



February 14, 2024

Chairman Darrin J. Scalzo and Members of the Zoning Board of Appeals
Town of Newburgh Zoning Board
21 Hudson Valley Professional Building
Newburgh, N.Y. 12550

RE: Support letter for Application of 5460 RTE 9W LLC ("Applicant") for variances for
5430 and 5450 Route 9W, Newburgh, New York ("Project")

Dear Chairman Scalzo and Members of the Zoning Board of Appeals:

I am writing in support of the above variance application. I am the President of the Landings Group LLC which owns and manages a number of residential apartment and townhouse developments throughout the northeast, including the Orchard Hills Landing complex in Newburgh, New York which abuts the Project located off 9w and Cortland Drive in Newburgh, New York. Orchard Hills consists of 260 residential apartment and townhouse units and shares the back (east) property line of with the Applicant's property. Unfortunately, I will not be able to attend the ZBA meeting due to a previously scheduled commitment so I would ask that this letter of support be read into the record to make those in attendance aware of our support for the Applicant's variance requests.

We have reviewed the submittal by the Applicant including the JMC Drawing C-100 "Layout Plan" dated 02/05/2024, the Town of Newburgh ZBA application dated 02/05/2024 and the site pictures. We understand that Project would involve construction of an 11,550 square foot retail building, a 1,500 square foot restaurant and a 3,100 square foot convenience store/gas station and associated site improvements.

Further in that connection we understand that the Applicant has requested variances: (1) directly affecting our common property line for (a) a rear yard setback – i.e., where 30 feet is required and 18 feet is provided for one building and 19.5 feet is provided for the other - and (b) abutting our the R3 zoned property involving a buffer area as to which we understand there is some question as to need since the project is in an adjoining "B" zone; and (2) for a set back variance of the canopy from 9W and from Cortland Drive. I also note that the Applicant has mitigated its variance requests by redesigning the Project to omit the need for a variance regarding Oak Street vis a vis an entrance or exit for an accessory off- street parking area etc.

Should the variances be approved the Project as configured, it will be of real benefit and very desirable to all our residents, among other things by providing our residents with close proximity and access to the business and services expected to operate there. Also, in our view the Project does not impact future residences or other property development opportunities for us, will not impair light and/or air to our adjacent property, will not create a nuisance and will not increase any hazard from fire or other dangers to our property. As such there would be no undesirable change for us in the character of the neighborhood

Thank you for allowing us to express our support for the Project.

Very truly yours,



Christopher Bicho, Managing Member
Orchard Hills Landings, LLC