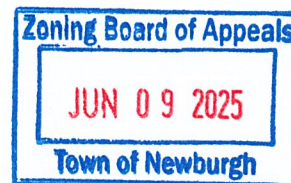




# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 6/3/2025

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

I (WE) Isaac Roethermel (Budget Newburgh LLC) PRESENTLY

RESIDING AT NUMBER 221 W. Biddle Street, West Chester, PA 19380

TELEPHONE NUMBER 717-683-6349

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

                     USE VARIANCE  
          X           AREA VARIANCE (S)  
                     INTERPRETATION OF THE ORDINANCE  
                     SPECIAL PERMIT

### 1. LOCATION OF THE PROPERTY:

60-3-22.222 (TAX MAP DESIGNATION)

1420 Route 300, Newburgh, NY 12550 (STREET ADDRESS)

IB (ZONING DISTRICT)

### 2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Signage: §185-14.J.5 - Free standing signs

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

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:  
May 7, 2025

4. DESCRIPTION OF VARIANCE SOUGHT: \_\_\_\_\_

Please reference attached.

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 - no use variance requested.

**(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 - no use variance requested.

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
N/A - no use variance requested.

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
N/A - no use variance requested.

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:

Please reference attached.

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- 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:

Please reference attached.

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

Please reference attached.

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

Please reference attached.

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

Please reference attached.

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7. ADDITIONAL REASONS (IF PERTINENT):

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PETITIONER (S) SIGNATURE

Pennsylvania Chester  
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 3 DAY OF June 2025

Commonwealth of Pennsylvania - Notary Seal  
JODIE L. ROSENTHAL-YOUNG, Notary Public  
Chester County  
My Commission Expires January 10, 2028  
Commission Number 1140935

  
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 13 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  
ZONING BOARD OF APPEALS**

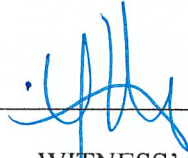
PROXY

Isaac Rothermel (Budget Newburgh LLC), DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 221 W. Biddle Street, West Chester, PA 19380  
IN THE COUNTY OF Chester AND STATE OF Pennsylvania  
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot: 60-3-22.222

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Colliers Engineering & Design  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

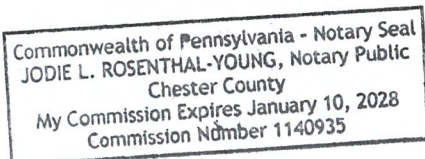
DATED: 6/3/2025 

OWNER'S SIGNATURE

  
WITNESS' SIGNATURE

Pennsylvania Chester  
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 3 DAY OF June 2025



  
NOTARY PUBLIC

**4. DESCRIPTION OF VARIANCE SOUGHT:**

The applicant proposes the installation of two (2) new freestanding signs for this Self Storage project. A proposed freestanding sign is located along NYS Route 300 frontage (Sign D on the Plans) and will be installed 19.75 feet from the property line. This sign is 30 feet tall which requires a minimum setback of 30 feet. A variance of 10.25 feet is required. The applicant proposes to replace the existing Cinema sign at this same location.

A second freestanding sign is proposed to be located along the NYS Route 52 driveway access to the project site (Sign C on the Plans). This sign is located in an existing easement on the adjacent tax lot, 60-3-14.1. The applicant proposes to replace the existing Cinema sign at this same location. However, this sign requires the following variances:

1. Only one (1) freestanding sign is permitted per project; a variance is required for this being the 2<sup>nd</sup> freestanding sign. The site has had and proposes to maintain the 2 access driveways for the business. Each driveway has had signage for many years.
2. The proposed sign location is off the project site & on an adjacent lot; a variance for off-site location is required.
3. The proposed sign will be installed 11.75 feet from the property line of 60-3-14.1. This sign is 25 feet tall which requires a minimum setback of 25 feet. A variance of 13.25 feet is required.

