

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: 5/11/22

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

I (WE) MBH Development Group, LLC PRESENTLY

RESIDING AT NUMBER 1170 Route 17M, # 2, Chester, NY 10918

TELEPHONE NUMBER 845 827-5161

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

<u> </u>	USE VARIANCE
<u> X </u>	AREA VARIANCE (S)
<u> </u>	INTERPRETATION OF THE ORDINANCE
<u> </u>	SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-74, 95-1-47.2 (TAX MAP DESIGNATION)

14 Crossroads Court (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

§185-11 Bulk Uses
§185-35 Self-Storage Centers

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

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

4. DESCRIPTION OF VARIANCE SOUGHT: §185-35B: storage of recreational vehicles in a front yard setback

§185-11: Front Yard setback of 52' (80' min), building height of 33.6' (15' max), lot surface coverage of 75.8% (60% max)

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

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

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

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

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

The variances requested for §185-11 are for existing conditions so there will be no change to the site but would t
bringing the site into compliance for the proposed use of self storage. For §185-35, there is an existing large
parking area. This will be re-purposed for boat & recreational vehicle storage. The storage within the front
yard setback would be screened with privacy slats.

- 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:

The site is already developed and would require a significant amount of construction to bring it into compliance
without variances. For §185-35, there is already a large parking area that exists mostly in a front-yard setback
from Orr Ave that would go largely unused without a variance for recreational vehicle/boat storage in front yards

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
It would not change the site character and would bring the site into compliance.

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

The variances would have no effect on the physical or environmental conditions
in the neighborhood because the variances won't result in any physical
changes to the site.

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

Although the proposed use is less intense than the approved use, and there are no
significant site modifications, the proposed change of use requires different setbacks
and therefore it is self-created.

7. ADDITIONAL REASONS (IF PERTINENT):

Similar variances have been granted for Harriet Molin - Patrick Page Properties LLC
in February of 2007.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5 DAY OF May 20 22

NOTARY PUBLIC

YISROEL MANNES
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA6355263
Qualified in Rockland County
My Commission Expires 03-06-2025

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

DP66, LLC, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 333 N. BEDFORD AVE, MT. KISCO, NY
IN THE COUNTY OF WESTCHESTER AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
14 Crossroads Court (95-1-74) and parcel 95-1-47.2

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

DATED: 5/4/22 [Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4th DAY OF May 2022

[Signature]
NOTARY PUBLIC

AnnaMaria Ruggiere
Notary Public, State of New York
Registration #01RU6366612
Qualified In Westchester County
Commission Expires Oct. 30, 2021

2025a2

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.

