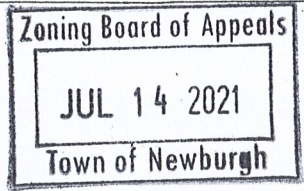




# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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



## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: July 14, 2021

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

I (WE) 52 Monarch Development, Inc. PRESENTLY  
RESIDING AT NUMBER 4171 Albany Post Rd, Hyde Park, NY 12538  
TELEPHONE NUMBER 845-527-3110

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

103-7-18 and 47-1-46 (TAX MAP DESIGNATION)

1 Monarch Drive (STREET ADDRESS)

B (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-48B (3)(b)(c)  
185, Attachment 11, Schedule 7 D-14 and 185-48



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: May 14, 2021

4. DESCRIPTION OF VARIANCE SOUGHT: see attached Addendum

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

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

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

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

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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

N/A

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

see attached Addendum

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

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:

see attached Addendum

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

see attached Addendum

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

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

see attached Addendum

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

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

see attached Addendum

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

see attached Addendum

52 Monarch Development, Inc.

PETITIONER (S) SIGNATURE

By: Michael P. Maher, Secretary

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF July 2021

ROSE MARIE CHIVATTONI  
Notary Public, State of New York  
No. 4858922

Qualified in Orange County  
Commission Expires September 22, 2023

  
NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

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

ADDENDUM TO INTERPRETATION/AREA VARIANCE APPLICATION  
52 MONARCH DEVELOPMENT, INC.  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
REQUEST FOR RELIEF

**Description of area variances/interpretations being sought:**

1. Relief from the requirement in Section 185-48B(3)(b)(c) requiring dwelling units in a senior citizen housing overlay to contain a maximum of 700 square feet for one bedroom and 900 square feet for two bedrooms. The applicant wishes to increase those requirements to a maximum of 840 square feet for certain one bedroom and 1,060 square feet for certain two bedroom for a total of thirty- six (36) units as designated on the attached annotated floor plan.
2. Interpretation/area variance to set and or vary the maximum height for a senior citizen apartment complex in the B Zoning District since neither the table of use and bulk requirements contained in Section 85 Attachment 11 Schedule 7, nor the senior provisions of Section 185-48 contain any maximum height for such senior citizen housing projects.

**Discussion in Support of Area Variance Increase to Maximum Size of Senior Citizen Dwelling Units:**

The benefit to the applicant in allowing for the slight increase in the size of the senior dwelling units far outweighs any perceived detriment to the health, safety and welfare of the neighborhood or community associated with such grant for the following reasons:

1. There will be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties created by the granting of this area variance.

**Discussion.**

The request for the additional square footage for a total of thirty-six (36) of the 1 and 2 bedroom units is in response to the growing trend towards active seniors continuing to conduct their affairs and business via virtual meetings and activities that can be done from home. The additional space, therefore, will allow the units to contain an alcove that can provide some privacy, and an area for a desk and computer, to conduct virtual meetings/event and conduct business. The additional space in these thirty-six (36) units will allow active seniors occupying these market rate units, to downsize, while still being able to conduct businesses from the privacy of their home using modern technological advances that have now become the norm even as we come out of the pandemic. The design and configuration of these buildings will allow this additional space to be provided without increasing the footprint of any of the buildings and allow the buildings to still meet all applicable Town of Newburgh setback and lot development coverage. There will be no discernable difference in the size or appearance of the units from the outside or to any of the neighbors. The granting of this variance will simply allow for a thirty-six (36) more functional units.

2. The benefit sought by the applicant cannot be achieved by some method available for the applicant to pursue other than an area variance.

**Discussion.**

The maximum apartment sizes included in the Zoning Code were adopted prior to the global pandemic and prior to the now universally accepted practice of residents being able to work and be productive from a relatively small space in a home office. It would be next to impossible to provide units providing these options within the confines of the Town's current requirements.

3. The requested area variance is not substantial

**Discussion.**

The applicant is seeking an additional 140 square feet for a one bedroom and 160 square feet for a two bedroom unit to allow for provision of the office. The difference between a 700 sq. ft. one bedroom unit and an 840 sq. ft. one or between a 900 sq. ft. 2 bedroom unit a 1060 sq. ft. is virtually not detectable. The plans provided demonstrate that the development as proposed would look substantially the same whether or not the additional space per unit was provided. Yet, this small addition provides an attractive option for these thirty-six units that make them much more functional and desirable.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**Discussion.**

As discussed above, as demonstrated on the plans, and as will be presented by the project architect at the hearing demonstrating that the purpose and use of the additional square footage buildings proposed will be in character with the surrounding area. It would be virtually impossible to know that the units are slightly bigger. In addition, the extra area provided will be for an alcove for potential home office space and will result in no additional occupancy as per the senior citizen overlay occupancy will be restricted to seniors. Therefore, there will be no adverse conditions associated with the grant of this variance.

5. Although the hardship has technically been self-created, this in and of itself should not preclude the granting of the area variance.

**Discussion.**

The trend and acceptance of working virtually from home is a fairly recent phenomenon. Therefore, although the applicant did purchase the land with knowledge of the zoning code, the need for the additional space is really to address a new demand for space for home office use.

**Summary:**

Based upon the above, we believe this allowance of slightly larger units will provide for a more productive and marketable project while not in any way, shape or form detracting from the attractiveness of the proposed development or creating any additional adverse environmental impacts.

#### Discussion and Support for the Interpretation/Variance for Height:

##### A. Interpretation.

###### **Discussion.**

The bulk tables for the B zoning district list various maximum building height requirements for the different uses permitted in the zoning code. However, for both Affordable Housing in accordance with Section 185-47 and Senior Citizen Housing in accordance with Section 185-48, there are no maximum height requirements provided. In fact, since these are overlay districts, there are no minimum or maximum bulk requirements listed on the zoning table for either of the uses. The supplementary regulations applicable to Senior Citizen Housing are contained in Section 185-48. This section provides a maximum density and maximum size for the units. As for other bulk requirements Section 185-48 provides that the Town Board, upon the recommendation of the Planning Board, may authorize the Planning Board to modify those sections of this chapter relative to lot dimensions, building setbacks and density in the further subdivision or site plan review of properties when necessary to comply with the provisions of this section. This section is slightly ambiguous as it relates to whether building height is included within these provisions. I do note for the ZBA that the Town Board has authorized the Planning Board to consider this senior citizen housing development in the B Zoning District in which it is located. I also note that the adjoining lot to be created as part of the overall development for a bank or other commercial activity does meet the height requirements for that particular use. The building is proposed to be a height of 46' 3" to the highest ridge of the building with the two wings at 45'. There are buildings such as hotels that are permitted in the B Zoning District with a maximum height of 50'. We, therefore, request that the ZBA issue a determination that the height of the building is part of the lot dimensions, building setbacks and density that the Planning Board is authorized to modify and/or set as part of its site plan review for this development based upon the plans and architectural design submitted by the applicant.