**6. IF AN AREA VARIANCE IS REQUESTED:**

**6a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:**

Currently, the former Cinema located at this parcel had two (2) freestanding signs which remain at this time. The sign on NYS Route 300 is 23 feet in height and 39.11 Sq. Ft. in size while the sign on NYS Route 52 is 9.5 feet in height and 14.3 Sq. Ft. in size. This signage, as well as other various types of business signage, are located all along these commercial corridors (NYS Rt. 300 & 52) of the Town. The Applicant's replacement of the two (2) existing freestanding signs with these two (2) new freestanding signs is similar to that of the previous user and advertising intentions for a successful business. Therefore, the Applicant does not see these as an undesirable change in the character of the neighborhood or a detriment to nearby properties.

**6b) 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:**

The proposed locations (along two (2) heavily traveled NYS Highways) & quantity of freestanding signs is important to the Applicant for advertising this Self Storage business for it's ultimate success and longevity. The Self Storage facilities are physically setback from both highways, similar to the

Cinema, so it is necessary to have the signage closer for improved visibility. Having the signage in a prominent location closer to the Highway's is critical to achieving the business's success.

**6c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**

NYS Route 300 Sign

Proposed setback is 19.75 feet from the property line. Based on sign height, a 30 feet setback is required. A variance of 10.25 feet or a 34% reduction. This is not substantial and is in kind with the signage which has been in place for many years.

NYS Route 52 Sign

Proposed setback is 11.75 feet from the property line. Based on sign height, a 25 feet setback is required. A variance of 13.25 feet or a 53% reduction. This is not substantial and is in kind with the signage which has been in place for many years.

This sign is the 2<sup>nd</sup> proposed for the business, and it is also not located on the same parcel. Both of which require a variance. However, the existing freestanding sign for the prior Cinema would require the same variances if the location and size were maintained but simply refaced to the Self Storage business signage design. Refer to §185-14.G. which notes only ordinary maintenance and repairs, with limitations, would not require approvals and variances. Based on the pre-existing conditions, this is not a substantial request.

**6d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:**

Based on the pre-existing conditions established for the prior Cinema use, the proposed signage, area variances will not have an adverse effect or impact on the physical or environmental conditions of this established commercial corridor in the Town of Newburgh (neighborhood) or same commercial zoning district.

**6e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:**

The proposed sign locations are in-kind with pre-existing conditions established by the former user and have existed for many years. By way of maintaining these same locations for the Self Storage business the variances are self-created, but essential to the project.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

