



Steven M. Neuhaus
County Executive

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

Referral ID#:
(County Use Only)

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

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

Municipality: Town of Newburgh

Local Referring Board: Zoning Board of Appeals

Applicant: Watchtower Bible & Tract Society of New York Inc

Project Name: HV Personal Support Center of Jehovah's Witnesses

Location of Project Site: 1292-1294 Route 300

Tax Map #: 97-2-30.1

Tax Map #: 97-2-30.22

Tax Map #: 97-2-33

Local File No.: PB Kepl

Size of Parcel*: 5.1 acres / 3.2 acres
**If more than one parcel, please include sum of all parcels.*

Reason for County Review: on State Route 300

Current Zoning District (include any overlays): I/B

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____

Subdivision Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit Number of lots proposed: _____

Lot Line Change Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Variance AREA USE (circle one) oneside yard existing/dined Building

Other oneside yard existing (Hotel) Building

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

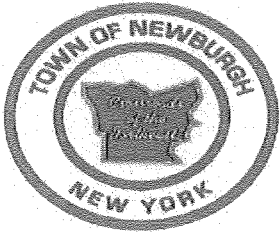
Local board comments or elaboration:

Grace Cardone 8/27/14 Chairperson
Signature of local official Date Zoning Board of Appeals Title

Municipal Contact Phone Number: 845-566-4901

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

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: August 19, 2014

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

I (WE) Richard Devine, *Watchtower Bible and Tract Society of New York, Inc.* PRESENTLY

RESIDING AT 1422 Long Meadow Road, Tuxedo, New York, 10987

TELEPHONE NUMBER (718) 560-5000

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- ACCESSORY APARTMENT

1. LOCATION OF THE PROPERTY:
97-2-33
(S-B-Ls) 97-2-30.1 & 97-2-30.22 (TAX MAP DESIGNATION)
1292 Route 300, Town of Newburgh, New York, 12550 (STREET ADDRESS)
(IB) Interchange Business (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).
Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8, Side Yard Setback of the existing restaurant and the Side Yard Setback of the existing hotel.

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: N/A

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: August 18, 2014

4. DESCRIPTION OF VARIANCE SOUGHT: The Petitioner is requesting to use two (2) existing facilities, formerly the Gateway Diner and Hampton Inn Hotel, and will construct one (1) new personnel support center to be used for Watchtower personnel. Petitioner's property has frontage on N.Y.S. Route 300, and it is located in the IB - Interchange Business District in the Town of Newburgh. The Petitioner's existing side yard setback for the existing restaurant is 47.1 +/- feet, which is a pre-existing nonconforming side yard setback. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that the minimum front yard setback is 50.0 +/- feet, requiring a variance of 2.9 +/- feet for the side yard setback for the former restaurant. Additionally, Petitioner's existing side yard setback for the existing hotel is 49.5 +/- feet, which is a pre-existing nonconforming side yard setback. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that the minimum front yard setback is 50.0 +/- feet, requiring a variance of six (6) inches for the side yard setback for the former restaurant.

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

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

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
N/A

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
N/A

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

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The proposed hotel expansion and associated parking located on an approximately 8.6 +/- acres of land is the site of a pre-existing hotel and diner, located east of N.Y.S. Route 300, north of the intersection with N.Y.S. Route 17K, south of NYS Thruway Authority property and adjacent to the commercial uses at Palmerone Farms. Both existing buildings will remain in use for personnel support by the Petitioner, and the new hotel use is consistent with surrounding businesses along N.Y.S. Routes 300 and 17K. The requested variances for the existing side yard setbacks for the existing restaurant and hotel would not be inconsistent with the character of the Interchange Business District. There would be limited potential negative visual impacts to neighboring commercial uses. The variances for the side yard setbacks would be primarily visible from N.Y.S. Route 300. Due to the nature of the site, the adjacent property owners will not be negatively impacted.

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

As a result of the existing plaza entry road from N.Y.S. Route 300 and N.Y.S. Thruway Authority property to the North, the former Gateway Diner and Hampton Inn Hotel require area variances because they are pre-existing non-conforming buildings. The Petitioner will not be expanding the Gateway Diner, a pre-existing non-conforming building, and there is no feasible way to reduce the existing hotel, and these variances must be sought. The benefit sought by the applicant cannot be achieved by any other method.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, as a result of pre-existing side yard setbacks of the existing hotel and diner, there would be limited potential negative visual impacts to neighboring commercial uses. The variances for the side yard setbacks would be primarily visible from N.Y.S. Route 300. Due to the nature of the site, which is adjacent to commercial and N.Y.S. Thruway Authority property, the adjacent property owners will not be negatively impacted. The proposed new hotel and related parking facilities will not increase the degree of non-conformity of the pre-existing hotel and diner. This is not a significant difference, and therefore, if granted, would not be substantial.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: As noted above, the pre-existing side yard setbacks of the existing hotel and diner would have limited potential negative visual impacts to neighboring commercial uses and the N.Y.S. Thruway Authority property. The variances for side yard setbacks would be primarily visible from N.Y.S. Route 300. These variances are not substantial and will have no adverse environmental or physical impacts on the neighborhood or on the district.

