AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

601 Auto Park Pl, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED SignStar Ny, Inc.  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/22/2020

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23 DAY OF September 2020

STACEY FRANK  
Notary Public, State of New York  
Qualified in Orange County  
No. 01FR0168013  
Commission Expires June 4, 2023

  
NOTARY PUBLIC



ORANGE COUNTY – STATE OF NEW YORK  
ANN G. RABBITT, COUNTY CLERK  
255 MAIN STREET  
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



Recording:

Recording Fee	55.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

BOOK/PAGE: 14761 / 759  
INSTRUMENT #: 20200032070

Sub Total: 330.00

Receipt#: 2782697  
Clerk: KP  
Rec Date: 06/22/2020 01:34:10 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 7  
Rec'd Frm: HARDENBURGH ABSTRACT CORP (28)

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Party1: WEBB PROPERTIES INC  
Party2: JRBJ LLC  
Town: NEWBURGH (TN)  
97-2-46.2

Total: 330.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 8754  
Commercial Transfer Tax  
Consideration: 0.00

Total: 0.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

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 *June 22, 2020*  
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Comment: \_\_\_\_\_

*September 15, 2020* *Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

*Ann G. Rabbitt*

Ann G. Rabbitt  
Orange County Clerk

Record and Return To:

JOHN L ALLEN ESQ  
ONE COMMERCE PLAZA SUITE 1900  
ALBANY NY 12260

9

Record & Return to:

John L. Allen, Esq.  
Whiteman Osterman & Hanna LLP  
One Commerce Plaza, Suite 1900  
Albany, New York 12260

730-0-4168

**BARGAIN & SALE DEED**  
with Covenant against Grantor's Acts

**THIS INDENTURE** made the 26<sup>th</sup> day of may, 2020 BETWEEN

**WEBB PROPERTIES, INC.**, a New York corporation with offices located at 800 Auto Park Place, Newburgh, New York 12550 (hereinafter referred to as "Grantor") and

**JRBJ LLC**, a New York limited liability company with offices located at 800 Auto Park Place, Newburgh, New York 12550 (hereinafter referred to as "Grantee")

**WITNESSETH**, that the Grantor, in consideration of ONE AND 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, the successors and assigns of the Grantee forever,

**ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND** situate in the Town of Newburgh, County of Orange and State of New York and more particularly described as follows:

**SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.**

**SUBJECT TO** all covenants, conditions, easements and restrictions of record affecting said premises.

**BEING** a portion of the same premises conveyed to the Grantor herein by the following deeds: (1) from Douglas H. Eames and Grace L. Eames dated April 23, 1984 and recorded in the Orange County Clerk's Office on April 25, 1984 in Liber 2281 at Page 836; (2) from Sara K. Abrams dated February 24, 1986 and recorded in the Orange County Clerk's Office on February 27, 1986 in Liber 2484 at Page 113; and (3) from Birks Realty, Inc. dated April 15, 1992 and recorded in the Orange County Clerk's Office on April 28, 1992 in Liber 3594 at Page 327.

**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 successors and assigns of the Grantee forever.

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

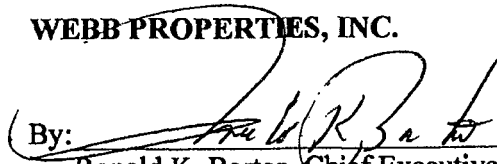
97-2-46.2 + 44

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*, the Grantor has duly executed this deed the day and year first above written.