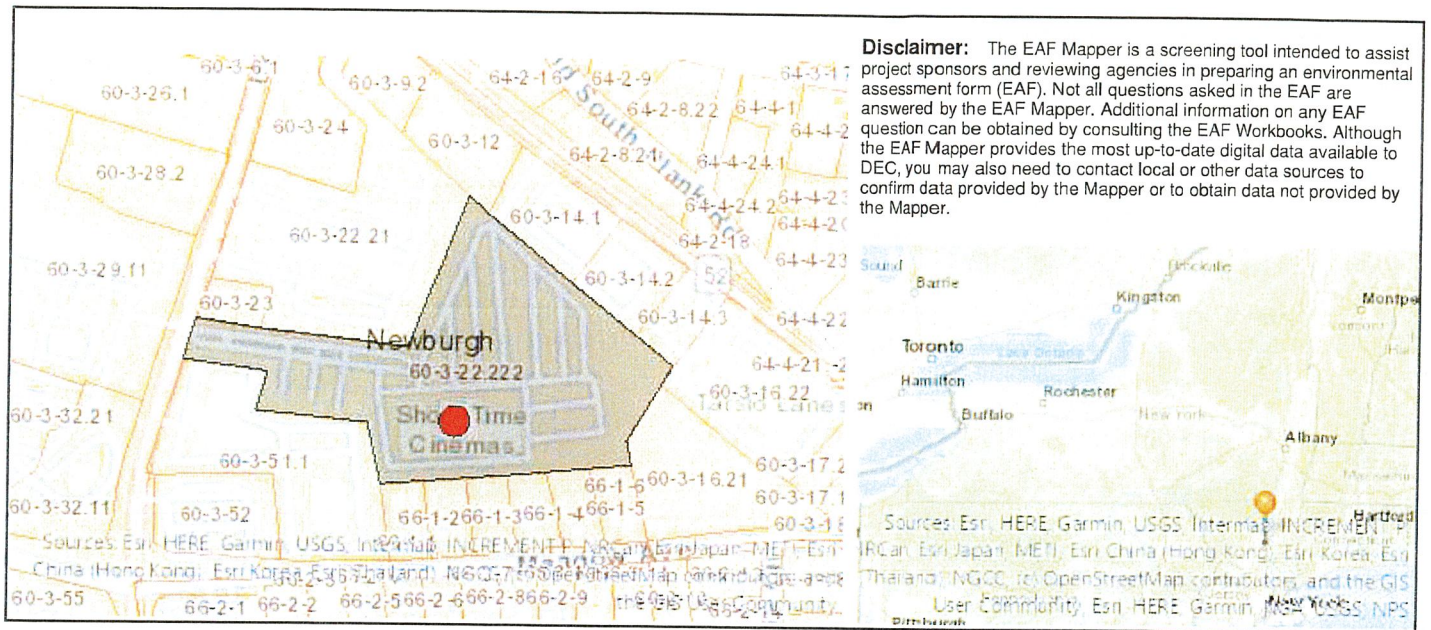
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Newburgh Self Storage			
Project Location (describe, and attach a location map): 1420 Route 300, Town of Newburgh, Orange County, NY (Tax Lot: 60-3-22.222)			
Brief Description of Proposed Action: The applicant proposes the installation of two (2) new freestanding signs for this Self Storage project. A proposed freestanding sign is located along NYS Route 300 frontage (Sign D on the Plans) and will be installed 19.75 feet from the property line. This sign is 30 feet tall which requires a minimum setback of 30 feet. A variance of 10.25 feet is required. The applicant proposes to replace the existing Cinema sign at this same location. A second freestanding sign is proposed to be located along the NYS Route 52 driveway access to the project site (Sign C on the Plans). This sign is located in an existing easement on the adjacent tax lot, 60-3-14.1. The applicant proposes to replace the existing Cinema sign at this same location. However, this sign requires the following variances: 1) Only one (1) freestanding sign is permitted per project; a variance is required for this being the 2nd freestanding sign. The site has had and proposes to maintain the 2 access driveways for the business. Each driveway has had signage for many years. 2) The proposed sign location is off the project site & on an adjacent lot; a variance for off-site location is required. 3) The proposed sign will be installed 11.75 feet from the property line of 60-3-14.1. This sign is 25 feet tall which requires a minimum setback of 25 feet. A variance of 13.25 feet is required.			
Name of Applicant or Sponsor: Isaac Rothermel (Budget Newburgh LLC)		Telephone: 717-683-6349 E-Mail: isaac@storageinvestmentcapital.com	
Address: 221 W. Biddle St			
City/PO: West Chester		State: PA	Zip Code: 19380
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh PB - Site Plan approval Granted 12/20/24; OC Planning - 239 Referral for Signage Variances,		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.35 acres ±0.005 acres 8.35 acres	
FOR SIGN FOUNDATION INSTALLATION			
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 checked="" 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? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <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>The proposed signage will meet the applicable state energy code requirements.</u>	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <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: _____	NO  <input type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <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? Indiana Bat	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>
<div style="border: 1px solid black; padding: 2px; display: inline-block;">NO TREES ARE BEING REMOVED FOR SIGN INSTALLATION</div>		
16. Is the project site located in the 100-year flood plan?	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?             b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe:	NO  <input type="checkbox"/>   <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>
Modification and connection to existing storm water conveyance system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">CONSULTANT</div> <del>Applicant/sponsor</del> name: Justin Dates, RLA / Colliers Engineering &amp; Design         </div> <div style="width: 35%;">           Date: 06/09/2025         </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 60%;">           Signature:  </div> <div style="width: 35%;">           Title: Geographic Discipline Leader         </div> </div>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



ORANGE COUNTY – STATE OF NEW YORK

KELLY A. ESKEW, 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: 15636 / 1220  
INSTRUMENT #: 20240062014

Receipt#: 3326178  
Clerk: AA  
Rec Date: 10/17/2024 12:34:12 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 8  
Rec'd Frm: LAND SERVICES USA