- e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: As noted by Terry Rice in his Practice Commentaries for Town Law §274-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variances are required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the proposed new personnel support center facility, and parking expansion meet the Code's requirements.

7. ADDITIONAL REASONS (IF PERTINENT):

Please see the attached site plan, and a copy of the narrative summary that accompanied the Town of Newburgh Planning Board application.



Richard Devine
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19th DAY OF August 2014

AUSTIN D. EARP
Notary Public- State of New York
No. 01EA6299389


NOTARY PUBLIC

Qualified in Orange County
My Commission Expires March 24, 2018

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Richard Devine DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 1422 Long Meadow Road, Tuxedo,

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE REPRESENTATIVE OF THE OWNER IN FEE
OF Tax Map Sections 97-2-30.1, 97-2-30.22, and 97-2-33, in the Town of
Newburgh, 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

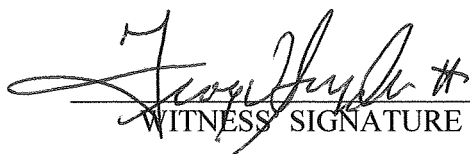
TION AND THAT HE/SHE HAS AUTHORIZED Drake Loeb Heller Kennedy
Gogerty Gaba & Rodd PLLC, and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/26/14

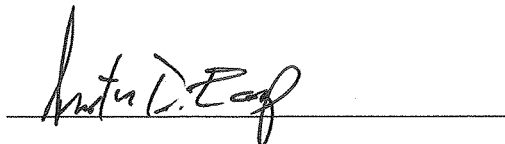


Richard Devine
Watchtower Bible and Tract Society of
New York Inc., Authorized Agent
OWNER'S SIGNATURE


WITNESS SIGNATURE

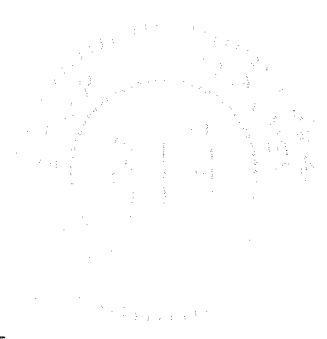
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26th DAY OF August 2014



NOTARY PUBLIC

AUSTIN D. EARP
Notary Public- State of New York
No. 01EA6299389
Qualified in Orange County
My Commission Expires March 24, 2018




617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Hudson Valley Personnel Support Center of Jehovah's Witnesses			
Project Location (describe, and attach a location map): 1292 Route 300, north of the Route 300/Route 17K intersection (eastern side)			
Brief Description of Proposed Action: The applicant is proposing to expand the former Hampton Inn Hotel, located off of Union Avenue (N.Y.S. Route 300), in proximity to Palmerone Farms and N.Y.S. Route 17K in the Town of Newburgh. The applicant is also proposing to dissolve the lot line between tax map section 97, block 2, lots 30.1 & 30.22 (SBL 97-2-30.1 & 30.22), which property includes the former Gateway Diner, to construct a new two (2)-story, 50,131 +/- square foot, 100-room hotel on a combined 8.6 +/- acre parcel.			
Name of Applicant or Sponsor: Watchtower Bible and Tract Society of New York, Inc.		Telephone: 718-560-5000	
		E-Mail: rdevine@jw.org	
Address: 25 Columbia Heights			
City/PO: Brooklyn		State: New York	Zip Code: 11201
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 governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh - Zoning Board of Appeals (Variance Requests) & Planning Board (Site Plan & Lot Line Revision), Municipal Law 239M and NYSDEC-SPDES permit for Stormwater			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		±8.6 acres	
b. Total acreage to be physically disturbed?		+/- 2.7 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		±8.6 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 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Drake Loeb Heller Kennedy Gogerty Gaba & Rodd PLLC		
Applicant/sponsor name: <u>Attorney for the Applicant - Dominic Cordisco</u>		Date: <u>August 19, 2014</u>
Signature: 		

