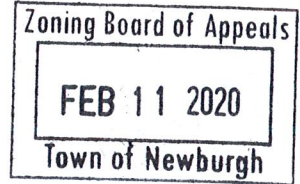




# TOWN OF NEWBURGH

*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: \_\_\_\_\_

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

I (WE) N+N Union LLC PRESENTLY  
RESIDING AT NUMBER 1089 Little Britain Rd. New Windsor, NY  
TELEPHONE NUMBER 845-564-5571

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:

96-1-6.20 (TAX MAP DESIGNATION)  
1219 Rte 300 (STREET ADDRESS)  
\_\_\_\_ (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 Sign Regulations  
New code adopted 4/9/2015 does not  
have any regulations for drive thru signage  
for drive thru restaurants so sign permits  
cannot be issued



# 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: 1/6/2020 (1/9/2020)
- 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: installation of 2 drive

thru menu signs (variance needed as new adopted ordinance has no provisions for them although site plan approval for a drive thru was issued.

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:  
You cannot have a drive thru restaurant without drive thru menus.

**(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:  
It is a drive thru restaurant within a shopping center/mini mall

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
It is located within a mini mall





# TOWN OF NEWBURGH

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ZONING BOARD OF APPEALS

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

*The newly adopted ordinance does not include this type of sign, yet the town has approved a drive thru restaurant*

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:

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

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

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

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



# 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):

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---

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF January 2020

WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2022

NOTARY PUBLIC

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)





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Nicolas DiBrizzi, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 1089 Little Britain Rd, New Windsor  
IN THE COUNTY OF Orange AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

N+D Union LLC  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED GNS Group  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 29 Jan 2020 [Signature]

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF January 2020

WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2022

Wanda J. McCarthy  
NOTARY PUBLIC



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Nicolas DiBrizzi, DEPOSES AND SAYS THAT  
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AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
N+N Union LLC

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED GNS Group  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 29 Jan 2020 [Signature]

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF January 20 20

WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2022

Wanda J. McCarthy  
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: <span style="font-size: 1.2em; color: brown;">Menu Board Signs / Shoppes at Union</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; color: brown;">Smoothie King</span> <span style="font-size: 1.2em; color: brown;">1219 Rte 300 Newburgh, NY</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em; color: brown;">Installation of two drive up menu signs for drive thru of approved Smoothie King location.</span> <span style="font-size: 1.2em; color: brown;">Town sign ordinance adopted in 2018 does not allocate specifications for drive thru signage even if restaurant is approved as a drive thru)</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em; color: brown;">GNS Group, Ltd</span>		Telephone: <span style="font-size: 1.2em; color: brown;">845-471-4366</span>	
Address: <span style="font-size: 1.2em; color: brown;">97N Clinton St.</span>		E-Mail: <span style="font-size: 1.2em; color: brown;">nforrester@gns-group.com</span>	
City/PO: <span style="font-size: 1.2em; color: brown;">Poughkeepsie,</span>		State: <span style="font-size: 1.2em; color: brown;">NY</span>	Zip Code: <span style="font-size: 1.2em; color: brown;">12601</span>
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"/>
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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <span style="float: right;">_____ acres</span>			<input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed? <span style="float: right;">_____ acres</span>			<input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">_____ acres</span>			<input type="checkbox"/>
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 type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input 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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>







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

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



BOOK/PAGE: 14416 / 508  
 INSTRUMENT #: 20180043185

Receipt#: 2504965  
 Clerk: JM  
 Rec Date: 06/14/2018 11:31:53 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 6  
 Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: UNION REALTY OF NEWBURGH LLC  
 Party2: N&N UNION LLC  
 Town: NEWBURGH (TN)  
 96-1-6.2

Recording:

Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 325.00

Transfer Tax	
Transfer Tax - State	15600.00

Sub Total: 15600.00

Total: 15925.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 10200  
 Commercial Transfer Tax  
 Consideration: 3900000.00

Transfer Tax - State	15600.00
----------------------	----------

Total: 15600.00

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

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

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

MICHELLE RIDER ESQ  
 1 CORWIN COURT  
 NEWBURGH NY 12550



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S  
ACTS (INDIVIDUAL OR CORPORATION)** HN 60664

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

*THIS INDENTURE*, made the 4<sup>th</sup> day of JUNE, 2018,

*BETWEEN* Union Realty of Newburgh LLC, with an address of 14 Stern Drive, Newburgh, New York 12550,

party of the first part, and

N&N Union LLC with an address of 1089 Little Britain Road, New Windsor, New York 12553,

party of the second part;

*WITNESSETH*, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) 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, State of New York, more particularly described in Schedule A attached hereto and made a part hereof.;

*BEING* and intended to be the same premises conveyed to the grantor(s) herein by deed dated December 13, 2017 and recorded on December 14, 2017 in Liber 14335 page 685 in the Orange County Clerk's Office.