Party1: SAM NEWBURGH LLC  
Party2: BUDGET NEWBURGH LLC  
Town: NEWBURGH (TN)  
60-3-22.22

Recording:

Recording Fee	60.00
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: 335.00

Transfer Tax  
Transfer Tax - State 16000.00

Sub Total: 16000.00

Total: 16335.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 2131  
Commercial Transfer Tax  
Consideration: 4000000.00

Transfer Tax - State 16000.00

Total: 16000.00

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

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

*Kelly A. Eskew*

Kelly A. Eskew  
Orange County Clerk

STATE OF NEW YORK, COUNTY OF ORANGE ss:  
I, Kelly A. Eskew, 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 10/17/2024 and the same is a correct  
transcript thereof in witness whereof, I have hereunto set my  
hand and affixed my official seal 05/30/2025.

*Kelly A. Eskew*

County Clerk & Clerk of the Supreme County Courts  
Orange County

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

**DEED**

**THIS INDENTURE**, made as of the 8th day of October, 2024

**BETWEEN**

**SAM NEWBURGH LLC F/K/A MAX NEWBURGH LLC**, having an address at  
c/o Leech Tishman Robinson Brog, PLLC, 885 Second Avenue, 3rd Fl, New York, NY  
10017, the party of the first part, and

**BUDGET NEWBURGH LLC**, having an address at 1090 MacArthur Road,  
Whitehall, Pennsylvania, 18052, the party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being more particularly described in Schedule A annexed hereto.

Said premises being known as and by the street number: 1420 Route 300, Newburgh, NY  
County: Orange; Section 60; Block 3; Lot 22.222

Being and intended to be the same premises described in a deed to the party of the first part, dated 1/1/2003, and recorded on 4/16/2004 in the Orange County Clerk's Office in Deed Liber 11461, Page 104.

**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 line 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 successors and assigns of the party of the second part forever.

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

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

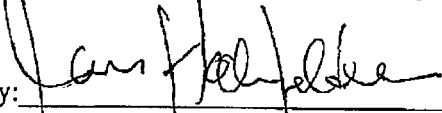
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

**SAM NEWBURGH LLC**

**F/K/A MAX NEWBURGH LLC**

**By: Newburgh Manager, LLC, Manager**

By: 

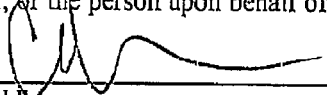
Name: James L. Hochfelder

Title: Sole Member

State of New York            )  
  ) ss.:  
County of New York        )

On the 2<sup>nd</sup> day of October, 2024, before me, the undersigned, personally appeared JAMES L. HOCHFELDER 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 he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

**CHARLES ERIC MCKEEN**  
**Notary Public, State of New York**  
**No. 02MC0019286**  
**Qualified In Queens County**  
**Commission Expires 01/02/2028**