##### B. Request For Height Variance – In the event that the ZBA believes a variance is required.

The benefit to the applicant in allowing the building to be built at the requested height far outweighs any perceived detriment to the health, safety and welfare of the neighborhood or community associated with such grant for the following reasons:

1. There will be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties created by the granting of this variance.

###### **Discussion.**

If the building were a hotel, which is a permitted use in this zoning district, it could be built to a height of 50'. There is essentially no difference with this building. The elevations provided depict an attractive building consistent with the character or construction in the area.

2. The benefit sought cannot be achieved by some method available for the applicant to pursue other than an area variance.

**Discussion.**

It is the applicant's position that a variance is not necessary. However, if a variance is necessary, it is not practical to reduce the height any further and still provide underground covered parking for the residents. In addition, reducing the height of the building would not produce a desirable result since the footprint of the building would have to be increased thereby increase disturbance of the property.

3. The requested area variance is not substantial.

**Discussion.**

Given that a fifty (50) ft. hotel of the same bulk and mass could be constructed on this property, the variance herein requested is not substantial.

4. The requested variance will not have an adverse effect or input on the physical or environmental conditions in the neighborhood or district.

**Discussion.**

During the design phase the building height was reduced by about four (4') feet through excavation to reduce the overall height and reduce any potential adverse impacts to the neighbors to the south. In addition, it has been demonstrated to the Town Board that there is a need for senior housing in the Town. This proposed building at the size and mass proposed will not result in any additional impacts than if the building were designed at a lower height with a larger footprint.

5. Although the hardship has technically been self-created, this in and of itself should not preclude the granting of the area variance.

**Discussion.**

There is a legitimate question as to whether there is a maximum height for any development pursuant to the Senior Citizen Overlay, therefore any hardship if a maximum height were declared would not be self-induced by the applicant and there is no self-created hardship in this instance

**Summary.**

Based upon the above, we believe, that is it were determined that an area variance to the height requirement is necessary that the applicant has demonstrated that such a variance should be granted.



**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Monarch Woods Senior Community		
Project Location (describe, and attach a general location map): Monarch Drive, Town of Newburgh, Orange County, New York		
Brief Description of Proposed Action (include purpose or need): The Proposed Action consists of lot line change and subdivision approval for two senior housing buildings of 50 units each, club house with pool area and a potential 3,150 S.F. bank to be located within the Business zoning district in the Town of Newburgh.		
Name of Applicant/Sponsor: 52 Monarch Development, Inc	Telephone:	E-Mail: Mikchief99@aol.com
Address: 4171 Albany Post Road		
City/PO: Hyde Park	State: NY	Zip Code: 12538
Project Contact (if not same as sponsor; give name and title/role): Engineering & Surveying Properties, P.C. c/o Ross Winglovitz, P.E.	Telephone: (845) 457-7727	E-Mail: Ross@ep-pc.com
Address: 72 Clinton Street		
City/PO: Montgomery	State: NY	Zip Code: 12549
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Out of district sewer user agreement Senior Housing Special Permit	TBD July 2020
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subdivision approval, and site plan approval	December 2019
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area variance(s)	TBD
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OCHD Water Main Extension, County Planning	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
Business zoning District

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Newburgh Enlarged City School District

b. What police or other public protection forces serve the project site?  
Town of Newburgh Police Department

c. Which fire protection and emergency medical services serve the project site?  
Dan Leghorn Fire Engine Company, Town of Newburgh Emergency Medical Services

d. What parks serve the project site?  
City of Newburgh Waterfront Trail, Newburgh Public Works Department, Algonquin Park, Delano-Hitch Park, Downing Park, Cronomer Hill Park, Tyrone Crabb Memorial Park, Chadwick Lake Park, and Downing Park.

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multifamily Residential Seniors Housing and one commercial lot.

b. a. Total acreage of the site of the proposed action? 10.88± acres  
 b. Total acreage to be physically disturbed? 5.90± acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 10.88± acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Commercial and Residential  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated 2  
 • Anticipated commencement date of phase 1 (including demolition) 3 month 2021 year  
 • Anticipated completion date of final phase 3 month 2024 year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
Each building will be built as a phase

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase				50
At completion of all phases				100

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 1  
 ii. Dimensions (in feet) of largest proposed structure: <35 height; 42 width; and 75 length  
 iii. Approximate extent of building space to be heated or cooled: 3,150 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: Stormwater collection  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Stormwater  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
 iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: TBD acres  
 v. Dimensions of the proposed dam or impounding structure: TBD height; TBD length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): On-site earth

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 20,812 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: Water District WD001 and WD002
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

• Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 20,812 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: City of Newburgh
- Name of district: site will be out of district user
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or <u>3.79±</u> acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or <u>10.88</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Storm water discharge</u></p> <p>_____</p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Stormwater management pond to offsite drainage system</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul> <p>_____</p> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p style="padding-left: 40px;"><u>Heavy equipment will be used to construct the proposed site improvements</u></p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p>	
<p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>Heating equipment during operations</u></p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of 7 am to 9 pm.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 none

iii. Parking spaces: Existing 0 Proposed 221 Net increase/decrease +221

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
None at this time

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
TBD

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Central Hudson Gas and Electric

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	<u>7am to 6pm</u>	• Monday - Friday:	<u>24 hr/day</u>
• Saturday:	<u>8am to 6pm</u>	• Saturday:	<u>24hr/day</u>
• Sunday:	<u>None</u>	• Sunday:	<u>24 hr/day</u>
• Holidays:	<u>None</u>	• Holidays:	<u>24 hr/day</u>

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:  <u>During construction on weekdays and Saturdays from 7:00 am to 6:00 pm</u></p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: <u>Trees will be removed for construction of improvements.</u></p>
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  <u>Site lighting is proposed for outdoor areas. A lighting plan will be provided during site plan phase.</u></p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: <u>Trees will be removed for construction of improvements.</u></p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  <u></u></p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities:  <u></u></p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):  <u></u></p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ 10 tons per _____ month (unit of time)</li> <li>• Operation : _____ 5 tons per _____ month (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Recycle in accord with State Law</u></li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Private hauler</u></li> <li>• Operation: <u>Private hauler</u></li> </ul>



s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	3.79	+ 3.79
• Forested	10.76	5.20	- 5.56
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.12	0.12	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.50	+ 0.50
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: <u>Lanscaping</u>	0.0	1.27	+1.27

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
Building Blocks Child Care Center, Early Explorers Day Care

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
\_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 5 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

MdB- Mardin gravelly silt	75.5 %
ErA - Erie gravelly silt loam	23.8 %
UH - Udorthents	0.7 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ > 10 ft feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	0.7 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	75.5 % of site
<input checked="" type="checkbox"/> Poorly Drained	23.8 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	68.6 % of site
<input checked="" type="checkbox"/> 10-15%:	19.8 % of site
<input checked="" type="checkbox"/> 15% or greater:	11.6 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
\_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 deer, squirrels, birds, etc \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 Indiana Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? MdB - 8.0 acres  
 ii. Source(s) of soil rating(s): 2018 New York Agricultural Land Classification - Orange- January 1, 2018

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. 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? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

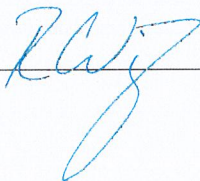
Attach any additional information which may be needed to clarify your project.