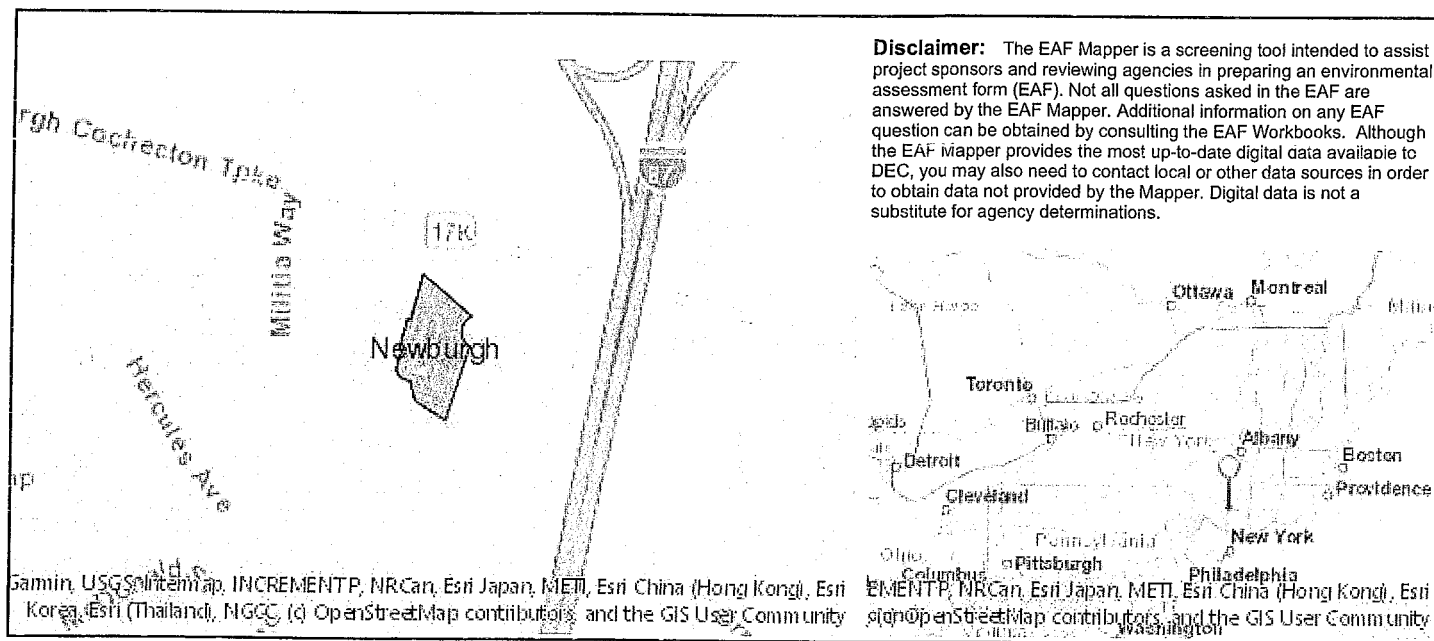
Part 1 – Project and Sponsor Information			
Name of Action or Project: Self Service Facility - 14 Crossroads Court			
Project Location (describe, and attach a location map): 14 Crossroads Court, Town of Newburgh, NY			
Brief Description of Proposed Action: Convert existing commercial building (FNA Orange County Choppers) into a self storage facility.			
Name of Applicant or Sponsor: MBH Development Group, ATTN: Bernard Mittleman		Telephone: 845-827-5161, ext. 102	
		E-Mail: bmittelman@mbhdevelopment.com	
Address: 1170 Route 17M, Suite #2, P.O. Box 563			
City/PO: Chester		State: NY	Zip Code: 10918
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 ZBA - Variances			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		4.2687± acres	
b. Total acreage to be physically disturbed?		1.0± acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.2687± acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): airport, transfer station			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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 type="checkbox"/>	<input checked="" 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?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Indiana Bat, Upland Sandpiper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
There is an existing stormwater collection network system on-site which will not be altered		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Orange County Transfer Station No. 2 located at 9 Orr Avenue		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stewart ANG Base Pesticide Disposal Area: on nearby property, remediation complete		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Ross Winglovitz</u> Date: <u>1/19/22</u> Signature: <u>[Signature]</u> Title: <u>Engineering</u>		

EAF Mapper Summary Report

Tuesday, January 11, 2022 2:56 PM



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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Upland Sandpiper
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



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: 14039 / 467
INSTRUMENT #: 20160024093

Receipt#: 2113000
Clerk: HS
Rec Date: 04/19/2016 10:44:46 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 8
Rec'd Frm: CHICAGO TITLE INSURANCE CO

Party1: BRE EAST MIXED ASSET OWNER LLC
Party2: DP66 LLC
Town: NEWBURGH (CITY)
95-1-47.2

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	
MTG TX \$9,556 PD TO NYS #	
411160114245	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 335.00

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

***** Transfer Tax *****
Transfer Tax #: 7077
Commercial Transfer Tax
Consideration: 2388750.00

Total: 0.00

Payment Type: Check ____
Cash ____
Charge ____
No Fee ____

Comment: _____

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

DP66 LLC
333 NORTH BEDFORD ROAD
MOUNT KISCO, NY 10595

Section: 95 Block: 1 Lots: 47.2 & 74

**Recording requested by and
upon recordation return to:**

DP66, LLC
333 North Bedford Road
Mount Kisco, New York 10595
Attention: James Arthur Diamond

THIS INDENTURE, made the 31st day of March, in the year 2016 between **BRE EAST MIXED ASSET OWNER LLC**, a Delaware limited liability company, with offices at c/o The Blackstone Group, 345 Park Avenue, New York, NY 10154 ("**GRANTOR**"); and **DP66, LLC**, a New York limited liability company, with offices at 333 North Bedford Road, Mount Kisco, New York, 10549 ("**GRANTEE**");

WITNESSETH, that the GRANTOR, in consideration of ten dollars (\$10.00) and other valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, the heirs or successors and assigns of the GRANTEE forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the:

[See legal description attached as **Exhibit A** and by this reference incorporated herein]

TOGETHER with all right, title and interest, if any, of the GRANTOR in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the GRANTOR in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the GRANTEE, the heirs or successors and assigns of the GRANTEE forever.

GRANTOR covenants with the GRANTEE, that GRANTOR has done nothing to impair such title as GRANTOR received, and that GRANTOR will defend GRANTEE and GRANTEE's successors and assigns against the claims of all persons claiming by, through or under GRANTOR, subject only to all covenants, restrictions, easements, reservations, and other exceptions of record and as described on **Exhibit B**, attached hereto and incorporated herein by this reference.