  
\_\_\_\_\_  
Notary Public

***Bargain and Sale Deed With Covenants Against Grantor's Act***

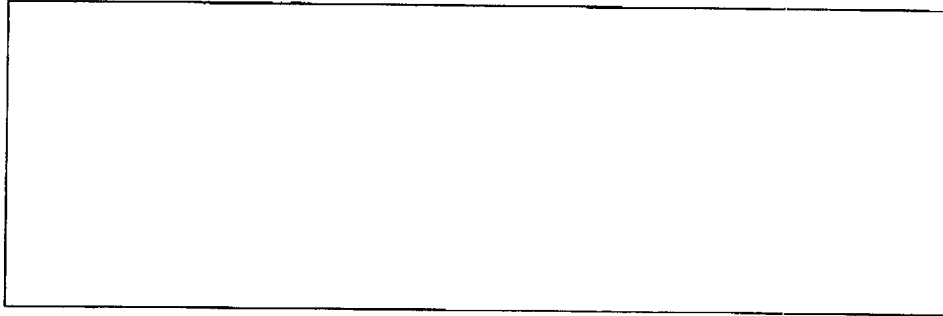
**Title No.** NYFA24-0573

**SAM NEWBURGH LLC  
F/K/A MAX NEWBURGH LLC  
to  
BUDGET NEWBURGH LLC**

**Section:** 60  
**Block:** 3  
**Lot:** 22.222  
**County:** Orange  
**Address:** 1420 Route 300, Newburgh, NY

**Return By Mail To:**  
Charles F. Smith, Jr., Esq.  
448 Walnut St.  
Allentown, PA 18102

Reserve This Space For Use Of Recording Office



Land Services USA, LLC



Agent for First American Title Insurance Company

Title No.: NYFA24-0573

**SCHEDULE A – LEGAL DESCRIPTION**

**PARCEL I**

ALL THAT PIECE or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being designated as Lot No. 2 of a map entitled "Subdivision Plan Lands of Newburgh Algonquin Lanes, Inc.", dated 11/4/1985, last revised 4/30/1986, said parcel being more particularly bounded and described as follows:

BEGINNING at a point, said point being the southeasterly corner of lands now or formerly of Kestler, said point being South 38 degrees 17 minutes 57 seconds West 225.22 feet from the northwesterly corner of Newburgh Algonquin Lanes, Inc.;

RUNNING THENCE, from said point of beginning and through the lands of said Newburgh Algonquin Lanes, Inc., South 33 degrees 14 minutes 33 seconds West 201.07 feet to point on the division line between lands now or formerly of Meadow Associates on the west and north and the parcel herein described on the east and south;

THENCE, along the last said division line, North 12 degrees 06 minutes 04 seconds West 252.23 feet and North 75 degrees 51 minutes 48 seconds East 62.60 feet to a point on the division line between the lands now or formerly of Kestler on the northeast and parcel herein described on the southwest;

THENCE, along the last said division line, South 47 degrees 31 minutes 23 seconds East 138.83 feet to the point or place of BEGINNING, containing 0.50 acres of land, more or less.

TOGETHER with an easement, for purposes of placing a drainage culvert and appurtenances, and for the purposes of access to said culvert and appurtenances and maintenance thereof, said easement being 30 feet in width, and the centerline of said easement being described as follows:

BEGINNING at a point in the southeasterly line of the above described parcel, said point being located North 33 degrees 14 minutes 33 seconds West 87 feet (more or less) from the northeasterly corner of said parcel;

THENCE, through the lands of the grantor herein the following six courses:

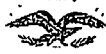
- 1) South 63 degrees 53 minutes 49 seconds East 84 feet (more or less);
- 2) South 48 degrees 07 minutes 49 seconds East 128.56 feet;
- 3) South 56 degrees 51 minutes 24 seconds East 124.89 feet;
- 4) South 70 degrees 50 minutes 15 seconds East 78.30 feet;

THE POLICY TO BE ISSUED under this Commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

FOR CONVEYANCING ONLY: Together with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**SCHEDULE A (Description)**

Land Services USA, LLC



Agent for First American Title Insurance Company

Title No.: NYFA24-0573

**SCHEDULE A – LEGAL DESCRIPTION**

- 5) South 51 degrees 45 minutes 46 seconds East 90.40 feet; and
- 6) South 26 degrees 19 minutes 00 seconds East 27 feet (more or less) to a point in the northerly boundary of the existing Meadow Avenue;

TOGETHER with the right to move utility poles and wires, and appurtenances thereto, as they appear on the above mentioned subdivision map, as may be necessary to place, maintain, and have access to above mentioned drainage lines and appurtenances.

**PARCEL II**

ALL THAT CERTAIN piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being bounded and described as follows:

BEGINNING at a point in the easterly line of the existing N.Y.S. Route 300 (a/k/a Union Avenue), said point being on the division line between the lands now or formerly of Byrne on the north and the parcel herein described on the south;

RUNNING THENCE, along the last mentioned division line, South 81 degrees 36 minutes 15 seconds East 150.00 feet to a point on the division line between the lands now or formerly of New York Telephone on the north and northwest and the parcel herein described on the south and southeast;

THENCE, along the last mentioned division line the following two courses:

- 1) South 81 degrees 43 minutes 41 seconds East 344.73 feet; and
- 2) North 22 degrees 47 minutes 11 seconds East 387.01 feet to a point on the division line between the individual lands of Salese, Meadow Associates, and Morgano respectively on the northeast and the parcel herein described on the southwest;