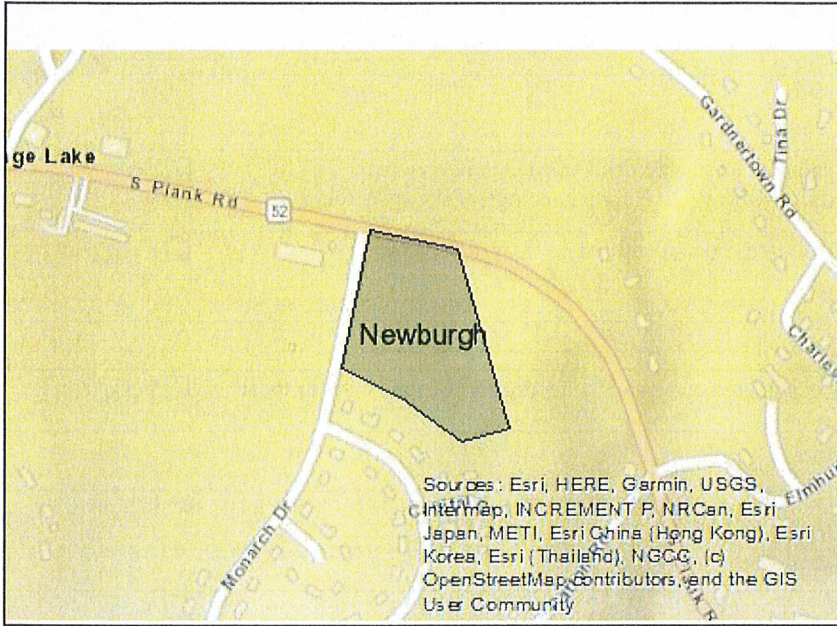
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

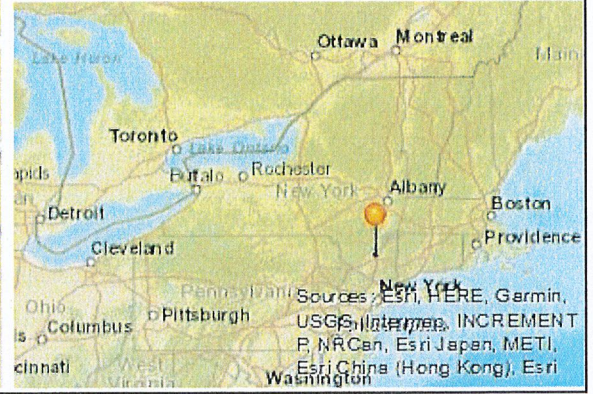
I certify that the information provided is true to the best of my knowledge.

Engineer  
 Applicant/Sponsor Name Ross Winglovitz Date 02/05/2020 (Revised 04/12/2021)

Signature  Title Principal



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are 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 DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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 14, 2021

BY EMAIL ONLY

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

Re: Monarch Woods Senior Community / Planning Board Project No. 19-28

Dear Chairman Scalzo and Board Members:

At the Planning Board's May 6, 2021 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances required for this project.

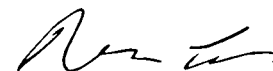
In particular, the applicant seeks site plan approval from the Planning Board for a multifamily senior housing development. The site is located on Monarch Drive, and is within the B Business zoning district. The project requires the following area variances and/or interpretation:

- (1) Town Code Section 185-4(B)(3) identifies the maximum size for a one-bedroom senior unit at 700-square feet and a two-bedroom senior unit at 900-square feet. The applicants are requesting the one-bedroom units be designed at 840-square feet and the two-bedroom units be designed at 1,060-square feet;
- (2) The maximum building height is identified as 46.5-feet whereas the zone permits 35-foot maximum building height;
- (3) However, the applicant contends that the zone does not have a height limitation for senior housing. The applicant seeks an interpretation of this point, which, if favorable, would obviate the need for the height variance.

The Planning Board previously declared its intent to serve as lead agency in January 2020. At the time that the Planning Board did so, the plans as they existed then did not require these area variances. The Planning Board did not include the Zoning Board of Appeals in its circulation, but the Planning Board is nonetheless conducting a coordinated review which cannot be undone at this time. As a result, it is my understanding that although the Zoning Board of Appeals may consider and process this application at this time, it appears that a decision will have 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





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: 14480 / 1628  
INSTRUMENT #: 20180077477

Receipt#: 2571081  
Clerk: MAH  
Rec Date: 10/31/2018 02:28:44 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 5  
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: STAPLETON CLAIRE  
Party2: 52 MONARCH DEV INC  
Town: NEWBURGH (TN)  
47-1-46

Recording:	
Recording Fee	45.00
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: 320.00

Transfer Tax	
Transfer Tax - State	260.00

Sub Total: 260.00

Total: 580.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 2951  
Commercial Transfer Tax  
Consideration: 65000.00

Transfer Tax - State 260.00

Total: 260.00

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

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

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS,  
ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE  
ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON October 31, 2018  
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL  
July 09, 2021 *Ann G Rabbitt*  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

*Ann G. Rabbitt*  
Ann G. Rabbitt  
Orange County Clerk

Record and Return To:

JOHN E BACH JR ESQ  
POB 61  
GOSHEN, NY 10924

Bargain and Sale Deed  
Without Covenants Against Grantors Acts

Section: 47  
Block: 1  
Lots: 46

HN62138

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

**THIS INDENTURE**, made the 22 day of October, two thousand  
eighteen

**CLAIRE M. STAPLETON**, having an address at 3495 Major Drive East, Wantagh, New York  
11793,  
Grantor, and

**52 MONARCH DEVELOPMENT INC.**, a domestic corporation, having an address at 471  
Albany Post Road, Hyde Park, New York 12538,  
Grantee,

**WITNESSETH**, that the Grantor, in consideration of Ten and No/100 (\$10.00) Dollars  
lawful money of the United States, and other good and valuable consideration paid by the  
Grantee, does hereby grant and release unto the Grantee, the heirs or successors and assigns of  
the Grantee forever,

47-1-46

**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, as more particularly bounded and described on **Schedule A** attached hereto and made a  
part hereof.

**Property: Vacant Parcel containing of +/-4.5 acres, Town of Newburgh, New York 12550**

**BEING** the same premises conveyed by Eileen T. Stapleton a/k/a Eileen Theresa Stapleton to  
Claire M. Stapleton, The Grantor herein, by deed dated October 8, 2013 and recorded in the  
Orange County Clerk's Office on October 16, 2013 in Liber 13663 of the Deeds at Page 1266.

**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.

**Schedule A Description**

Title Number **HN 62138**

Page 1

All that tract, piece or parcel of land, situate in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the center of the road leading from Newburgh to Orange Lake, in line of lands of Patten and running thence with the center of said road south sixty nine degrees thirty four minutes east two hundred and seventy seven and seven tenths feet, thence still with the center of said road south fifty one degrees thirty nine minutes east one hundred and fifteen feet, thence still with the center of said road south thirty three degrees fifty one minutes east ninety eight feet, thence still with the center of said road, south eighteen degrees and twenty eight minutes east two hundred and ninety three and five tenths feet; thence still with the center of said road south thirteen degrees forty six minutes east eighty one and one tenths feet; thence with lands of N.P. O'Neil south eighty eight degrees twenty four minutes west thirty nine and five tenths feet to the end of a stone wall, thence still with said O'Neils land south six degrees thirty four minutes west twenty one feet, thence with other lands of Mary J. McCroskery north eighty five degrees twenty five minutes west four hundred and eighteen and eight-tenths feet to lands Patten, aforesaid, thence with said Patten's line north five degrees thirty one minutes west five hundred and ninety eight and nine-tenths feet to the place of beginning. Containing four and nine hundred and fifty eight one thousand acres of land, be the same more or less.