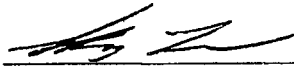
*In Presence of*

**WEBB PROPERTIES, INC.**

By:   
Ronald K. Barton, Chief Executive Officer

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF ORANGE    )

On the 24<sup>th</sup> day of April in the year 2020 before me, the undersigned, a notary public in and for said state, personally appeared RONALD K. BARTON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public  
STACEY FRANK  
Notary Public, State of New York  
Qualified in Orange County  
No. 01FR6168013  
Commission Expires June 4, 2023

### SCHEDULE A

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate in the Town of Newburgh, County of Orange and State of New York being designated as Lots 1 and 3 as shown on a map entitled "Boundary and Topographic Survey for Goddard Development Partners IV, LLC, BJ's Wholesale, Town of Newburgh, Orange County, New York", dated February 7, 2019, last revised March 19, 2019, prepared by Maser Consulting P.A. being more particularly described as follows:

**BEGINNING** at a point in the easterly line of Unity Place at its intersection with the division line between lands now or formerly of Webb Properties, Inc. (Liber 2484, Page 113; Tax Parcel 97-2-44) on the south and lands now or formerly of Webb Properties, Inc. (Liber 2482, Page 113; Tax Parcel 97-2-45) on the north, also being the division line between Lot 1 on the south and Lot 2 on the north as shown on a plan entitled "Subdivision Plat of Lands of Birks Realty, Inc. & Webb Properties, Inc., Town of Newburgh, Orange County, New York State", prepared by A. Diachishin and Associates, P.C. Land Surveyors & Consulting Engineers, dated November 1, 2014 and last revised July 16, 2015, filed in the Orange County Clerk's Office on August 14, 2015 as map number 186-15;

Thence easterly and northerly along said division line the following two (2) courses and distances:

1. South 88° 13' 31" East a distance of 203.79 feet to a point:
2. North 05° 29' 41" East a distance of 298.83 feet to a point in the southerly line of New York State Route 17K;

Thence easterly along the southerly line of New York State Route 17K the following two (2) courses and distances:

1. South 88° 13' 31" East a distance of 164.80 feet to a point:
2. South 84° 19' 04" East a distance of 422.40 feet to a found rebar in the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the west and lands now or formerly of Michael Bigg, Jr. (Liber 2175, Page 834; Tax Parcel 97-2-12.21) on the east:

Thence southerly and easterly along said division line the following two (2) courses and distances:

1. South 14° 35' 44" West a distance of 300.00 feet to a found pin:
2. South 84° 19' 04" East a distance of 150.11 feet to a found rebar in the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the south, lands now or formerly of Michael Bigg, Jr. (Tax Parcel 97-2-12.21) on the northwest and lands of Webb Properties, Inc. (Tax Parcel 97-2-48.2) on the northwest;

Thence South 84° 19' 04" East along the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the south and lands of Webb Properties, Inc. (Tax Parcel 97-2-48.2) on the north a distance of 173.90 feet to a point in the centerline of Auto Park Place at its intersection

with the division line between lands now or formerly of Webb Properties, Inc. (Liber 2484, Page 113; Liber 2281, Page 836; Tax Parcel 97-2-46.2) on the southwest and lands now or formerly of Webb Properties, Inc. (Liber 2484, Page 113; Liber 2281, Page 836; Liber 3594, Page 327; Tax Parcel 97-2-48.2) on the north, also being the division line between Lot 3 on the south and Lot 7 on the north as shown on a plan entitled "Subdivision Plat of Lands of Birks Realty, Inc. & Webb Properties, Inc., Town of Newburgh, Orange County, New York State", prepared by A. Diachishin and Associates, P.C. Land Surveyors & Consulting Engineers, dated November 1, 2014 and last revised July 16, 2015, filed in the Orange County Clerk's Office on August 14, 2015 as map number 186-15, and lands now or formerly of Auto Park Realty, LLC (Liber 13982, Page 1939; Tax Parcel 97-2-11.21) on the east;

Thence South 27° 11' 23" West along the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the west, lands of Auto Park Realty, LLC (Tax Parcel 97-2-11.21) on the east and lands now or formerly of Birks Realty Inc (Liber 13942, Page 940; Tax Parcel 97-2-11.222), also being the division line between Lot 3 on the west and Lots 5 and 6 on the east as shown on said Subdivision Plat, a distance of 123.76 feet to a point of curvature:

Thence continuing along the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the west, lands of Birks Realty Inc (Tax Parcel 97-2-11.222) on the east, also being the division line between Lot 3 on the west and Lot 5 on the east as shown on said Subdivision Plat, the following two (2) courses and distances:

1. Along a curve to the right having a radius of 130.00 feet for an arc length of 67.24 feet, having a chord bearing South 42° 00' 26" West a distance of 66.49 feet to a point:
2. Along a curve to the right having a radius of 500.00 feet for an arc length of 68.44 feet, having a chord bearing South 60° 44' 46" West a distance of 68.39 feet to a point in the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the northwest, lands of Birks Realty Inc (Tax Parcel 97-2-11.222) on the southeast and lands now or formerly of Webb Properties, Inc. (Liber 2484, Page 113, Liber 2281, Page 836; Tax Parcel 97-2-47) on the southwest;

Thence along the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the north and lands of Webb Properties, Inc. (Tax Parcel 97-2-47) on the south, also being the division line between Lot 3 on the north and Lot 4 on the south as shown on said Subdivision Plat the following three courses and distances:

1. Along a curve to the right having a radius of 500.00 feet for an arc length of 79.19 feet, having a chord bearing South 69° 12' 18" West a distance of 79.11 feet to a point:
2. Along a curve to the right having a radius of 300.00 feet for an arc length of 116.50 feet, having a chord bearing South 84° 52' 02" West a distance of 115.77 feet to a point:

3. North 84° 00' 28" West a distance of 296.39 feet to a point in the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-46.2) on the northeast and lands of Webb Properties, Inc. (Tax Parcel 97-2-47) on the southeast, lands now or formerly of 800 Auto Park Place, LLC (Liber 12415, Page 1611; Tax Parcel 97-2-27.32) on the southwest and lands now or formerly of Webb Properties, Inc. (Liber 2484, Page 113; Tax Parcel 97-2-44) on the northwest;

Thence South 11° 20' 17" West a distance of 25.11 feet along said division line to a point in the division line between lands of Webb Properties, Inc. (Tax Parcel 97-2-44) on the north, lands now or formerly of 800 Auto Park Place, LLC (Liber 12415, Page 1611; Tax Parcel 97-2-27.32) on the southwest and now or formerly of Webb Properties, Inc. (Liber 2484, Page 113, Liber 2281, Page 836; Tax Parcel 97-2-47) on the southeast;

Thence North 84° 00' 32" West a distance of 448.43 feet to a point in the easterly line of Unity Place:

Thence along the easterly line of Unity Place the following three (3) courses and distance:

1. North 06° 06' 12" East a distance of 251.86 feet to a found capped rod:
2. South 89° 48' 46" East a distance of 4.08 feet to a found capped rod:
3. North 06° 06' 10" East a distance of 6.02 feet to the point and place of beginning.



### **Schedule A Description - continued**

**Title Number 730-O-4168**

Said premises are also depicted as:

All that certain tract of land lying and being in the Town of Newburgh, County of Orange, State of New York, being designated as Lots Nos. 1 and 3 on a map entitled, "Subdivision Plat of Lands of Birks Realty, Inc. and Webb Properties, Inc.", dated 11/1/14 and filed 8/14/15 in the Orange County Clerk's Office as Map No. 186-15 (1 sheet).

Together with and subject to a right-of-way over filed map street to and from the nearest public highway.



