



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: 12/27/2018

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

I (WE) Paul Brothe PRESENTLY

RESIDING AT NUMBER One Genna Way, Newburgh, NY 12550

TELEPHONE NUMBER 720-251-1500

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:

79.4-1-2 (TAX MAP DESIGNATION)

1 Genna Way, Newburgh, NY (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Municipal Code 185-D-3-(c)-(3)
Solar Collectors shall not be located in a front yard



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: 11/27/18
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: 185-D-3-(c)-(3)

We are seeking an area variance of 531sq.ft to install a ground mount solar system

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

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

see attached

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

see attached



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

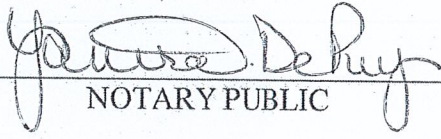


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~ Ulster:

SWORN TO THIS 27th DAY OF December 20 18

YANIRA DEPUY
NOTARY PUBLIC, No. 01DE6203923
STATE OF NEW YORK
COMMISSION EXPIRES 05/18/21



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)

Property Owner: Paul Brothe

Address of Property: 1 Genna Way, Newburgh, NY 12550

SBL: 79-5-1.2

Representatives for Property Owner: Anthony S. Sicari, Jr., Owner of New York State Solar Farm, Inc.

Applicant: New York State Solar Farm, Inc.

Building & Planning Board Application for: Installation of PV Solar Panel Installation – Ground Mounted System

Ground Mount Array Pieces: 1 complete array = 1 piece

Ground Mount Array Dimensions: Height = 11' - 5" / 531 square feet

Ground Mount Array Panel Quantity: 30 PV Modules with Integrated Micro Inverters

Ground Mount Array Panel Manufacturer & Model Info: SunPower E20-327-D-AC

Ground Mount Array kW: 9.81kW

ZBA Application No. 6 – “IF AN AREA VARIANCE REQUESTED:”

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

The proposed Solar ground mount array meets all property setback requirements. The proposed Solar arrays have a footprint only 5% the size of the empty grass field they will be placed in.

The proposed Solar array will receive 360° screening as part of the installation to limit view as much as possible with existing natural mature growth tree coverage surrounding the ground mount and property lines.

The small footprint of the Solar array relative to the grass field combined with the substantial screening will prevent any undesirable impact on the look of the neighborhood and is not visible by any adjacent neighbors.

Additionally, the quality of the investment to the Brothe property will increase the overall value of the Brothe property long-term and raise the property values of nearby properties as well.

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER AND AN AREA VARIANCE, BECAUSE:

The location on the property for the ground mounted PV solar panel array installation will provide for the maximum solar production of the system. The proposed solar array position is in the natural position of the home and is not visible by any neighbors. It is also well shielded by the natural tree line. The proposed solar array meets all property setback requirements.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The Solar array foot print including all panel arrays, and separation space accounts for only 16% of the total area of the empty grass field it will be placed within. Solar systems and particularly Solar arrays in Ground Mount configurations are a common addition to communities with large open spaces of land like Mr. Brothe's.

Communities throughout New York (now the sixth fastest growing solar market) are embracing the addition of solar to their community infrastructure as a sign of prosperity and leading technology community investment.

Finally, the efforts in screening of the solar arrays demonstrate a well thought out and standard approach to making solar arrays of this type acceptable and even preferable for home owners such as Paul Brothe, neighbors, nearby properties and the overall Town of Newburgh community as a whole.

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

The proposed Solar array will have a **positive effect** on the environmental conditions as 100% of the homes energy needs will now be provided by clean energy produced locally. The proposed Solar arrays will represent a significant financial investment in the community including significant investment in screening and landscaping which will enhance and improve the physical condition of the property, the neighborhood and the district. The Solar arrays have been purposely designed and positioned to maintain existing trees for privacy and long-term environmental health.