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

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

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

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

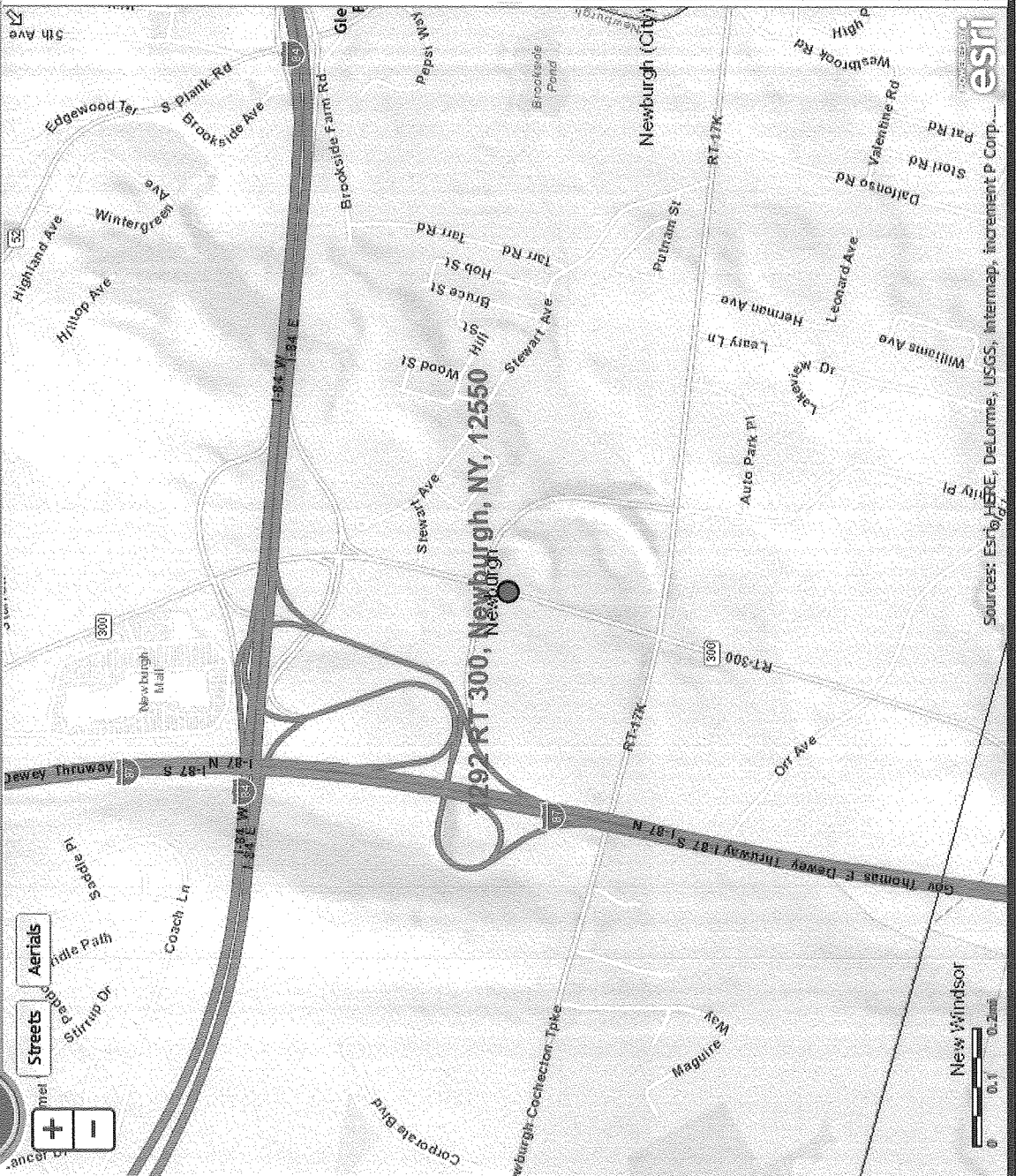
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input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

PRINT

RESET

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Streets
 Aerials
 Paths
 Startup Dr
 Coach Ln
 Scale Pl
 Newburgh Mall
 Corporate Blvd
 Maguire Way
 Gov Thomas F Dewey Thruway I-87 S I-87 N
 RT-17K
 RT-300
 Putnam St
 Brookside Farm Rd
 Brookside Pond
 Newburgh (City)
 Westport Rd
 Valentine Rd
 Stor Rd
 Daltonso Rd
 Leonard Ave
 Herman Ave
 Leary Ln
 Auto Park Pl
 Williams Ave
 Hill Pl
 Pat Rd
 High St
 Westport Rd
 5th Ave



Navigate To Area (Step 1)

Go To

Address:

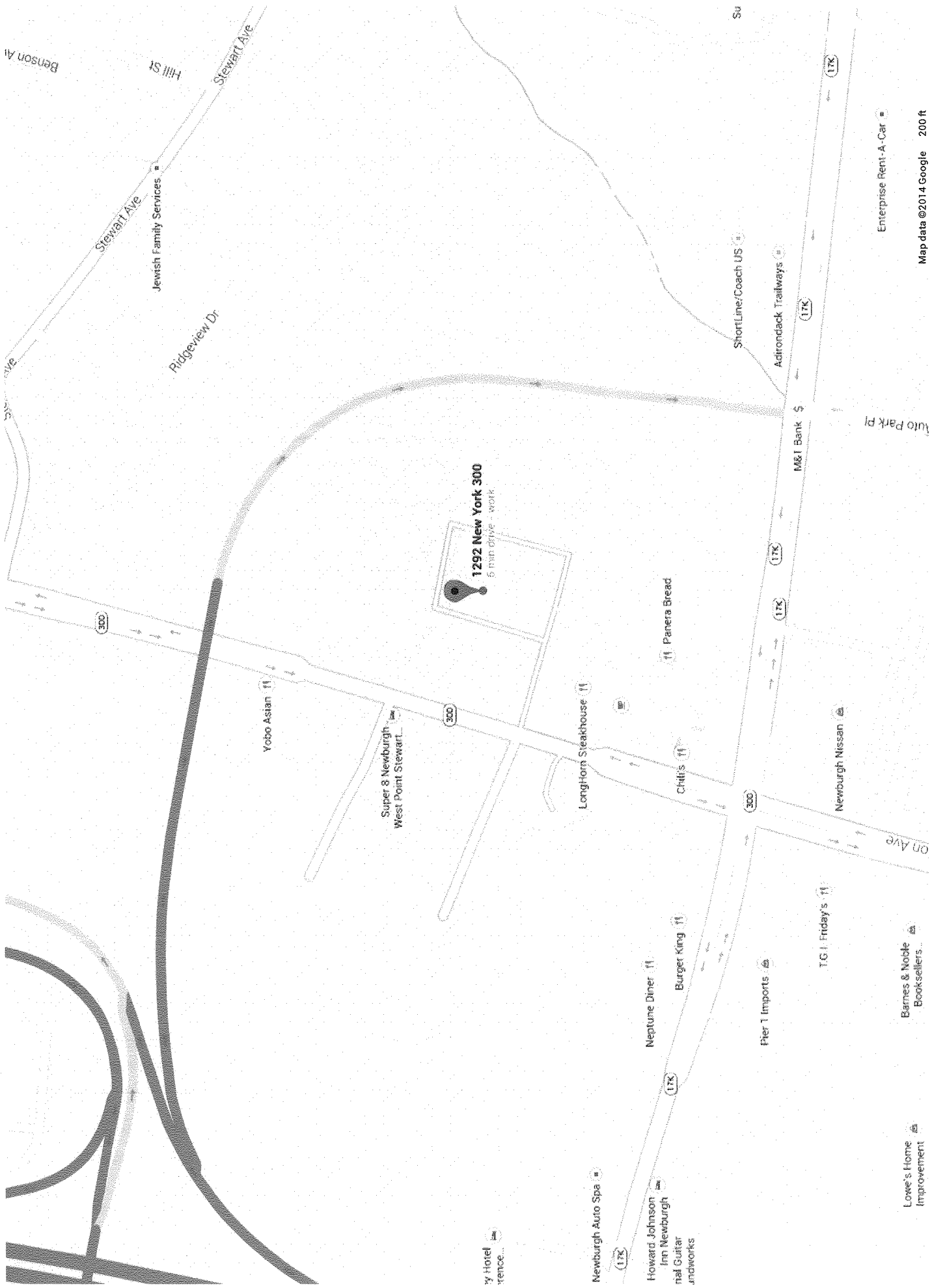
Define Project Site (Step 2)

Or

Area:

Create Report (Step 3)

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp...



James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.

Nicholas A. Pascale
Benjamin M. Wilkinson
Taylor M. Palmer
Lisa M. Card
Alana R. Bartley

Thomas J. Egan
Of Counsel

*LL.M. in Taxation

August 19, 2014

BY HAND DELIVERY
Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: Hudson Valley Personnel Support Center of Jehovah's Witnesses //
Pre-Existing Sideyard Setbacks Variance Application
Our File No.: 7703A - 65797

Dear Board Members:

The applicant, Watchtower Bible and Tract Society of New York, Inc., respectfully submits a variance application to expand the former Hampton Inn Hotel, located off of Union Avenue (NYS Route 300), in proximity to Palmerone Farms and New York State Route 17K in the Town of Newburgh. The property consists of ~~two~~^{three (3)} lots located in the IB - Interchange Business zoning district in the Town of Newburgh, identified on the tax maps as section 97, block 2, lots 30.1 & 30.22 (SBL 97-2-30.1 & 30.22), which property includes the former Gateway Diner. The applicant is proposing to dissolve the lot line between lots 30.1 & 30.2 and to construct a new two (2)-story, 50,131 +/- square foot, 100-room hotel on a combined 8.6 +/--acre parcel to be used for Watchtower personnel.