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT**  
21 HUDSON VALLEY PROFESSIONAL PLAZA  
NEWBURGH, NEW YORK 12550

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

2862-20

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 08/20/2020**

**Application No. 20-0790**

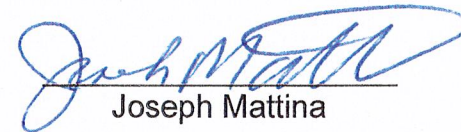
**To: Sign Star NY LLC**  
95 P Hoffman Lane  
Islandia, NY 11749

**SBL: 97-2-44**  
**ADDRESS: 601 Auto Park PI**

**ZONE: IB**

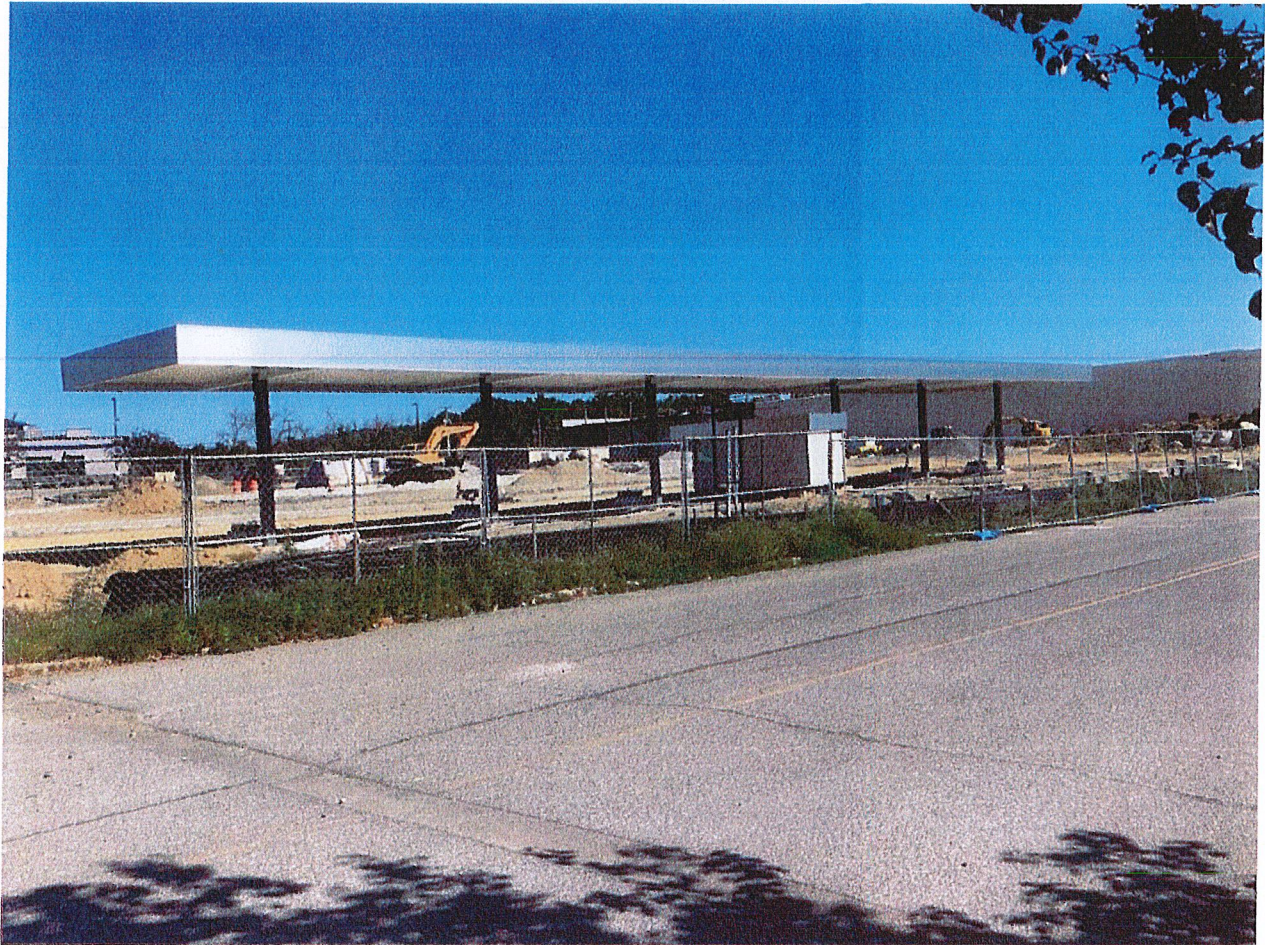
PLEASE TAKE NOTICE that your application dated 08/18/2020 for permit to install signage on a shopping center gas station canopy on the premises located at 601 Auto Park PI is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:  
185-14A-B-7-[3]-(C): Does not address signage on a canopy.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