THENCE, along the last mentioned division line, South 47 degrees 15 minutes 50 seconds East 493.29 feet to a point on the division line between the lands now or formerly of Newburgh Algonquin Lanes, Inc. on the south and east and the parcel herein described on the north and west;

THENCE, along the last mentioned division line the following two courses:

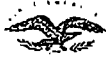
- 1) South 75 degrees 51 minutes 48 seconds West 58.17 feet; and
- 2) South 12 degrees 06 minutes 04 seconds East 306.79 feet to a point on the division line between the individual lands now or formerly of Zeitfuss, Rhodes, Meadow Associates, Pezold, Doody, and Coutant on the south and the parcel herein described on the north;

THE POLICY TO BE ISSUED under this Commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

FOR CONVEYANCING ONLY: Together with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**SCHEDULE A (Description)**

Land Services USA, LLC



Agent for First American Title Insurance Company

Title No.: NYFA24-0573

**SCHEDULE A – LEGAL DESCRIPTION**

THENCE, along the last mentioned division line the following two courses:

- 1) South 84 degrees 53 minutes 00 seconds West 300.10 feet; and
- 2) South 86 degrees 41 minutes 54 seconds West 301.20 feet to a point on the division line between lands now or formerly of Newburgh Savings Bank on the west and south and the parcel herein described on the east and north;

THENCE, along the last mentioned division line the following four courses:

- 1) North 7 degrees 07 minutes 42 seconds West 153.00 feet;
- 2) North 81 degrees 52 minutes 15 seconds West 256.40 feet;
- 3) North 17 degrees 36 minutes 45 seconds East 100.00 feet; and
- 4) North 81 degrees 52 minutes 15 seconds West 200.00 feet to the aforementioned easterly line of N.Y.S. Route 300 (a/k/a Union Avenue);

THENCE, along the easterly line of N.Y.S. Route 300, North 17 degrees 36 minutes 45 seconds East (Deed), North 17 degrees 36 minutes 54 seconds East (Survey) 100.80 feet to the point or place of BEGINNING.

TOGETHER with the right for ingress and egress to and from Route 52 to and from the above described premises. Said right for ingress and egress is more particularly described as follows:

BEGINNING at a point in the southwesterly line of the existing N. Y. S. Route 52, South Plank Road, said point being South 51 degrees 50 minutes 40 seconds East 39.16 feet along said southwesterly line of N. Y. S. Route 52 from the northwesterly corner of Lot No. 3 of Orange County filed Map No. 5831;

THENCE along the southwesterly line of said N. Y. S. Route 52 South 51 degrees 50 minutes 40 seconds East 51.07 feet to a point;

THENCE through the lands of Meadow Associates, the following two (2) courses:

- 1) South 60 degrees 23 minutes 51 seconds West 5.22 feet, and
- 2) South 38 degrees 15 minutes 17 seconds West 174.87 feet to a point on the division line between the lands now or formerly of Meadow Associates (presently occupied by UA Cinemas 10) on the southwest and the herein described access drive on the northeast;

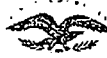
THENCE along the last said division line, North 47 degrees 31 minutes 23 seconds West 45.67 feet to a point;

THE POLICY TO BE ISSUED under this Commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

FOR CONVEYANCING ONLY: Together with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**SCHEDULE A (Description)**

Land Services USA, LLC



Agent for First American Title Insurance Company

Title No.: NYFA24-0573

**SCHEDULE A – LEGAL DESCRIPTION**

THENCE through the lands of Meadow Associates, the following two (2) courses:

- 1) North 37 degrees 41 minutes 39 seconds East 171.15 feet; and
- 2) North 18 degrees 00 minutes 30 seconds East 5.45 feet to the point or place of BEGINNING.

