

# TOWN OF NEWBURGH

Crossroads of the Northeast\_\_\_\_\_ ZONING BOARD OF APPEALS 21 Hudson Valley Professional Plaza Newburgh, NY 12550

- Harrison	Zoning Board of Appeals		
	MAY 3 0 2025		
	Town of Newburgh		

OFFICE OF ZONING BOARD DARRIN SCALZO, CHAIRMAN SIOBHAN JABLESNIK, SECRETARY

TELEPHONE **845-566-4901** FAX LINE **845-564-7802** 

# APPLICATION

DATED: 5125

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

I(WE) Lite Brite Signs	PRESENTLY
RESIDING AT NUMBER 51 Montegonery St	- middletown, wy 10940
TELEPHONE NUMBER 845-343-7446	

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

USE VARIANCE



INTERPRETATION OF THE ORDINANCE

SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

 $\frac{25-1-13.}{31.0.100}$  (TAX MAP DESIGNATION)  $\frac{31.0.1000 \text{ (STREET ADDRESS)}}{8}$  (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- 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: 2 1 2025
  - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: Installation of three (3) nenu bourds. ( re-menuboard, Naun menuboard, three panel menuboard) and a 10' menu board compy

- 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:

this set is located in a commercial zone with no residential housing nearby.

- 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: <u>the property correct be used at intended</u> without the <u>menu books of the drive thru</u> is a crucical part of the business. The customers expect to view the monu and place their of der
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: The <u>conclusts</u> in our <u>communities</u> have <u>come</u> to expect to be able to broker at a <u>Drive-Hiru</u> and need to view the menu to make a pointion - vehicles will move through the property Dately and efficiently with the use of our manus.

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: <u>Signage will not have an evolution mental</u> impact and this site to be an evolution mental impact and this site with the menus match the pyshical appended of the surrounding commercial area as there are affect business' with drive this and business made.

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: NO, IS NOT DOLD CITODED. Starbucks is mostly a drive-thru business and menus are mandatory hor its success.

## 7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE STATE OF NEW YORK: COUNTY OF ORANGE: ST SWORN TO THIS DAY OF MARIE C BARONE Notary Public - State of New York NO. 01BA6275673 Qualified in Orange County Commission Expires Feb 4, 2029

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

BEFORE ME, the undersigned authority, personally appeared Adam Ifshin, who, being by me first duly sworn, deposed and stated as follows:

- 1. I am the President of Mid Valley Improvements Owner LLC, a Delaware limited liability company (the "Owner").
- 2. In my capacity as President, I am duly authorized to make this Affidavit on behalf of the Owner.
- 3. The Owner's address is c/o DLC Management Corporation, 565 Taxter Road, Elmsford, NY 10523.
- 4. Mid Valley Improvements Owner LLC is the fee owner of the real property located at 39-47 N. Plank Rd, Newburgh, NY (the "Property").
- 5. This Affidavit is made for the purpose of authorizing Hilton Displays & Lite Brite Signs, Inc. to make the Application, dated 5/1/25, to the Town of Newburgh for an Area Variance for the Property.

Dated: 512/2025

Adam Ifshin, as President of Owner

STATE OF NEW YORK:

COUNTY OF WESTECHESTER:

SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ Agy \_\_\_\_, 2025

Sophia C Maldonado Notary Public, State of New York Reg. No. 01MA0024613 Qualified in Westchester County Commission Expires May 10, 2028

Jophin C. Muldonalo-OTARY PUBLIC



# **TOWN OF NEWBURGH**

~Crossroads of the Northeast~

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

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

# 2025-08

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/11/2025

Application No. 25-0095

To: Lite Brite Signs Inc. 51 Montgomery Street Middletown, NY 10940

SBL: 75-1-13.1 ADDRESS:31 N Plank Rd

## ZONE: B

PLEASE TAKE NOTICE that your application dated 02/04/2025 for permit to install 3 separate menu boards and a 10' menu board canopy on the premises located at 31 N Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

1) 185-7-F: Unspecified uses. Any use not specifically permitted shall be deemed to be prohibited. (Pre-menu board)

2) 185-7-F: Unspecified uses. Any use not specifically permitted shall be deemed to be prohibited. (Main menu board)

3) 185-7-F: Unspecified uses. Any use not specifically permitted shall be deemed to be prohibited. (3 panel menu board)

4) 185-7-F: Unspecified uses. Any use not specifically permitted shall be deemed to be prohibited. (Menu board canopy)