The applicant's existing side yard setback for the Gateway Diner building is 47.1 +/- feet, which is a pre-existing nonconforming side yard setback. The Town of Newburgh Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that the minimum front yard setback is 50.0 +/- feet, requiring a variance of 2.9 +/- feet for the side yard setback for the former Gateway Diner. Additionally, the applicant's existing side yard setback for the existing hotel is 49.5 +/- feet, which is a pre-existing nonconforming side yard setback. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that the minimum front yard setback is 50.0 +/- feet, requiring a variance of six (6) inches for the side yard setback for the former hotel.

The Town of Newburgh Planning Board Attorney provided a referral letter, dated August 18, 2014 and we request to be placed on the next available Zoning Board of Appeals agenda. If you have any questions or comments, please feel free to contact me.

Very truly yours,



DOMINIC CORDISCO

DRC/TMP/377441

Enclosures

cc: Richard Devine
Richard Moake (by email only)

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

James B. Biagi, of Counsel

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddllaw.com
Fax (845) 294-6553
(Not for Service of Process)

August 18, 2014

Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

RE: HV Personnel Support Center of Jehovahs Witnesses
Section 97, Block 1, Lot 30.1, 30.22 & 33
Route 300/17K

Members of the Board:

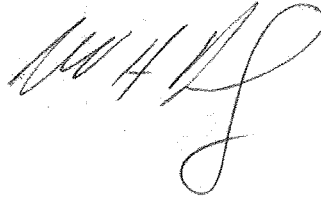
I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on August 7, 2014 seeking site plan approval to construct a 2-story, 100-room hotel addition. While the applicant proposes to consolidate its three lots into one, nonconformities with bulk requirements will remain. Therefore, because any existing noncomplying building protection will be lost as a result of this proposed addition, the following variances will be required:

- A side yard setback variance [diner building] allowing a side yard setback of 47.1 feet where 50 feet is required.
- A side yard setback variance [motel building] allowing a side yard setback of 49.5 feet where 50 feet is required.

It is also possible that the lot coverage limitation will be exceeded. In such case, please consider this a referral for a variance for that exceedance as well.

While the planning board has issued a lead agency notice of intent you may wish to process this matter on an uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", with a large, stylized flourish at the end.

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Maser Consulting, P.A.
Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC

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

SECTION 97 BLOCK 2 LOT 30.22

Martin J. Milano III aka
Martin Milan
TO
Watchtower Bible and Tract Society of
New York, Inc.

RECORD AND RETURN TO:
(name and address)

First American Title
633 Third Avenue
New York, NY 10017

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

INSTRUMENT TYPE: DEED 9 MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2003 SO. BLOOMING GROVE (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)
5809 WOODBURY (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 [checked]
CASH
CHARGE
NO FEE
Taxable
CONSIDERATION \$ 0
TAX EXEMPT
Taxable
MORTGAGE AMT. \$

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL
(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

ANN G. RABBITT
ORANGE COUNTY CLERK

Received From First American

RECORDED/FILED
05/15/2014/ 13:42:14
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140041539
DEED C / BK 13751PG 0095
RECORDING FEES 315.00
TTX# 006204 T TAX 0.00
Receipt#1760171 mrl

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 05/15/14 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 05/15/14



BARGAIN AND SALE DEED

T/10E 3020-635370
1292 Route 300 T/O Newburgh s/b/L 97/2/30.22

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

THIS INDENTURE, made the 21st day of March, 2014.

BETWEEN

s/k/a MARTIN MILANO, III
MARTIN J. MILANO, III, with an address at 1292 Route 300, Newburgh, New York 12550,

party of the first part, and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., with an address at 25 Columbia Heights, Brooklyn, New York 11201,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum 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 buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

SUBJECT TO the covenants, easements and restrictions of record, if any.

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 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 as of the day and year first above written.