EXCEPTING however therefrom the following:

All that piece or parcel of land situate in the Town of Newburgh, County of Orange and State of New York, for the Walden-Newburgh County Highway Pet. 3997 as shown on map no. 30 and described as follows:

BEGINNING at a point on the southwesterly boundary of the existing Walden-Newburgh Highway, said point being 126 +/- feet distant southwesterly, measured at right angles, from Station 291 + 07 + of the County Highway Pet. 3997, Orange County; thence curving to the right with a radius of 789 feet 602 +/- feet to a point 35 feet distant westerly, measured at right angles, from station 297 + 65 of said base line between the lands of James Ryan, reputed owner, on the north, and the lands of John Coleman, reputed owner, on the south, the last angles from Station 298 + 67 + of the said base line; thence along said division line 10+ feet to its intersection with the westerly boundary of said existing highway, the last mentioned point being 11 +/- feet to its intersection with the westerly boundary of said existing highway, the last mentioned point being 11 +/- feet distant westerly, measured at right angles, from Station 298 +/- of the said base line; thence northerly and northwesterly along the last mentioned boundary

Continued On Next Page

**Schedule A Description - continued**

Title Number **HN 62138**

Page **2**

of said existing highway 738 +/- feet to the point of beginning; being 0.418 acres more or less; which are the same premises conveyed to the County of Orange by deeds executed by the parties herein.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the 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.

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

IN PRESENCE OF:

Claire M. Stapleton  
Claire M. Stapleton

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

On the 22 day of October, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared **Claire M. Stapleton** 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 she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Laura J. Mener  
Notary Public, State of New York  
LAURA J. MENER  
Notary Public, State of New York  
No. 01ME6328363  
Qualified in Nassau County  
Commission Expires August 3, 2019

✓ **RECORD & RETURN TO:**

John E. Bach, Esq.  
Law Office of John E. Bach  
20 Scotchtown Avenue  
Goshen, New York 10924

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



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: 14514 / 349  
INSTRUMENT #: 20190003643

Receipt#: 2599228  
Clerk: MAH  
Rec Date: 01/15/2019 11:15:54 AM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 4  
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: MONARCH 52 LLC  
Party2: 52 MONARCH DEV INC  
Town: NEWBURGH (TN)  
103-7-18

Recording:	
Recording Fee	40.00
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
<b>Sub Total:</b>	<b>315.00</b>

Transfer Tax	
Transfer Tax - State	1680.00
<b>Sub Total:</b>	<b>1680.00</b>

<b>Total:</b>	<b>1995.00</b>
**** NOTICE: THIS IS NOT A BILL ****	

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 5405  
Commercial Transfer Tax  
Consideration: 420000.00

Transfer Tax - State	1680.00
<b>Total:</b>	<b>1680.00</b>

Payment Type:    Check   
                           Cash   
                           Charge   
                           No Fee

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

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
 I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS,  
 ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE  
 ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON  
 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.  
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*January 15, 2019*  
*July 09, 2021* *Ann G. Rabbitt*  
 COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

*Ann G. Rabbitt*  
 Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

JOHN E BACH JR ESQ  
20 SCOTCHTOWN AVE  
GOSHEN NY 10924

HW 62134

Bargain and Sale Deed

THIS INDENTURE, made the 11<sup>th</sup> day of January, in the year two thousand nineteen

BETWEEN **Monarch 52 LLC**  
**225 South Plank Road**  
**Newburgh, NY 12550**

party of the first part, and  
**52 Monarch Development Inc.**  
**4171 Albany Post Road,**  
**Hyde Park, NY 12538**

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,

SBL: **ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and being more particularly described in Schedule "A" annexed hereto and made part hereof.

103

7 **BEING AND INTENDED TO BE** the same premises conveyed by Joseph George Sherer., to Monarch 52 LLC. by deed dated 5/9/03 and recorded in the Orange County Clerk's Office in Liber 11082 of Deeds at page 467 on 6/13/03.

18

**TOGETHER** with all rights, 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 of 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 improvements before using any part of the total of the same for any other purpose.

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

**This transaction is made in the ordinary course of the sellers business and does not constitute a sale of all or substantially all of the seller's assets.**

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

**SCHEDULE A**

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and being more particularly bounded and described as follows:

**BEGINNING** at a point on the southeasterly line of the existing Monarch Drive, said point being on the division line between the lands now or formerly of Hildebrandt on the southwest and the parcel herein described on the northeast;

thence from said point of beginning and along the aforementioned southeasterly line of the existing Monarch Drive, North 23 degrees 25' 51" East 499.66 feet to a point at the intersection of the aforementioned southeasterly line of Monarch Drive and the southwesterly line of the existing New York State Route 52;

thence along the aforementioned southwesterly line of the existing New York State Route 52, South 65 degrees 59' 26" East 320.31 feet to a point on the division line between the lands now or formerly of Ryan on the east and the parcel herein described on the west;

thence along the last mentioned division line and the division line between the lands now or formerly of Weisberg on the east and the parcel herein described on the west, South 05 degrees 09' 45" East 523.46 feet and South 04 degrees 21' 30" East 129.91 feet to a point on the division line between the lands now or formerly of Davis on the south and the parcel herein described on the north;

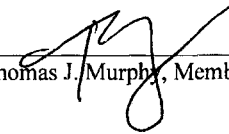
thence along the last mentioned division line and the division line between the lands now or formerly of Contarino on the south and the parcel herein described on the north, South 85 degrees 38' 30" West 180.82 feet to a point on the division line between the lands now or formerly of Sierodzinkw on the northeast;

thence along the last mentioned division line and the respective division lines between the lands individually now or formerly of Betcher and the aforementioned Hildebrandt on the southwest and the parcel herein described on the northeast, North 42 degrees 36' 58" West 267.19 feet and North 53 degrees 12' 53" West 233.56 feet to the place of beginning .



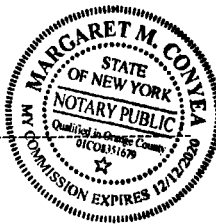
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**Monarch 52 LLC BY:**

  
\_\_\_\_\_  
Thomas J. Murphy, Member

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

On the 11 day of JANUARY, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **Thomas J. Murphy**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.