Joseph Mattina

Cc: Town Clerk & Assessor (500') File

# 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			
Starbucks			
Name of Action or Project:			
Starbucks menu boards			
Project Location (describe, and attach a location map):			
33 N Plank Road			
Brief Description of Proposed Action:			
Three (3) menu boards for Starbucks: Pre-Menu Board Three (3) Panel Main Menu Board Digital Order Screen with Canopy			
Name of Applicant or Sponsor:	Telephone: 845-343-7446		
Maria Rotundo with Lite Brite Signs		itebritesigns.com	
Address:			
51 Montgomery Street			
City/PO:	State:	Zip Code:	
Middletown	New York	10940	
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.			
2. Does the proposed action require a permit, approval or funding from any other		NO YES	
If Yes, list agency(s) name and permit or approval:			
3. a. Total acreage of the site of the proposed action?   3.8 acres     b. Total acreage to be physically disturbed?   0 acres     c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. 🔲 Urban 🔲 Rural (non-agriculture) 🗌 Industrial 🔲 Commercia	al 🔲 Residential (subur	·ban)	
Forest Agriculture Aquatic Other(Spec	cify):		
Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify:		$\checkmark$	
		NO	YES
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?		$\overline{\square}$	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:	F		
		$\checkmark$	
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	:  -	NO	YES
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?			
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	YES
			$\checkmark$
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:			
	l		ł

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
🗌 Wetland 🔲 Urban 🔲 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?		
	$\checkmark$	
16. Is the project site located in the 100-year flood plan?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		
a. Will storm water discharges flow to adjacent properties?	$\checkmark$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		
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:		
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:		
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:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Date:		
Signature:Title:		

# EAF Mapper Summary Report

76-4-5 80-7-12 80-7-13 80-7-19 80-1-11 80-3-7   76-4-7 76-4-7 80-7-18 80-7-20 80-3-6   76-4-8 80-7-18 80-7-24 80-3-5   76-5-13 75-1-12 80-6-1 80-6-3	answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to	
75-1-11 75-1-13.1 75-1-14 75-1-14 75-1-15	Hamilton Rochester	
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P. NRCan, Exil Japan WETi, Esri China (Hong Kong), Esri Korea, Esri, Thailand (-NGCC, Jz), OperStreetMap contributors, and The GIS User Community:	Albany Sources Esr, HERE Garmin, USGS Intermas INCREMEN IRCan, Esri Japan, METI, Esri China imong Kong, Esri Korea, Esri Thai and INGCC, Ici OpenStreetMap contributors, and the GIS User Sommority, Esri HERE, Garmin, Max 19955, NPS Preduced	

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]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



#### 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: 13936 / 1412 INSTRUMENT #: 20150054902

Receipt#:	1997741
Clerk:	
Rec Date:	08/25/2015 11:30:46 AM
Doc Grp: Descrip:	D
Num Pgs:	9
Rec'd Frm	ROYAL ABSTRACT OF NY LLC
D	

Party1: MID VALLEY REDUX LLC Party2: MID VALLEY IMPROVEMENTS OWNER LLC Town: NEWBURGH (TN) 75-1-11

No Fee

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	Recording:	
	Recording Fee Cultural Ed Records Management - Coun Records Management - Stat TP584 RP5217 All others - State RP5217 - County	$\begin{array}{r} 65.00 \\ 14.25 \\ 1.00 \\ 4.75 \\ 5.00 \\ 241.00 \\ 9.00 \end{array}$
	Sub Total:	340.00
	Transfer Tax Transfer Tax - State	126440.00
	Sub Total:	126440.00

Total: 126780.00 \*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\* Transfer Tax #: 633 Commercial Transfer Tax Consideration: 31610000.00

Transfer Tax - State 126440.00 Total: 126440.00

Payment Type: Check \_\_\_\_\_ Cash \_\_\_\_ Charge \_\_\_\_

Comment:

any 6. Relles

Ann G. Rabbitt Orange County Clerk

Record and Return To:

ROYAL ABSTRACT OF NY LLC 500 FIFTH AVE STE 1540 NY NY 10110



BETWEEN

MID-VALLEY REDUX, LLC, a Delaware limited liability company, having an address at c/o DLC Management Corporation, 580 White Plains Road, Tarrytown, NY 10591, party of the first part, and MID-VALLEY IMPROVEMENTS OWNER LLC, a Delaware limited liability company, having an address at c/o DLC Management Corporation, 580 White Plains Road, Tarrytown, NY 10591, party of the second part.