*THIS CONVEYANCE* does not constitute all or substantially all of the assets of the Grantor Limited Liability Company and takes place within the normal course of business.

*TOGETHER* with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

*TOGETHER* with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

*TO HAVE AND TO HOLD* the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

96-1-6.2

## Schedule A Description

Title Number HN 60664

Page 1

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,

BEGINNING at the intersection of the northerly sideline of ORR Avenue (width varies) and the southwesterly corner of Section 96 Block 1 Lot 8; thence

1. North 31° 34' 42" West a distance of 200.27 feet (survey) 200.00 feet (deed) to a point; thence
2. North 30° 34' 31" West a distance of 165.25 feet to a point; thence
3. North 36° 02' 31" West a distance of 114.92 feet to a point; thence
4. North 35° 59' 01" West a distance of 48.31 feet to a point; thence
5. North 49° 49' 40" West a distance of 316.98 feet to a point; thence
6. North 56° 06' 01" West a distance of 26.29 feet to a point; thence
7. North 43° 07' 04" East a distance of 140.00 feet to a point; thence
8. North 52° 10' 56" West a distance of 98.30 feet to a point; thence
9. South 43° 07' 04" West a distance of 150.00 feet to a point; thence
10. North 63° 33' 35" West a distance of 114.83 feet to a point; thence
11. North 46° 25' 29" East a distance of 344.38 feet to a point; thence
12. South 63° 21' 10" East a distance of 195.15 feet to a point; thence
13. South 75° 01' 41" East a distance of 550.06 feet to a point; thence
14. South 15° 41' 29" West a distance of 359.55 feet to a point; thence
15. South 73° 20' 31" East a distance of 211.74 feet to a point; thence
16. South 16° 39' 35" West a distance of 300.00 feet to a point; thence
17. North 72° 53' 09" West a distance of 2.31 feet to a point; thence

Continued On Next Page

**Schedule A Description - continued**

Title Number HN 60664

Page 2

18. North 73° 20' 31" West a distance of 204.36 feet to a point; thence

19. South 15° 41' 28" West a distance of 143.80 feet to the point of BEGINNING.

Encompassing an area of 452,727 Sq Ft or 10.39 acres, more or less.

Subject to a Grant of Right of Way and Permanent Easement in Liber 13363 page 1525.

Subject to a Grant of Right of Way and Construction Easement in Liber 13363 page 1534.

Together with and Subject to a Reciprocal Access and Parking Easement in Liber 13363 page 1550.

SAID PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:

Commencing at the intersection of the northerly line of Orr Avenue, 22 feet wide, and the westerly line of Union Avenue (aka New York State Route 300), width varies and running the following 5 courses:

A. Along said northerly line of Orr Avenue, South 75° 22' 30" West, a distance of 23.00 feet to a point; thence

B. Along the same, North 56° 33' 31" West, a distance of 27.70 feet to a point; thence

C. Continuing along the same, North 39° 42' 48" West, a distance of 73.04 feet to a point; thence

D. Continuing along the same, North 31° 00' 26" West, a distance of 129.13 feet to a point on the dividing line between lands of Union Orr, LLC and lands of CPK Union, LLC; thence

E. Along said dividing line, South 15° 41' 28" West, a distance of 10.95 feet to the point of beginning, and running; thence

1. Along said northerly line of Orr Avenue, North 31° 34' 41" West, a distance of 200.27 feet to a point; thence

2. Along the same, North 30° 34' 31" West, a distance of 165.25 feet to a point; thence

3. Continuing along the same, North 36° 02' 31" West, distance of 114.92 feet to a point; thence

4. Continuing along the same, North 35° 59' 01" West, a distance of 48.31 feet to

Continued On Next Page



## Schedule A Description - continued

a point; thence

5. Continuing along the same, North 49° 49' 40" West, a distance of 316.98 feet to a point; thence

6. Continuing along the same, North 56° 06' 01" West, a distance of 26.29 feet to a point; thence

7. Leaving Orr Avenue, along the dividing line between lands of Union Orr, LLC and lands of Cook, described in Liber 1888 page 493, North 43° 07' 04" East, a distance of 140.00 feet to a point; thence

8. Along said dividing line, North 52° 10' 56" West, a distance of 98.30 feet to a point; thence

9. Along said dividing line, South 43° 07' 04" West, a distance of 150.00 feet to a point on the aforementioned northerly line of Orr Avenue; thence