  
\_\_\_\_\_  
NOTARY PUBLIC

*BARGAIN AND SALE DEED*

-----  
*Monarch 52 LLC*

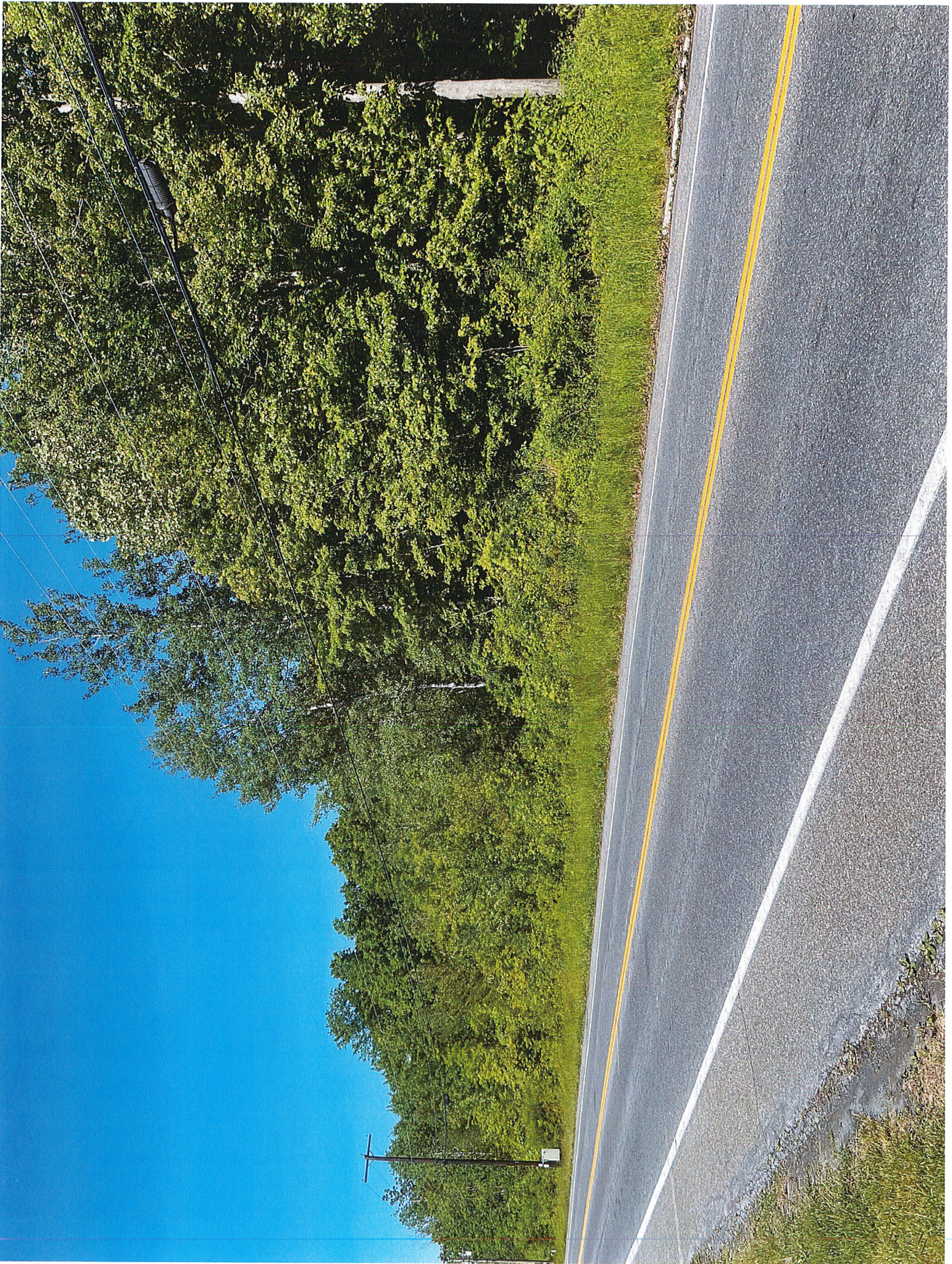
*TO*

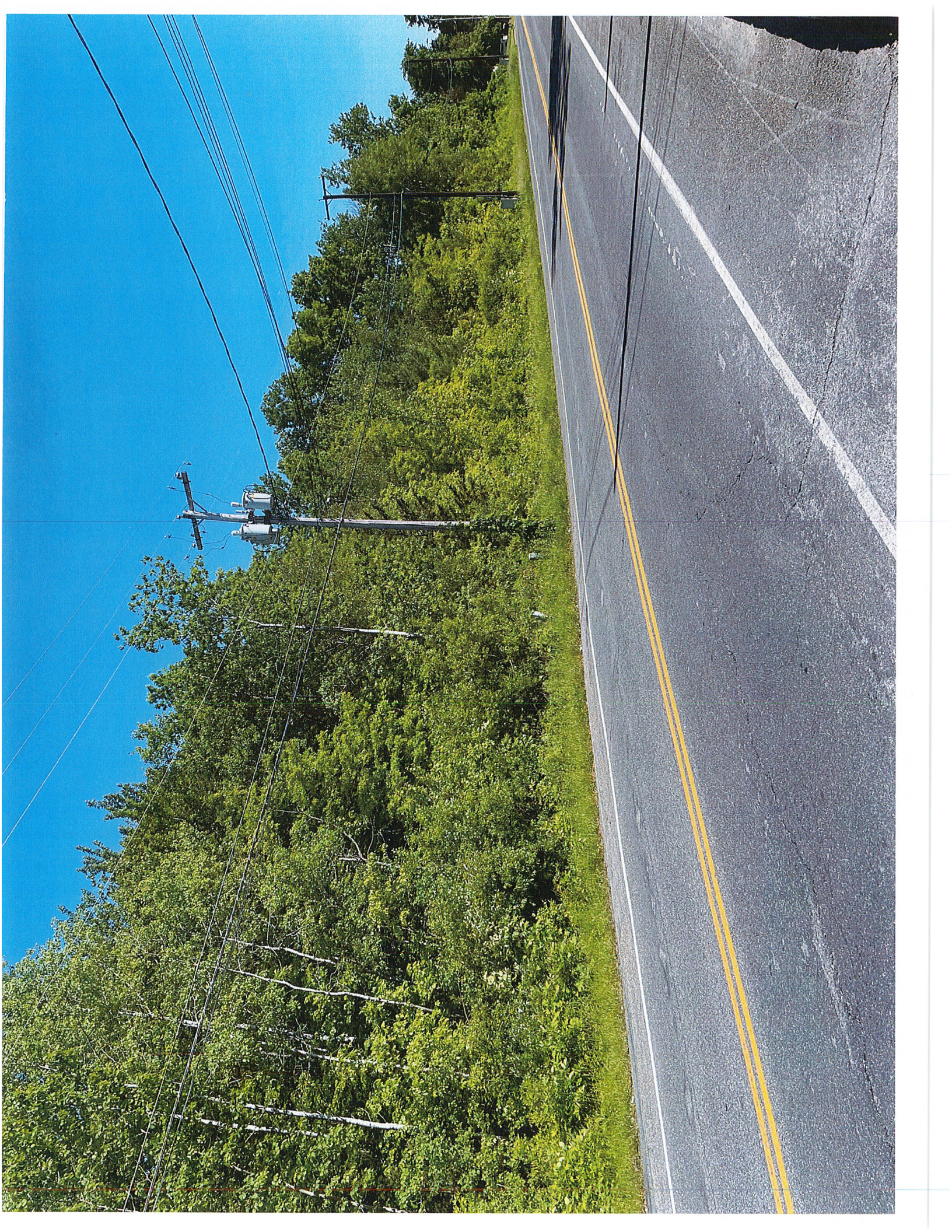
*52 Monarch Development Inc.*  