WITNESSETH, that the party of the first part, in consideration 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 the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, State of New York more particularly described in <u>Schedule A</u> attached hereto (the "<u>Premises</u>"), AND subject to the permitted exceptions in <u>Schedule B</u> attached hereto.

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 and will apply the same first to the payment of the cost of the improvement before using any party 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.

[The Remainder of This Page Is Intentionally Left Blank]

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

> MID-VALLEY REDUX, LLC, a Delaware limited liability company

By: First Man Mid-Valley Redux Corp., a Delaware corporation, its manager

By:

Name: Adam Ifshin Title: President

## STATE OF NEW YORK

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) SS.:

## COUNTY OF WESTCHESTER

On the 30 day of August \_ in the year 2015 before me, the undersigned, personally appeared Adam Ifshin, 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, and that by his signature on the instrument, the individual or the person or entity upon behalf of which the individual acted, executed the instrument.

in his capacity

Notary Claire Bowen Notary Public, State og Nuvyak Chualified in Writcherlin County No.01 BO 6200876 Commission Expire Feb. 9,2017

#### AFDOCS/12273006

Bargain and Sale Deed With Covenant Against Grantor's Acts

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### MID-VALLEY REDUX, LLC

TO

### MID-VALLEY IMPROVEMENTS OWNER LLC

SECTION: 75 BLOCK: 1 LOTS: 11 & 13.1

COUNTY: Orange ADDRESSES: Route 32 (N. Plank Road) & Gidney Avenue, 39 – 47 N. Plank Road

#### **RETURN BY MAIL TO:**

Arent Fox LLP 1717 K Street, NW Washington, DC 20006 Attention: Kenneth Jacob, Esq. Telephone: 202-775-5750

907270

Royal Abstract of New York, LLC 500 Fifth Avenue, Suite 1540 New York, NY 10110 212-376-0900

#### Schedule A

#### Mid-Valley Mall

#### PARCEL I

All that certain plot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Beginning at a point in the southerly line of NYS Route 32 (North Plank Road) said point being the northwesterly corner of lands herein described and the northeasterly corner of lands now or formerly of TGS Associates, Inc.;

Thence from said point of beginning and running along the southerly line of said NYS Route 32 on the following two (2) courses and distances: (1) South 56 degrees 40 minutes 30 seconds East, a distance of 418.97 feet to a point: (2) South 57 degrees 38 minutes 20 seconds East, a distance of 330.57 feet to a point at the northwesterly corner of lands now or formerly Korenman;

Thence running along the westerly line of lands of said Korenman (3) South 15 degrees 33 minutes 30 seconds west, a distance of 150.00 feet to a point at the southwesterly corner of said lands of Korenman, said point also being the northwesterly corner of other lands of Mid-Valley Discount Mall Associates being designated as Parcel II;

Thence running along the westerly, southerly and easterly lines of said other lands of Mid-Valley Discount Mall Associates (Parcel II) (4) South 15 degrees 34 minutes 30 seconds West, a distance of 414.15 feet to a point: (5) South 85 degrees 05 minutes 00 seconds East, a distance of 448.88 feet to a point; (6) North 30 degrees 20 minutes 30 seconds East, a distance of 345.72 feet to a point in the southerly line of said NYS Route 32;

Thence running along the southerly line of said NYS Route 32 (7) South 58 degrees 43 minutes 20 seconds East, a distance of 91.31 feet to a point at the northeasterly corner of lands herein described, said point also being the northwesterly corner of lands now or formerly of Gambit Real Estate of the Hudson Valley;

Thence running along the westerly and southerly line of said lands of Gambit Real Estate of the Hudson Valley on the following two (2) courses and distances: (8) South 19 degrees 46 minutes 30 seconds West, a distance of 281.10 feet to a point, said point being located South 64 degrees 39 minutes 00 seconds East, a distance of 6.05 feet from an iron rod found; (9) South 85 degrees 08 minutes 20 seconds East, a distance of 236.89 feet to a point at the southeasterly comer of said lands of Gambit Real Estate of the Hudson Valley and at the southwesterly corner of lands now or formerly of Doody, said point also being located South 52 degrees 45 minutes 00 seconds East, a distance of 1.90 feet from a concrete monument found;