THE POLICY TO BE ISSUED under this Commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

FOR CONVEYANCING ONLY: Together with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**SCHEDULE A (Description)**

May 7, 2025

James R. Loeb \*  
Richard J. Drake\*\*  
Glen L. Heller °  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley °°  
Aaron C. Fitch

Sarah N. Wilson  
Michael J. Barfield °°  
Ivan M. Bonet °°

Jennifer L. Schneider  
Managing Attorney

\* Retired 2025

\*\* Retired 2015; d. 2025

° LL.M. in Taxation

°° Member NY & NJ Bar

BY EMAIL ONLY

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

Re: Newburgh Self Storage signage / Planning Board Project No. 24-06

Dear Chairman Scalzo and Board Members:

At the Planning Board's May 1, 2025 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for certain variances needed for signage.

This site previously received variances and site plan approval to convert the former Showtime Cinema building to self storage use. The building is located at 1420 NYS Route 300 and is in the IB – Interchange Business District.

The proposed signage requires the following variances:

First Freestanding Sign @ Rt 300 Frontage (Sign D in the sign plans):

- This proposed sign will be installed 19.75 feet from the property line. This sign is 30 feet tall. A variance of 10.25 feet is required.

Second Freestanding Sign @ Rt 52 driveway access (Sign C in the sign plans):

- This sign is located in an existing easement on the adjacent tax lot, 60-3-14.1. Only one freestanding sign is permitted, a variance is required for this being the second.
- The proposed location is off the project site & on an adjacent lot, a variance for off-site location is required.
- Proposed sign will be installed 11.75 feet from the property line of 60-3-14.1. This sign is 25 feet tall. A variance of 13.25 feet is required.

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

Very Truly Yours,



Dominic Cordisco

cc:

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

# EXISTING SIGN - NYS ROUTE 300



## EXISTING SIGN - NYS ROUTE 52



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I JUSTIN DATES, being duly sworn, depose and say that I did on or before  
June 12, 2025, post and will thereafter maintain at  
1420 Route 300 60-3-22.222 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 11

day of June, 2025.

Elizabeth Olivo



**ELIZABETH OLIVO**  
Notary Public, State of New York  
No. 01OL0035237  
Qualified in Orange County  
Commission Expires March 24, 2029



**TOWN OF NEWBURGH**

Office of the Town Engineer  
100 South Street  
Newburgh, NY 12550

NOTICE OF PUBLIC HEARING  
The Town of Newburgh, New York, is hereby giving notice that a public hearing will be held on the following date and at the following location:

DATE: **Monday, June 15, 2020**  
TIME: **7:00 PM**  
LOCATION: **Newburgh Senior Center, 100 South Street, Newburgh, NY 12550**

The purpose of the hearing is to receive public input on the proposed  **rezoning of the property located at 100 South Street, Newburgh, NY 12550, from R-1 to R-2. The rezoning is being proposed by the Newburgh Planning Board. The rezoning is being proposed to allow for the construction of a new building on the property. The rezoning is being proposed to allow for the construction of a new building on the property. The rezoning is being proposed to allow for the construction of a new building on the property.**

Any person who wishes to speak at the hearing should contact the Town Engineer at least 48 hours prior to the hearing. The Town Engineer's office is located at 100 South Street, Newburgh, NY 12550. The Town Engineer's office can be reached by phone at 845.562.1234 or by email at [engineering@townofnewburgh.org](mailto:engineering@townofnewburgh.org).

Respectfully,  
*[Signature]*  
Town Engineer





**TOWN OF NEWBURGH**  
Town of Newburgh  
21 Hudson Street, Newburgh, NY 12550  
Phone: 845.562.1234  
Fax: 845.562.1235  
www.townofnewburgh.org



**MEETING AGENDA**

8:00 PM - 8:15 PM - Opening Remarks and Welcome by the Town Clerk, Jennifer L. Smith

8:15 PM - 8:30 PM - Report on the 2022-2023 Fiscal Year by the Town Manager, Michael J. Smith

8:30 PM - 8:45 PM - Report on the 2023-2024 Fiscal Year by the Town Manager, Michael J. Smith

8:45 PM - 9:00 PM - Report on the 2024-2025 Fiscal Year by the Town Manager, Michael J. Smith

9:00 PM - 9:15 PM - Public Comments

9:15 PM - 9:30 PM - Adjourn

10/10/23

*Jennifer L. Smith*  
Town Clerk