LOOKING NORTHEAST  
601 Auto Park Place, Newburgh NY  
ZBA Variance Application  
September, 2020



LOOKING SOUTHWEST  
601 Auto Park Place, Newburgh NY  
ZBA Variance Application  
September, 2020



LOOKING SOUTH  
601 Auto Park Place, Newburgh NY  
ZBA Variance Application  
September, 2020



LOOKING EAST

601 Auto Park Place, Newburgh NY

ZBA Variance Application

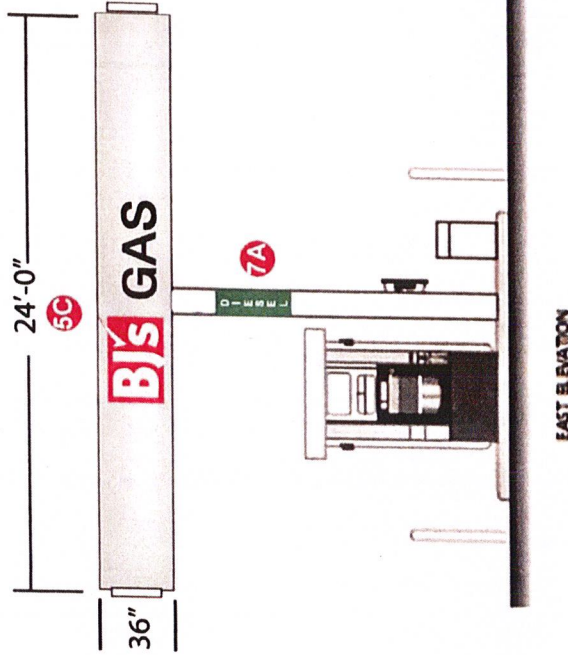
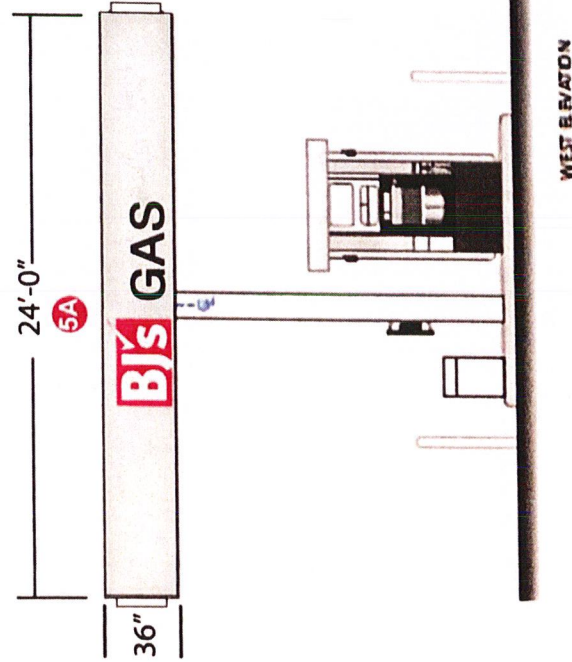
September, 2020



FUEL CANOPY ELEVATION - WEST/EA

- Canopy height & height above grade to be verified.