Martin J. Milano III a/k/a Martin Milano
Martin J. Milano, III a/k/a Martin Milano

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

On the 21st day of March, 2014, before ^{a/k/a Martin Milano} me, the undersigned, a Notary Public in and for said state, personally appeared Martin J. Milano, III personally known to be 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Charles E. Frankel
Notary Public

CHARLES E. FRANKEL
Notary Public, State of New York
Qualified in Orange County
My Commission Expires March 30, 2015

SCHEDULE A

PARCEL I (SECTION 97 BLOCK 2 LOT 30.22)

ALL THAT PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF NEWBURGH, COUNTY OF ORANGE AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS LOT NO. 2 ON FILED MAP NO. 205/95, SAID MAP FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON NOVEMBER 8, 1995.

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

92 M.M. Motel, Inc.
TO
Watchtower Bible and Tract Society of
New York, Inc.

SECTION 97 BLOCK 2 LOT 30.1 & 33



RECORD AND RETURN TO:
(name and address)

First American Title
633 Third Avenue
New York, NY 10017

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

INSTRUMENT TYPE: DEED [checked] MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2003 SO. BLOOMING GROVE (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)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 5 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.
PAYMENT TYPE: CHECK [checked]
CASH
CHARGE
NO FEE
Taxable
CONSIDERATION \$ 2,200,000.-
TAX EXEMPT
Taxable
MORTGAGE AMT. \$

- MORTGAGE TAX TYPE:
(A) COMMERCIAL/FULL
(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

ANN G. RABBITT
ORANGE COUNTY CLERK

Received From First American

RECORDED/FILED
05/15/2014/ 13:42:14
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140041540
DEED C / BK 13751PG 0099
RECORDING FEES 320.00
TTX# 006205 T TAX 84,800.00
Receipt#1760171 mrl

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 05/15/14 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



BARGAIN AND SALE DEED

Title 3020-63537D
1292 Route 300 T/o Newburgh S/B/L 97/2/30.1 +33

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

THIS INDENTURE, made the 21st day of March, 2014.

BETWEEN

92 M.M. MOTEL, INC., with an address at 1292 Route 300, Newburgh, New York 12550,

party of the first part, and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., with an address at 25 Columbia Heights, Brooklyn, New York 11201,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum 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 buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

SUBJECT TO the covenants, easements and restrictions of record, if any.

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 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.

This conveyance is of premises which do not constitute all or substantially all of the assets of the party of the first part, and further, this conveyance is made in the regular course of business actually

conducted by the party of the first part.

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

92 M.M. Motel, Inc.

By: Martin J. Milano III
Martin J. Milano, III, President

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

On the 21st day of March, 2014, before me, the undersigned, a Notary Public in and for said state, personally appeared Martin J. Milano, III personally known to be 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.



Notary Public

CHARLES E. FRANKEL
Notary Public, State of New York
Qualified in Orange County
My Commission Expires March 30, 2015

SCHEDULE A

PARCEL I - SECTION 97 BLOCK 2 LOTS 30.1 AND 33

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF NEWBURGH, ORANGE COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL I - TRACT A - LOT 33

BEGINNING AT A POINT IN THE EASTERLY LINE OF STATE HIGHWAY ROUTE #300, UNION AVENUE, SAID POINT BEING IN THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY PALMERONE ON THE SOUTH L. 2009 P. 1113 AND LANDS NOW OR FORMERLY 92 M.M. MOTEL, INC. ON THE NORTH AND RUNNING THENCE:

THE FOLLOWING COURSES AND DISTANCES ALONG S.H. ROUTE #300, UNION AVENUE:

1. NORTH 24° 37' 52" EAST 420.69' TO A POINT; THENCE
2. NORTH 44° 26' 44" EAST 11.71' TO A POINT; THENCE
3. NORTH 21° 30' 40" EAST 27.19' TO A POINT MARKED BY A CONCRETE MONUMENT FOUND IN LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK, NEW YORK STATE THRUWAY AUTHORITY; THENCE
4. ALONG LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK, NEW YORK STATE THRUWAY AUTHORITY SOUTH 42° 36' 11" EAST 15.76' TO A CONCRETE FOUND; THENCE

ALONG LANDS NOW OR FORMERLY 92 M.M. MOTEL, INC. THE FOLLOWING COURSES AND DISTANCES:

5. SOUTH 22° 04' 59" WEST 238.38' TO A CONCRETE MONUMENT FOUND; THENCE
6. SOUTH 24° 29' 38" WEST 214.55' TO A POINT IN LANDS NOW OR FORMERLY PALMERONE; THENCE
7. ALONG LANDS NOW OR FORMERLY PALMERONE NORTH 65° 30' 22" WEST 28.13' TO THE BEGINNING POINT.