Thence running along the westerly line of the entrance ramp to the west bound lane of Interstate Route 84 on the following three (3) courses and distances: (10) South 08 degrees 10 minutes 00 seconds West, a distance of 188.00 feet to a point, said point being located South 53 degrees 54 minutes 00 seconds East, a distance of 0.55 feet from a concrete monument found: (11) South 43 degrees 49 minutes 31 seconds West, a distance of 85.24 feet to a point marked by a concrete monument found: (12) running generally along a chain link fence South 58 degrees 55 minutes 27

seconds West, a distance of 128.53 feet to a point in the northerly line of Interstate Route 84, said point also being the southeasterly corner of lands herein described;

Thence running along the northerly line of said Interstate Route 84 and generally along a chain link fence on the following two (2) courses and distances: (13) North 87 degrees 38 minutes 48 seconds West, a distance of 817.66 feet to a point: and (14) North 89 degrees 47 minutes 51 seconds West, passing through a concrete monument found at a distance of 446.90 feet, a total distance of 454.05 feet to a point in the easterly line of Gidney Avenue, said point being the southwesterly corner of lands herein described and also being located North 79 degrees 52 minutes 00 seconds West, a distance of 1.79 feet from an iron pipe found;

Thence running along the easterly line of said Gidney Avenue on the following two (2) courses and distances: (15) North 01 degree 19 minutes 10 seconds West, a distance of 129.13 feet to a point, said point being located North 16 degrees 46 minutes 00 seconds West, a distance of 0.37 feet from an iron pipe found: (16) North 14 degrees 23 minutes 30 seconds West, a distance of 288.97 feet to a point at the intersection of the easterly line of said Gidney Avenue with the easterly line of Grimm Road;

Thence running along the easterly line of said Grimm Road (17) North 20 degrees 27 minutes 40 seconds East, a distance of 32.01 feet to a point;

Thence continuing along the easterly line of said Grimm Road and along a portion of the easterly line of lands now or formerly Nolan (18) North 18 degrees 06 minutes 20 seconds East, a distance of 598.05 feet to a point;

Thence continuing along a portion of the easterly line of said lands of Nolan and along a portion of the easterly line of lands now or formerly TGS Associates, Inc. (19) North 04 degrees 08 minutes 50 seconds East, a distance of 274.04 feet to a point;

Thence continuing along a portion of the easterly line of said lands of TGS Associates, Inc. (20) North 16 degrees 16 minutes 30 seconds East, a distance of 21.55 feet to the point or place of beginning.

For information only: Said premises are known as Section 75 Block 1 Lot 11 on the Orange County Land and Tax Map.

#### PARCEL II

All that certain plot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, said lands being more particularly bounded and described as follows:

Commencing at a point in the southerly line of NYS Route 32 (North Plank Road), said point being the terminus of the seventh course and distance describing Parcel I of other a lands of Mid-Valley Discount Mall Associates, said point also being the northwesterly corner of lands now or formerly of Gambit Real Estate of the Hudson Valley;

Thence from said point and running along said NYS Route 32 North 58 degrees 43 minutes 20 seconds West, a distance of 91.31 feet to the point or place of beginning, said point of beginning being the northeasterly corner of lands herein described;

Thence running along a portion of the northerly line of said Parcel I of other lands of Mid-Valley Discount Mall Associates on the following three (3) courses and distances:

(1) South 30 degrees 20 minutes 30 seconds West, a distance of 345.72 feet to a point; said point being the southeasterly corner of lands herein described: (2) North 85 degrees 05 minutes 00 seconds West, a distance of 448.88 feet to a point, said point being the southwesterly corner of lands herein described: (3) North 15 degrees 34 minutes 30 seconds East, a distance of 414.15 feet to a point at the southwesterly corner of lands now or formerly of Korenman, said point also being the northwesterly corner of lands herein described;

Thence running along the southerly line of said lands of Korenman (4) South 59 degrees 33 minutes 30 seconds East, a distance of 100.00 feet to a point at the southeasterly corner of said lands of Korenman, said point also lying in the westerly line of lands now or formerly Algier;

Thence running along the westerly, southerly and easterly lines of said lands of Algier on the following four (4) courses and distances: (5) South 15 degrees 33 minutes 30 seconds West, a distance of 35.50 feet to a point: (6) South 60 degrees 15 minutes 22 seconds East, a distance of 130.81 feet to a point: (7) South 67 degrees 37 minutes 13 seconds East, a distance of 69.00 feet to a point: (8) North 26 degrees 16 minutes 10 seconds East, a distance of 159.50 feet to a point in the southerly line of said NYS Route 32;

Thence running along the southerly line of said NYS Route 32 (9) South 60 degrees 18 minutes 50 seconds East, a distance of 214.11 to the point or place of beginning.