-----

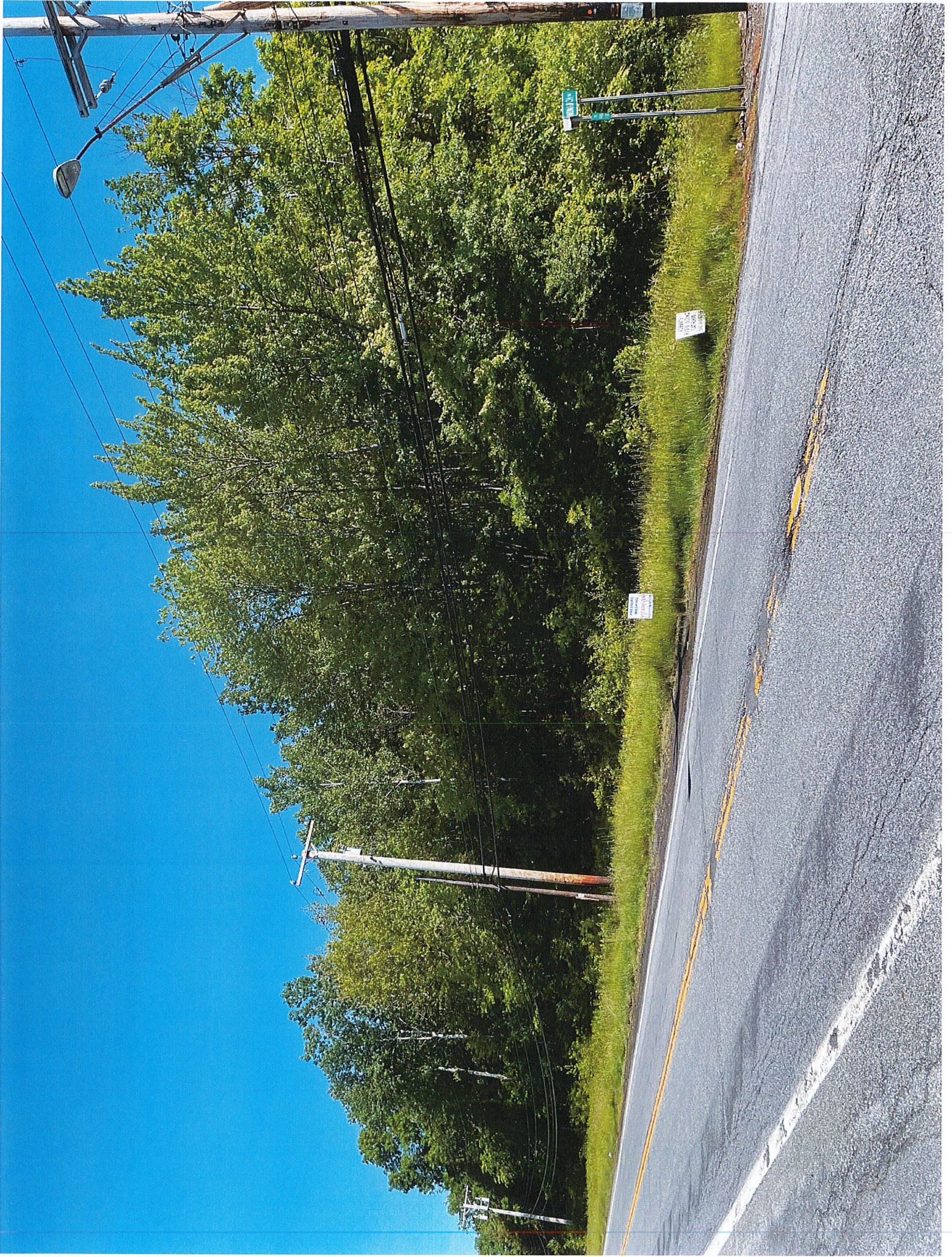
*ADDRESS- 1 Monarch Drive  
SECTION-103  
BLOCK -7  
LOT-18  
TOWN OF Newburgh*

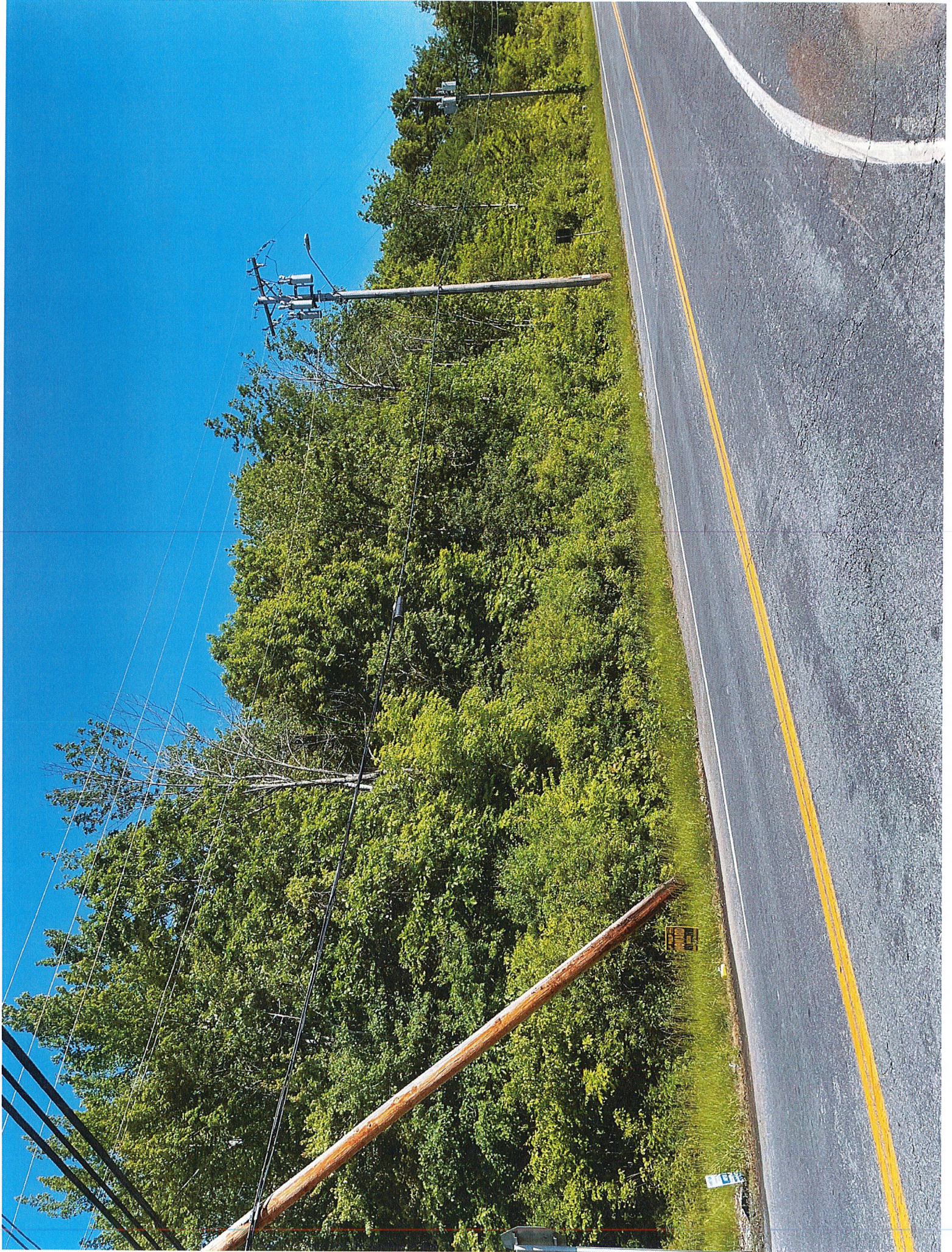
RECORD & RETURN TO:

✓ John E. Bach Jr., Esq  
20 Scotchtown Avenue  
PO Box 61  
Goshen, NY 10924











# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Michael P. Maher, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 50 Cocoa Lane, Newburgh, NY 12550  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE/SHE IS THE \*OWNER IN FEE OF \_\_\_\_\_

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Jacobowitz and Gubits, LLP.  
and Engineering & Surveying Properties, PC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: July 14, 2021

OWNER'S SIGNATURE

WITNESS' SIGNATURE

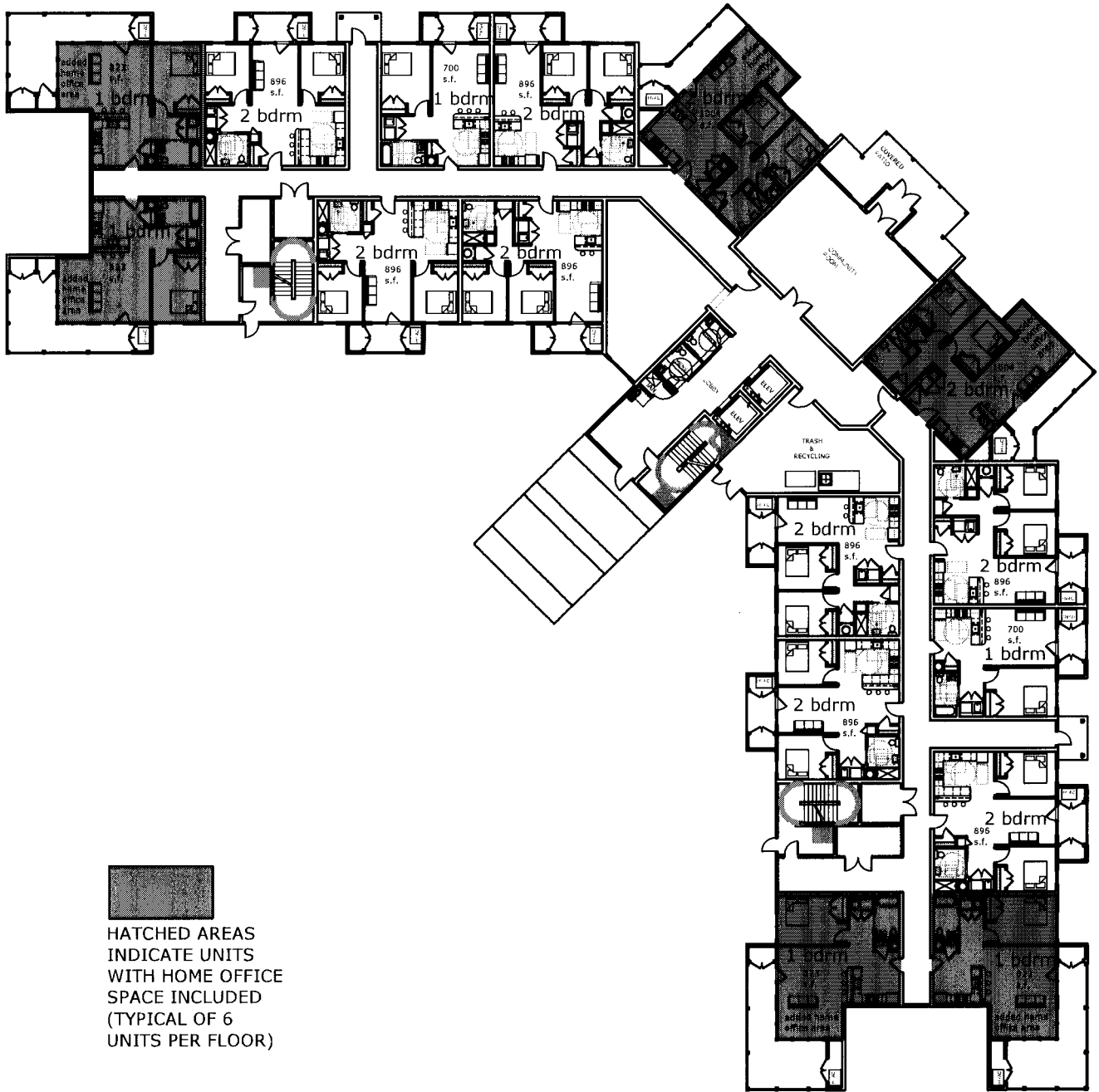
STATE OF NEW YORK: COUNTY OF ORANGE:


SWORN TO THIS 14th DAY OF July 20 21

ROSE MARIE CHIVATTONI  
Notary Public, State of New York  
No. 4858922  
Qualified in Orange County  
Commission Expires September 22, 20 22