PARCEL I - TRACT B - LOT 30.1

BEGINNING AT A POINT IN THE EASTERLY LINE OF STATE HIGHWAY ROUTE 300, UNION AVENUE, SAID POINT BEING IN THE DIVISION LINE BETWEEN LOT 1 ON THE NORTH AND LOT 2 ON THE SOUTH, ALSO BEING DISTANT THE FOLLOWING COURSES AND DISTANCES AS MEASURED ALONG THE EASTERLY LINE OF S.H. ROUTE 300, UNION AVENUE FROM A POINT FORMED BY ITS INTERSECTION WITH THE NORTHERLY LINE OF STATE HIGHWAY ROUTE 17-K NAMELY; NORTH 10° 09' 18" WEST 22.19'; NORTH 18° 40' 05" EAST 64.15'; NORTH 38° 29' 53" EAST 87.76'; NORTH 26° 31' 41" EAST 199.91'; NORTH 24° 29' 38" EAST 284.37'; AND RUNNING THENCE:

1. ALONG THE EASTERLY LINE OF S.H. ROUTE 300, UNION AVENUE NORTH 24° 29' 38" EAST 214.55' TO A POINT; THENCE
2. STILL ALONG THE AFOREMENTIONED NORTH 22° 04' 59" EAST 238.38' TO A POINT IN LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK, NEW YORK STATE THRUWAY AUTHORITY; THENCE

THE FOLLOWING COURSES AND DISTANCES ALONG LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK, NEW YORK STATE THRUWAY AUTHORITY:

3. SOUTH 28° 07' 45" EAST 171.48' TO A POINT; THENCE
4. SOUTH 66° 25' 55" EAST 184.02' TO A POINT; THENCE

5. SOUTH 87° 54' 25" EAST 187.76' TO A POINT; THENCE
6. NORTH 54° 36' 26" EAST 159.67' TO A POINT IN THE DIVISION LINE BETWEEN LOT 1 AND LOT 2;
THENCE

THE FOLLOWING COURSES AND DISTANCES ALONG THE DIVISION LINE BETWEEN LOT 1 AND LOT 2:

7. SOUTH 24° 29' 38" WEST 561.26' TO A POINT; THENCE
8. NORTH 65° 30' 22" WEST 563.94' TO THE BEGINNING POINT.

OVERALL DESCRIPTION - TRACTS A & B - LOTS 30.1 AND 33

BEGINNING AT A POINT IN THE EASTERLY LINE OF STATE HIGHWAY ROUTE #300, UNION AVENUE, SAID POINT BEING IN THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY PALMERONE ON THE SOUTH (LIBER 2009, PAGE 1113) AND LANDS NOW OR FORMERLY 92 M.M. MOTEL, INC. ON THE NORTH AND RUNNING THENCE:

THE FOLLOWING COURSES AND DISTANCES ALONG THE EASTERLY LINE OF STATE HIGHWAY ROUTE #300, UNION AVENUE:

1. NORTH 24° 37' 52" EAST 420.69' TO A POINT; THENCE
2. NORTH 44° 26' 44" EAST 11.71' TO A POINT; THENCE
3. NORTH 21° 30' 40" EAST 27.19' TO A POINT MARKED BY A CONCRETE MONUMENT FOUND IN LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK, NEW YORK STATE THRUWAY AUTHORITY;
THENCE