5A 5C 7A



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF CUMMINGS. UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE \_\_\_\_\_

Rev. #1	DATE	BY
Rev. #2	DATE	BY
Rev. #3	DATE	BY
Rev. #4	DATE	BY
Rev. #5	DATE	BY
Rev. #6	DATE	BY



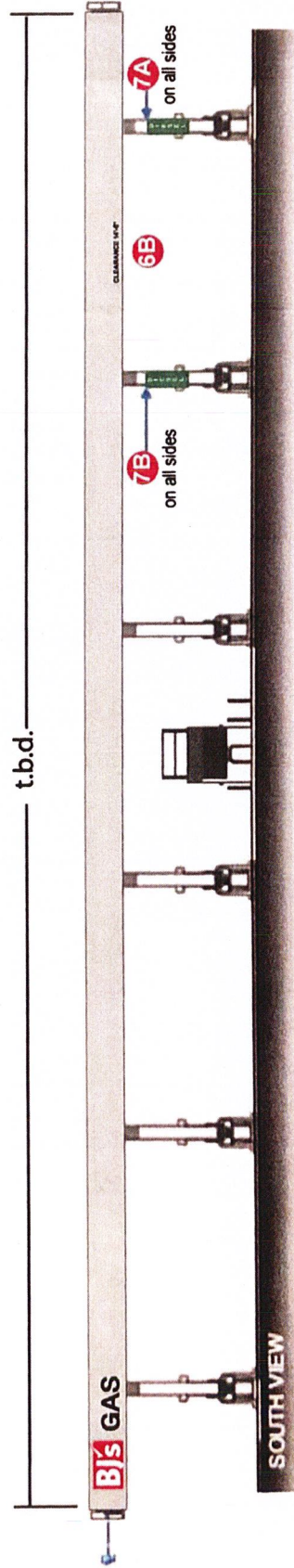
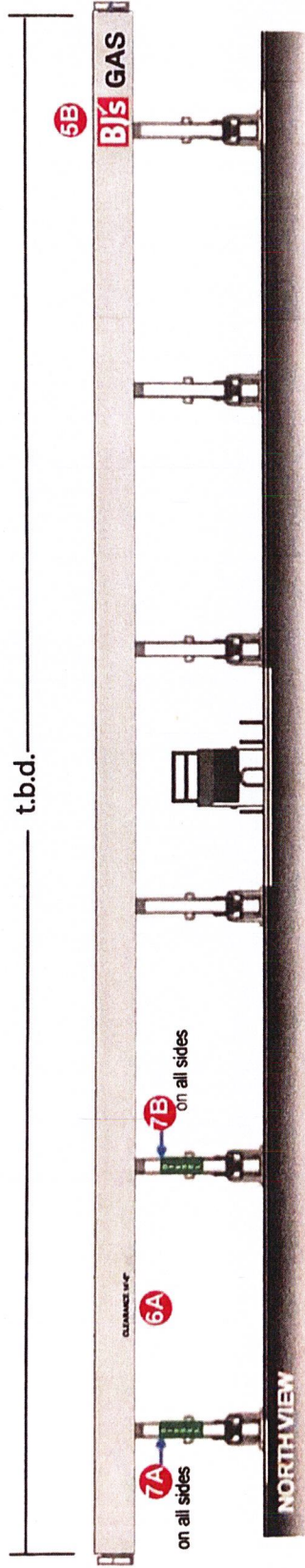
DRAWING NO: 102599.01  
DATE: 5-29-2020  
S. Hawke



FUEL CANOPY ELEVATION - NORTH/SOUTH

5B 5D 6A 6B 7A 7B

- Canopy height & height above grade to be verified.



THIS IS AN ORIGINAL UNPUBLISHED DESIGN CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION OR REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN AUTHORIZATION OF AN OFFICER OF CUMMINGS SOCS.