For information only: Said premises are designated as Section 75 Block 1 Lot 13.1 on the Orange County Land and Tax Map.

#### Schedule B

#### Permitted Exceptions

- 1. Rights of tenants, as tenants only under unrecorded agreements with no options to purchase or right of first refusal over all or any portion of the property.
- 2. Easement made by Sadie M. Riley to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded Liber 713 Page 83.
- 3. Easement made by Catherine Hussey and Andrew Hussey to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded in Liber 737 page 530.
- 4. Easement made by Gertrude Allen to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded 7/20/33 in Liber 740 page 553.
- 5. Easement made by Florence Townsend to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded 5/5/44 in Liber 930 Page 64.
- Easement made by Dolores Sciarrone and Lorenzo Fernandez to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded 11/9/48 in Liber 1104 Page 166.
- Easement made by Joseph Agostino and Agnes Mary Agostino to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded 11/5/56 in Liber 1406 Page 457.
- 8. Easement made by Teddam Realty Corp. to Central Hudson Gas and Electric Corporation and New York Telephone Company recorded 6/16/64 in Liber 1666 Page 153.
- 9. Easement made by Teddam Realty Corp. to Central Hudson Gas and Electric Corporation recorded 6/16/64 in Liber 1666 Page 155.
- 10. Utility Grant to New York Telephone Company dated 6/30/00 and recorded 12/20/00 in Liber 5426 page 106.
- Terms, covenants, conditions and agreements contained in a lease dated 12/7/88 made by and between Mid Valley Discount Mall Associates and Mid Valley Wine and Liquors Inc., a memorandum of which was recorded 3/2/88 in Liber 2899 Page 164.
- 12. Terms, covenants, conditions and agreements contained in a lease dated 5/1/89 made by and between Mid-Valley Discount Mall Associates and Headlee Management, Inc., a memorandum of which was recorded 2/28/94 in Liber 3997 Page 80.
- 13. Policy excepts the statutory and regulatory requirements of the United States of America (Interstate Route 84), The State of New York (New York State Route 32 [North Plank

Road]) and The Town of Newburgh (Gidney Avenue, Grimm Road) with respect to ingress and egress to the premises to be insured.

- 14. Consolidated Amended and Restated Mortgage, Assignment of Leases and Rents and Security Agreement in the principal amount of \$22,500,000 made by and between Mid Valley Redux, LLC and People's United Bank, National Association, dated as of the date of this Deed and intended to be recorded concurrently therewith; As assumed by an Assumption Agreement made by and among Mid-Valley Redux, LLC, Mid-Valley Improvements Owner LLC and People's United Bank, National Association, dated as of the date of this Deed and intended to be recorded concurrently therewith.
- 15. Assignment of Leases and Rents, Security Agreement and Fixture made by Mid-Valley Redux, LLC to People's Bank to be recorded prior hereto; As assumed by an Assumption Agreement made by and among Mid-Valley Redux, LLC, Mid-Valley Improvements Owner LLC and People's United Bank, National Association, dated as of the date of this Deed and intended to be recorded concurrently therewith.
- 16. Uniform Commercial Code financing statement found indexed against the real property:

A) Secured Party: People's Bank

Debtor: Mid-Valley Redux, LLC

To be filed.

As amended by UCC-3, naming Mid-Valley Improvements Owner LLC as debtor, to be filed.

- 17. Survey made by LMS Surveying Ltd. (for American National) dated 3/26/2015 and last revised 7/29/2015, shows no encroachments or variations with lot lines except as follows:
  - A) Variations between the location of fences, stone wall, curbs and lines of title.
  - B) Survey shows that there are various utility and light poles at various points throughout the property. Possible utility and service easements may exist by reason thereof Policy insures that, as shown on survey, said utility and light poles do not encroach onto the improvements.
  - C) Approximate center line of Gas Easement in favor of Central Hudson Gas and Electric Corporation (Liber 1666 Page 155) crosses beneath 1 story block building at southwest corner of premises and 1 story block building at northwest corner of premises.

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I maria Rotundo, being duly sworn, depose and say that I did on or before

\_\_\_\_\_June 12\_\_\_\_\_, 2025, post and will thereafter maintain at

\_31 N Plank Rd 75-1-13.1 B 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.

Thote 157002

Sworn to before me this day of ( LINP , 2025. LISA M. AYERS Notary Public, State of New York Qualified in Orange County Registration NO. 01AY5400765

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