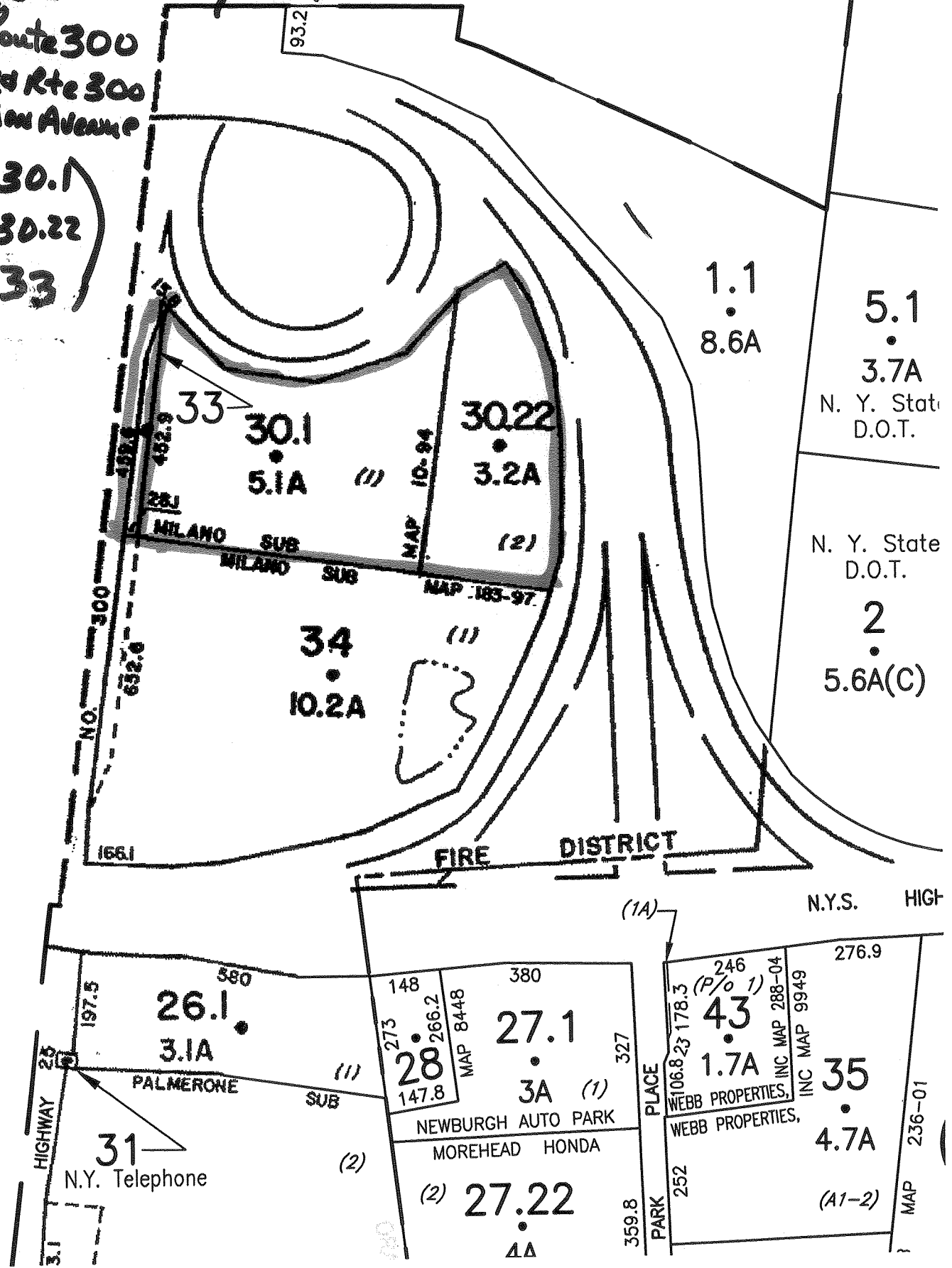
THE FOLLOWING COURSES AND DISTANCES ALONG LANDS NOW OR FORMERLY PEOPLE OF THE STATE OF NEW YORK AS FOLLOWS:

4. SOUTH 42° 36' 11" EAST 15.76' TO A CONCRETE MONUMENT FOUND; THENCE
5. SOUTH 28° 07' 45" EAST 171.48' TO AN IRON ROD SET, THENCE
6. SOUTH 66° 24' 26" EAST 189.02' TO AN IRON ROD SET, THENCE
7. SOUTH 88° 30' 12" EAST 183.15' TO AN IRON ROD SET, THENCE
8. NORTH 54° 36' 26" EAST 159.67' TO AN IRON ROD SET IN THE LANDS NOW OR FORMERLY MILANO,
THENCE
9. ALONG LANDS NOW OR FORMERLY MILANO SOUTH 24° 29' 38" WEST 561.26' TO AN IRON ROD SET
IN THE LANDS NOW OR FORMERLY PALMERONE, THENCE
10. ALONG LANDS NOW OR FORMERLY PALMERONE NORTH 65° 30' 22" WEST 592.07' TO THE
BEGINNING POINT.

Watch Tower Bible & Tract Society of New York, Inc SECTION 98

1292 -
1294 Route 300
17 Km Rte 300
Union Avenue

(97-2-30.1)
(97-2-30.22)
(97-2-33)



STEWART 449.3 (457.9)

4.

1.1
8.6A

5.1
3.7A
N. Y. State
D.O.T.

N. Y. State
D.O.T.

2
5.6A(C)

FIRE DISTRICT

N.Y.S. HIGH

HIGHWAY 25
3.1

31
N.Y. Telephone

26.1
3.1A
PALMERONE
SUB
197.5
580
148
273
266.2
147.8
28
MAP 8448
380
27.1
3A (1)
NEWBURGH AUTO PARK
MOREHEAD HONDA
27.22
4A
327
359.8
PARK PLACE
252

246
178.3
43
1.7A
WEBB PROPERTIES, INC MAP 288-04
WEBB PROPERTIES, INC MAP 9949
276.9
35
4.7A
(A1-2)
MAP 236-01