CUSTOMER APPROVAL:

DATE

Rev. #1	DATE	By
Rev. #2	DATE	By
Rev. #3	DATE	By
Rev. #4	DATE	By
Rev. #5	DATE	By
Rev. #6	DATE	By



DRAWING NO:  
**102599.01**  
DATE: 5-29-2020  
S. Hawke



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I LEIGH DEMARCO, being duly sworn, depose and say that I did on or before

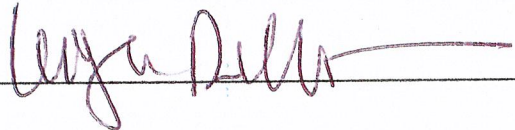
October 8, 2020, post and will thereafter maintain at

601 Auto Park Pl 97-2-44 IB Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which

notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

  
\_\_\_\_\_

Sworn to before me this 25<sup>th</sup>

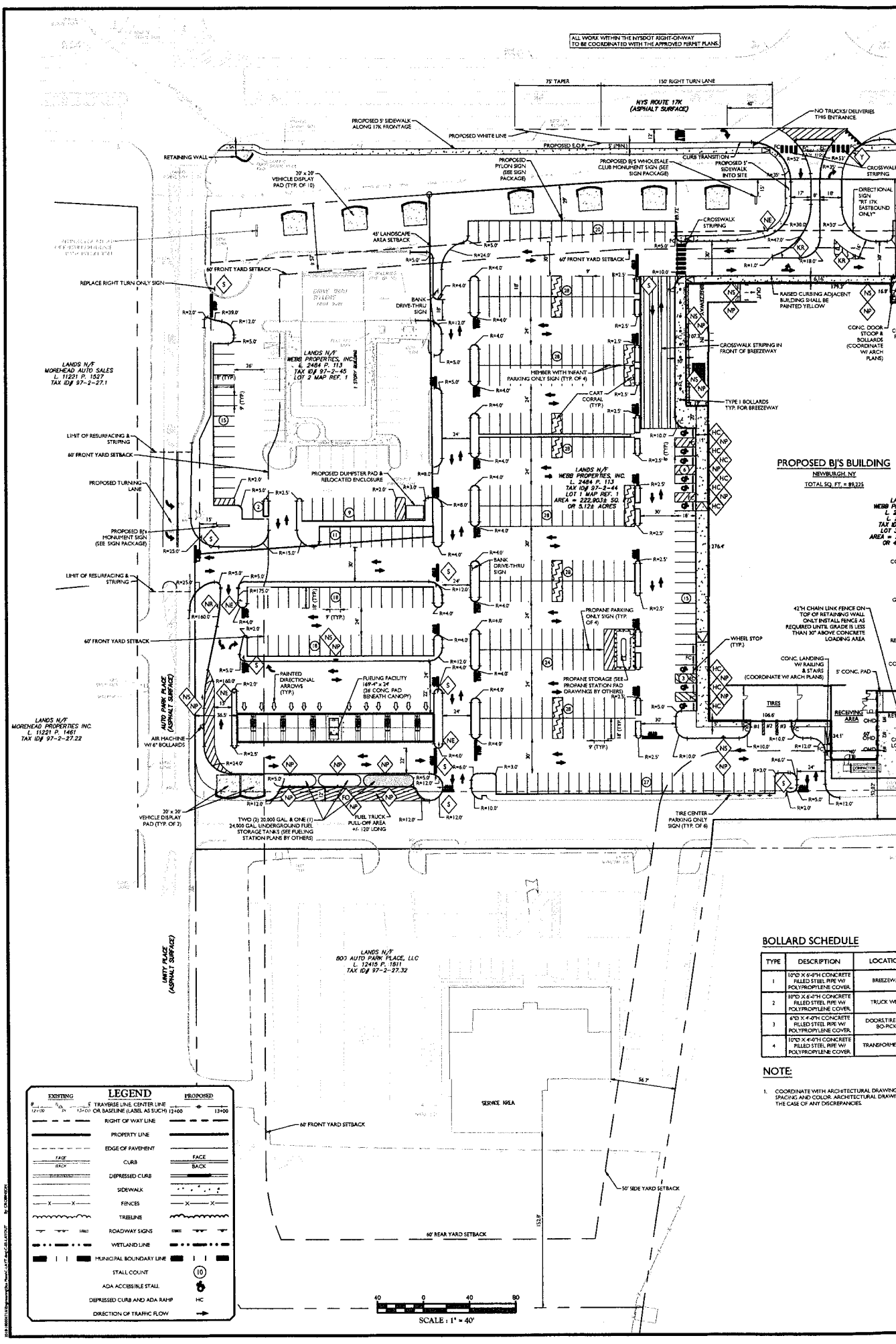
day of September, 2020.