10. Along said northerly line of Orr Avenue, North 65° 03' 48" West, a distance of 114.83 feet to a point; thence

11. Leaving Orr Avenue, along the dividing line of lands of Union Orr, LLC and lands of Newburgh Hotel Partners, North 46° 25' 29" East, a distance of 344.38 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Lowes Home Centers, Inc.; thence

12. Along said dividing line, South 63° 23' 10" East, a distance of 195.15 feet to a point; thence

13. Along said dividing line, South 75° 01' 41" East, a distance of 549.54 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Calaluca; thence

14. Along said dividing line and then along lands of Pomarcio Properties, LLC, and then along lands of Little Brick House Properties, LLC South 15° 41' 29" West, a distance of 359.55 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Little Brick House Properties, LLC; thence

15. Along said dividing line, South 73° 20' 31" East, a distance of 211.74 feet to a point the westerly line of Union Avenue aka New York State Route 300, width varies; thence

16. Along said westerly line of Union Avenue, South 16° 39' 35" West, a distance of 300.00 feet to a point; thence

17. Along the same, North 72° 53' 09" West, a distance of 2.31 feet to a point on the dividing line between lands of Union Orr, LLC and lands of CPK Union, LLC; thence

18. Along said dividing line, North 73° 20' 31" West, a distance of 204.36 feet to a point; thence

19. Along said dividing line, South 15° 41' 28" West, a distance of 143.80 feet to a point of beginning.

Encompassing an area of 452,737 square feet or 10.393 acres, more or less.

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.

Union Realty of Newburgh LLC

Mary Anne Amodeo  
Mary Anne Amodeo, Managing Member

STATE OF Texas )  
COUNTY OF Dallas ) ss.:  
)

On the 14<sup>th</sup> day of June in the year 2018, before me, the undersigned, personally appeared **Mary Anne Amodeo**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Kristen Evans  
(signature and office of individual taking acknowledgment)

Record and Return to:

Michelle Rider, Esq.  
1 Corwin Court  
Newburgh, NY 12550



HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581







## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

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

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

# 2819-20 A.

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/10/2020

Application No. 19-0866

To: N & N Union, LLC  
1089 Little Britain Road  
New Windsor, NY 12553

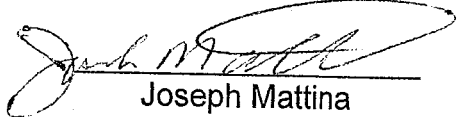
SBL: 96-1-6.2  
ADDRESS: 1221 Route 300

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/08/2019 for permit to Installation of a 35.95 sq ft 10' x 6' covered menu board on the premises located at 1221 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14A: Does not address exterior ground mounted menu boards.
- 2) 185-7-F: Any use not specifically permitted shall be deemed to be prohibited.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File





## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

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

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

2819-20 B.

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/10/2020

Application No. 19-0863

To: N & N Union, LLC  
1089 Little Britain Road  
New Windsor, NY 12553

SBL: 96-1-6.2  
ADDRESS: 1221 Route 300

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/08/2019 for permit to install a 21 sq ft. wall <sup>sign</sup> side on the side of the building on the premises located at 1221 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-14A-B-1-[d]-(2): Allows for 1 sq ft of sign per lin. ft of building

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

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

**NAME:**                                      N & N Union LLC                                      Building Application #                      19-0863

**ADDRESS:**                                      1089 Little Britain Rd. New Windsor NY 12553

**PROJECT INFORMATION:**                      AREA VARIANCE                      USE VARIANCE

**TYPE OF STRUCTURE:**                      21 square foot building mounted sign

**SBL:**                      96-1-6.2                      **ZONE:**                      IB                      **ZBA Application #**                      2019-2015

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

	ALLOWED	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Side wall signage	93 sf	92.5 sf	21 sf	20.5 sf	22.00%
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 / NO

**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:**                      Already has a 92.5 sf sign on this side of the building

**VARIANCE(S) REQUIRED:**

- 1 185-14A-B-1-[d]-(2): 1 sq. ft of sign per lin. Foot of building
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:**                      Joseph Mattina                      **DATE:**                      10-Jan-20



















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

STATE OF NEW YORK: COUNTY OF ORANGE:

Nancy Forrest, being duly sworn, depose and say that I did on or before  
February 13, 2020, post and will thereafter maintain at  
1221 Route 300 96-1-6.2 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.

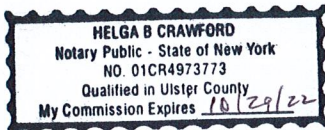
Nancy Forrest

Sworn to before me this 11<sup>th</sup>

day of February, 2020.

[Signature]

Notary Public



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]