  
NOTARY PUBLIC

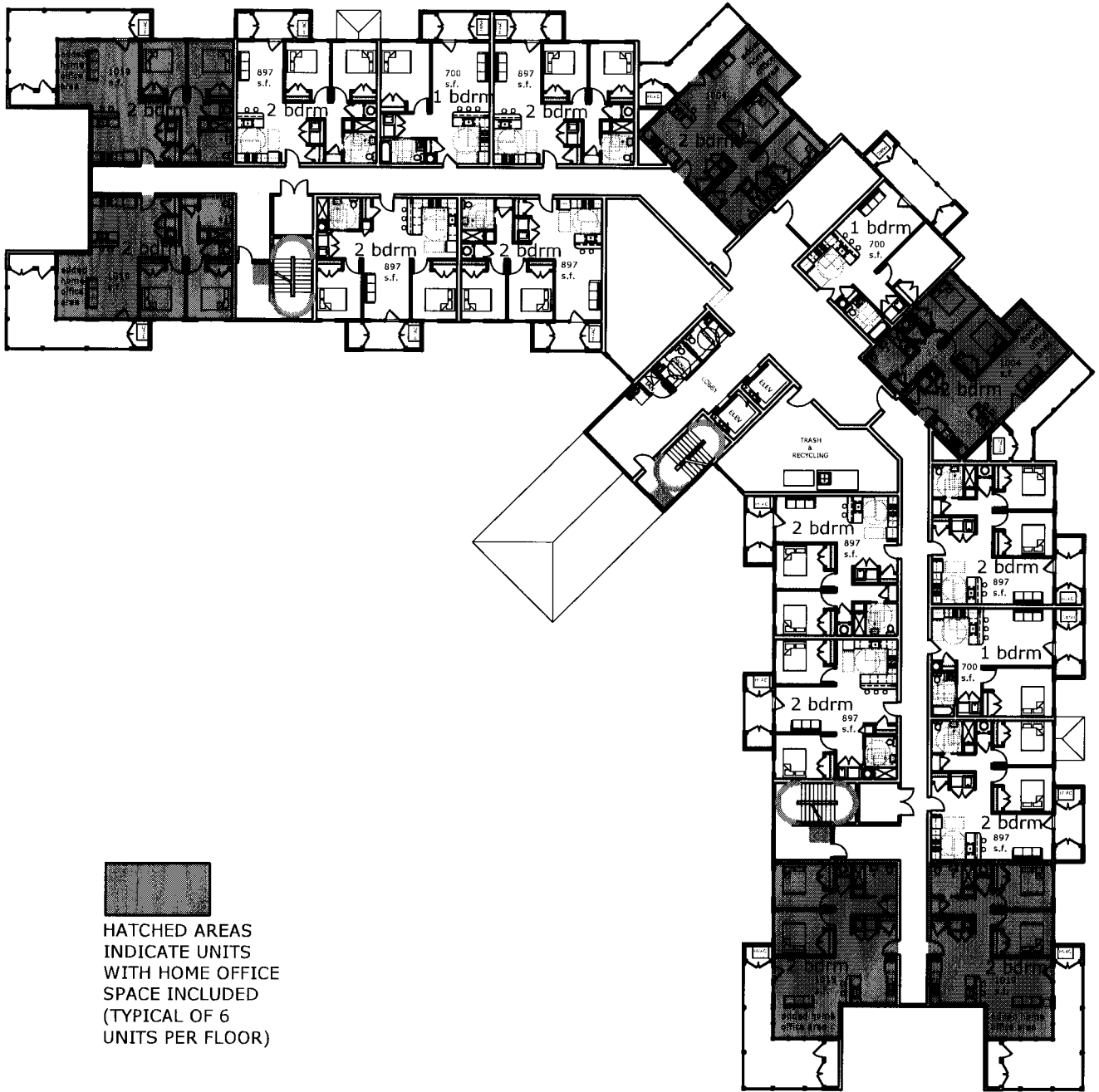
\* The Secretary of 52 Monarch Drive, Inc.

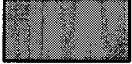


  
 HATCHED AREAS  
 INDICATE UNITS  
 WITH HOME OFFICE  
 SPACE INCLUDED  
 (TYPICAL OF 6  
 UNITS PER FLOOR)

FIRST FLOOR PLAN

1



  
 HATCHED AREAS  
 INDICATE UNITS  
 WITH HOME OFFICE  
 SPACE INCLUDED  
 (TYPICAL OF 6  
 UNITS PER FLOOR)

SECOND & THIRD FLOOR PLAN



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Mark Phillips, being duly sworn, depose and say that I did on or before

August 12, 2021, post and will thereafter maintain at

Monarch Dr 103-7-18 & 47-1-46 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.

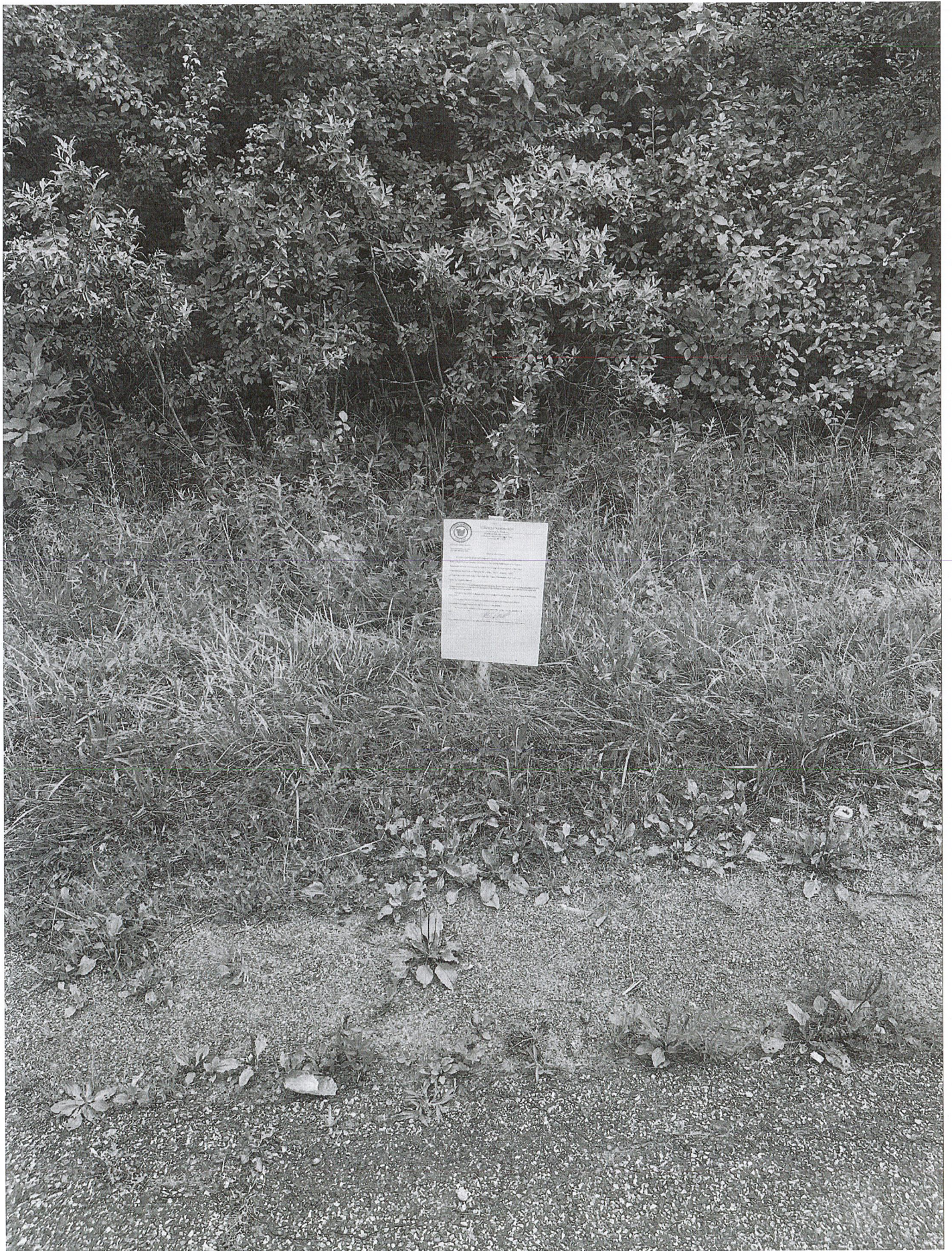
Mark Phillips

Sworn to before me this 9

day of August, 2021.



MARY CATHERINE WELCH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01WE6334650  
Qualified in Orange County  
My Commission Expires 12-21-2023





Get Outlook for iOS