KATHLEEN T. WAGNER  
Notary Public State of New York  
No. 02WA6134918  
Qualified in Westchester County 21  
Commission Expires October 11, 2021

Notice of Public Hearing  
601 Auto Park Place, Newburgh NY



ALL WORK WITHIN THE NYS DOT RIGHT-OF-WAY TO BE COORDINATED WITH THE APPROVED PERMIT PLANS.



LANDS N/F  
MORHEAD AUTO SALES  
L. 11221 P. 1527  
TAX ID# 97-2-27.1

LANDS N/F  
MORHEAD PROPERTIES INC.  
L. 11221 P. 1461  
TAX ID# 97-2-27.22

LANDS N/F  
WEBB PROPERTIES, INC.  
E. 2486 P. 713  
TAX ID# 97-2-46  
LOT 2 MAP REF. 1

LANDS N/F  
WEBB PROPERTIES, INC.  
E. 2486 P. 713  
TAX ID# 97-2-44  
LOT 1 MAP REF. 1  
AREA = 222,801.8 SQ. FT.  
OR 5.122 ACRES

LANDS N/F  
801 AUTO PARK PLACE, LLC  
L. 12415 P. 181  
TAX ID# 97-2-27.32

**PROPOSED B1'S BUILDING**  
NEWBURGH, NY  
TOTAL SQ. FT. = 89,221

LAN  
WEBB PR  
L. 2  
TAX ID#  
LOT 2  
AREA = 2  
OR 4.1

EXISTING		LEGEND		PROPOSED	
---	TRAVELER LINE CENTER LINE	---	TRAVELER LINE CENTER LINE	---	12400
---	1200 OR BAGGIE (LABEL AS SUCH) 11400	---	RIGHT OF WAY LINE	---	12400
---	PROPERTY LINE	---	EDGE OF PAVEMENT	---	FACE
---	TAP	---	CURB	---	BACK
---	DEPRESSED CURB	---	SIDEWALK	---	FENCES
---	FENCES	---	TREELINE	---	ROADWAY SIGNS
---	TREELINE	---	WETLAND LINE	---	MUNICIPAL BOUNDARY LINE
---	ROADWAY SIGNS	---	MUNICIPAL BOUNDARY LINE	---	STALL COUNT
---	WETLAND LINE	---	STALL COUNT	---	ADA ACCESSIBLE STALL
---	MUNICIPAL BOUNDARY LINE	---	ADA ACCESSIBLE STALL	---	DEPRESSED CURB AND ADA RAHP
---	STALL COUNT	---	DEPRESSED CURB AND ADA RAHP	---	DIRECTION OF TRAFFIC FLOW
---	ADA ACCESSIBLE STALL	---	DIRECTION OF TRAFFIC FLOW	---	

**BOLLARD SCHEDULE**

TYPE	DESCRIPTION	LOCATION
1	10" X 6" CONCRETE FULLED STEEL PIPE W/ POLYPROPYLENE COVER	BREEZEWAY
2	10" X 6" CONCRETE FULLED STEEL PIPE W/ POLYPROPYLENE COVER	TRUCK WEL
3	6" X 4" CONCRETE FULLED STEEL PIPE W/ POLYPROPYLENE COVER	DOOR/STREET BO-POCK
4	10" X 6" CONCRETE FULLED STEEL PIPE W/ POLYPROPYLENE COVER	TRANSFORMER

**NOTE:**  
1. COORDINATE WITH ARCHITECTURAL DRAWINGS SPACING AND COLOR. ARCHITECTURAL DRAWING IN THE CASE OF ANY DISCREPANCIES.