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

GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL OR LIMITED WARRANTY OF TITLE AS SET

OUT IN THIS DEED), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE EXISTENCE IN OR ON THE PROPERTY OF HAZARDOUS MATERIALS OR SUBSTANCES. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR AND ACCEPTS THE PROPERTY AND WAIVES ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING, BUT NOT LIMITED TO, ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS" "WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE FOR THE PROPERTY HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THE FOREGOING.

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

GRANTOR:

BRE EAST MIXED ASSET OWNER LLC, a
Delaware limited liability company


By: 

Name: Byron Blount

Title: Vice President and Managing Director

County of New York, State of New York:

On March 28, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Byron Blount, 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 the instrument. Witness my hand and official seal.



Notary Public

Naomi Lyum
Notary Public, State of New York
County of New York
Commission No. 01LY6212187
Exp 10/13/2017

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

GRANTEE:

DP66, LLC,
a New York limited liability company

By: [Signature]
Name: JAMES DIAMOND
Title: MANAGER

County of Nassau, State of New York

On March 29, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared James Diamond, 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 he / she / they executed the same in his / her / their capacity(ies), and that by his / her / their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. Witness my hand and official seal.

[Signature]
Notary Public

JOSH MILLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MI6188657
Qualified in Nassau County
Commission Expires June 9, 20 16

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

That certain land situated in the City of Newburgh, County of Orange, State of New York, and described as follows:

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, being shown and designated as Lot #4 (3.269 +/- acres) shown on a subdivision map entitled "Subdivision & Lot Line Change Between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (Drawn by date 6/1/05) last revised 8/19/05 and filed in the Orange County Clerk's Office on March 8, 2006 as Map# 180-06.

TOGETHER WITH a Right-of-Way for ingress and egress over "Crossroads Court" as shown on filed Map 4-00 and described in Road Easement and Maintenance Agreement in Liber 5254 Page 307 to and from NYS Route 17K.

TOGETHER WITH a Right-of-Way for ingress and egress over the following:

Beginning at a point on the northeasterly line of Lot No. 1 at the intersection of the southeasterly corner of Parcel "E" with the southwesterly corner of Lot No. 2 on a certain map entitled "Orange County Transfer Station #2 (Formerly Newburgh Bulk Recycle & Transfer Station), Subdivision & Lot Line Change, Lands of the County of Orange and Lands of Huffard & Patsalos" as last revised on August 19, 2005;

Thence the following five (5) courses and distances:

1. Along the division line of Lot No. 2 and Parcel "E" on said map, North 15 degrees 10 minutes 52 seconds East for a distance of 48.50 feet to the cusp of a curve;
2. Thence, for an arc distance of 16.84 feet through Lot No. 2, southeasterly and easterly along a curve, concave to the left, having a radius of 15.00 feet, a central angle of 64 degrees 19 minutes 18 seconds and a chord which bears South 42 degrees 39 minutes 32 seconds East 15.97 feet to a point of tangency;
3. Thence, through Lot No. 2 on said map, South 74 degrees 49 minutes 08 seconds East for a distance of 181.99 feet;
4. Thence, along the division line of Lot No. 2 and Lot No. 4 on said map, South 15 degrees 10 minutes 52 seconds West for a distance of 40.00 feet;
5. Thence, along the division line of Lot No. 1 and Lot No. 2 on said map, North 74 degrees 49 minutes 08 seconds West for a distance of 195.51 feet to the point or place of beginning.

All bearings refer to grid north, New York State plan, eastern zone.

Section 95, Block 1, Lot 74.

Parcel 2:

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York being shown and designated as Lot No. 2 shown on a subdivision map entitled, "Subdivision & Lot Line Change between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (drawn by date (6/1/05), last revised 8/19/05 and filed in the Orange County Clerk's Office on 3/8/06 as Map No. 180-06.

Section 95, Block 1, Lot 47.2.

EXHIBIT B

Permitted Exceptions

1. Real property taxes and assessments for the year 2016 and thereafter, not yet due and payable.
2. Zoning and other regulatory laws and ordinances affecting the Property.
3. Matters disclosed by that certain ALTA/ACSM Land Title Survey, prepared by Lehr Land Surveyors on behalf of Commercial Due Diligence Services and signed and certified to Grantor on June 2, 2015.
4. Easements, rights of way, limitations, conditions, covenants, restrictions, and all other matters, that are of record.

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

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

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

May 9, 2022

BY EMAIL ONLY

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

Re: Safe Haven Self Storage / Planning Board Project No. 22-04

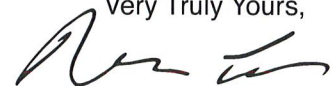
Dear Chairman Scalzo and Board Members:

At the Planning Board's April 21, 2022 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals. This application is to convert the former Orange County Choppers building to a self storage use. The building is located on Crossroads Court and is in the IB – Interchange Business District. The existing site requires numerous zoning variances including the following:

- Front yard - 80 feet required where 52 feet exists.
- Building height - maximum 15 feet where 33.6 feet exists.
- Lot surface coverage - 60% maximum where 76.4% exists.

No exterior modifications are proposed. 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:

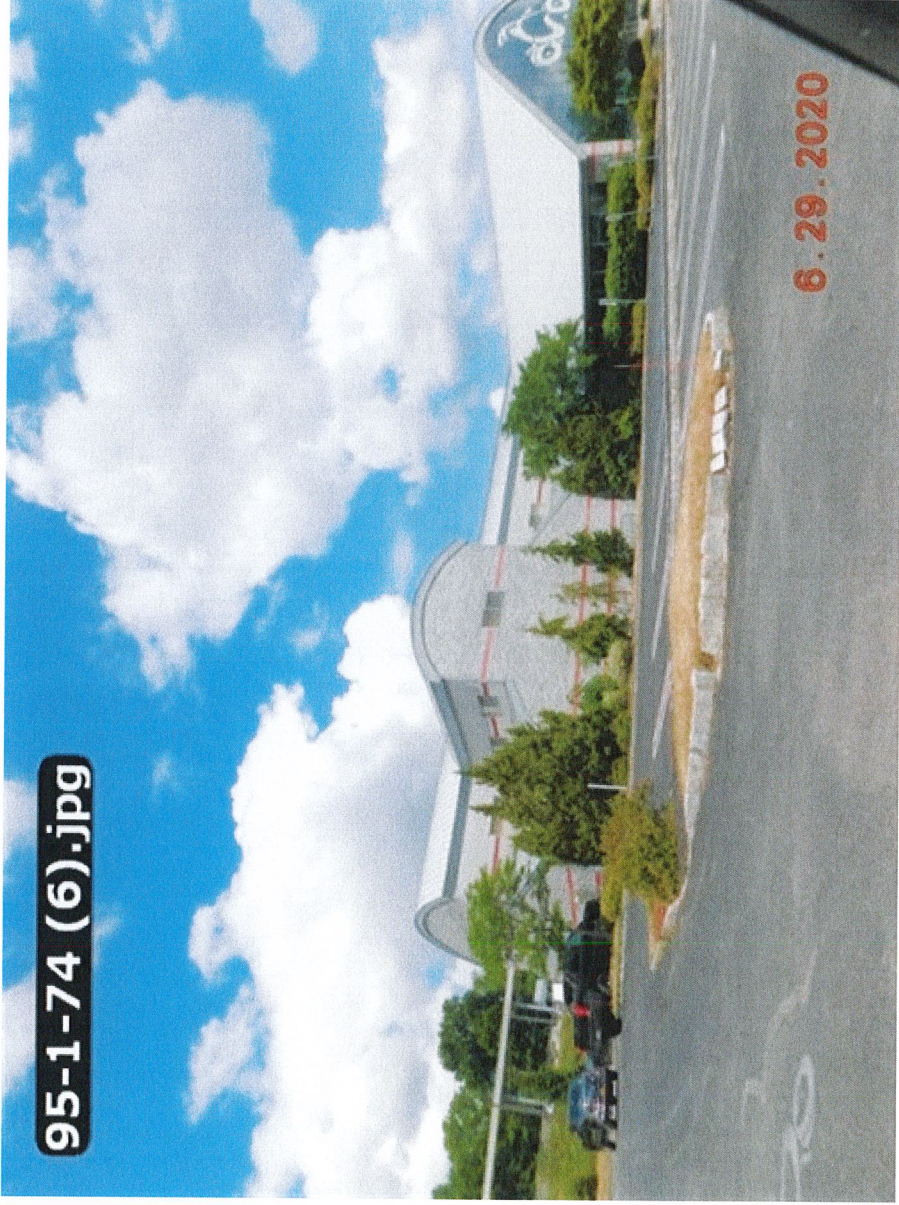
David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer



95-1-74 (9).jpg







95-1-74 (6).jpg

6.29.2020

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I James Martinez, being duly sworn, depose and say that I did on or before
May 12, 2022, post and will thereafter maintain at
14 Crossroads Ct 95-1-74 & 47.2 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.

James Martinez

Sworn to before me this 12

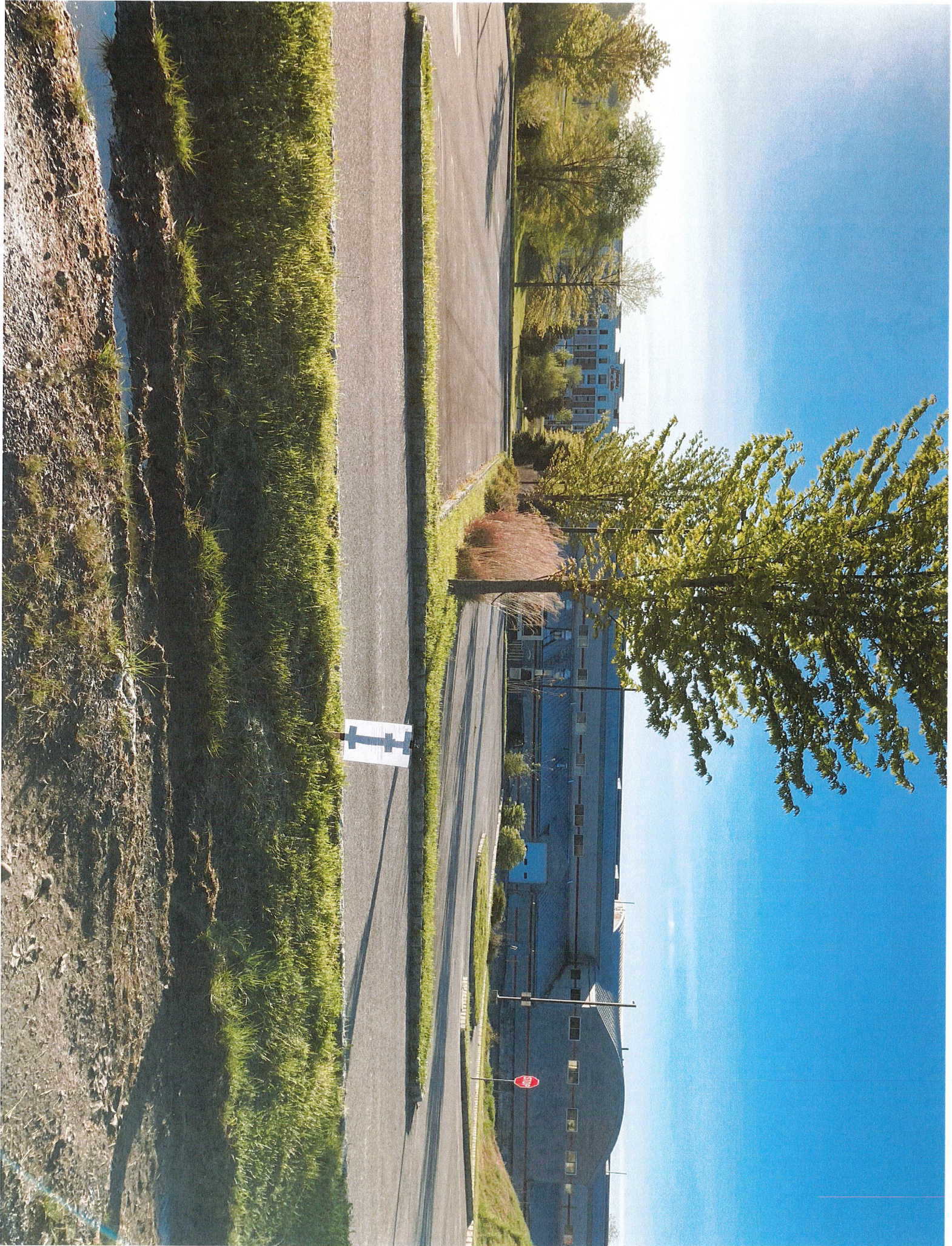
day of May, 2022.

Bobbie Jean VanVleet
Notary Public, State Of New York
Orange County
Lic. #01VA6241061
Commission Expires May 9, 20 23

Bobbie Jean VanVleet









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

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 26th day of May, 2022 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of MBH Development Group (Planning Board Referral) for area variances of the front yard, building height and lot surface coverage to convert the existing Orange County Choppers building to a self-storage use. No exterior modifications are proposed.

PREMISES LOCATED at 14 Crossroads Ct. 95-1-74 & 47.2 1B Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 12th day of May, 2022.

[Signature]
(APPLICANT)