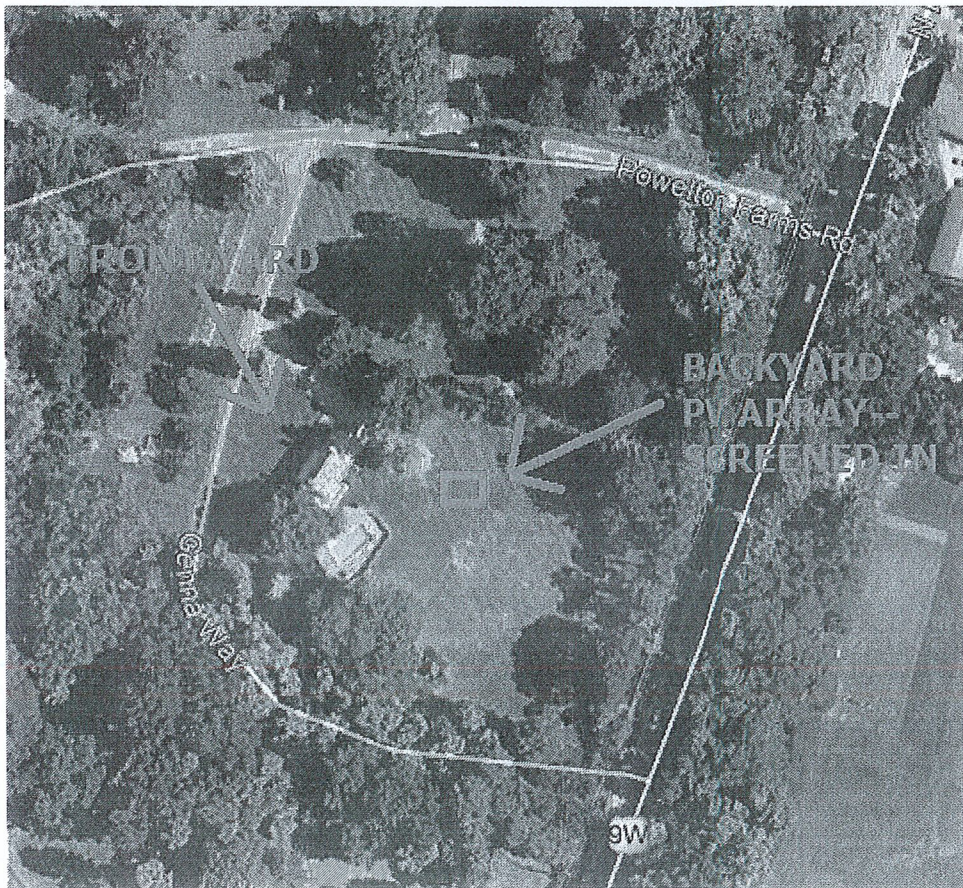
e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Mr. Brothe purchased the home in its current state with energy systems needing significant electrical offset. The Area Variance is necessary because the ground mounted system is the most efficient and affordable means to support the energy needs of this homeowner. The Solar array has been designed with the highest quality and most efficient solar panels possible which are made in the USA and will allow Mr. Brothe to afford staying in this home as a valuable resident and tax payer within the Town of Newburgh.

ZBA Application No. 7 – “ADDITIONAL REASONS (IF PERTINENT):”

Mr. Brothe is a model citizen and resident. He looks for the support of his community in approving this solar project for him.

The denial from the building department is stating we are not in code with the front yard rule but our proposed ground mount array is not in the front yard. This is a corner lot property, where all sides are technically street-facing, but the front yard is as shown below in the photo. Our proposed ground mount array is in the backyard and is screened from view on all sides.



Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Paul Brothe			
Project Location (describe, and attach a location map): 1 Genna Way, Newburgh, NY 12550			
Brief Description of Proposed Action: We are seeking an Area Variance of 531 sq. ft. to install a ground mounted Solar System.			
Name of Applicant or Sponsor: NYS Solar Farm, Inc.		Telephone: 845-256-6041	
		E-Mail: bianca@nyssf.com	
Address: 1938 Route 44-55			
City/PO: Modena		State: NY	Zip Code: 12548
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		5.70 acres	
b. Total acreage to be physically disturbed?		8 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: December 27, 2018

Signature: *[Handwritten Signature]*

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

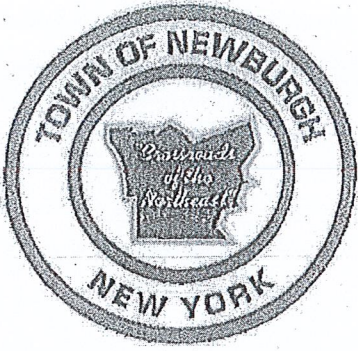
Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Paul Brothe, DEPOSES AND SAYS THAT

SHE RESIDES AT 1 Genna Way, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

1 Genna Way, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED New York State Solar Farm, Inc.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12-12-2018 Paul Brothe

OWNER'S SIGNATURE

Yvonne Deluy

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12th DAY OF December 2018

BIANCA V. CAUCHI
Notary Public, State of New York
No. 01CA6233239
Qualified in Ulster County
Term Expires December 27, 2018

Bianca Cauchi
NOTARY PUBLIC

SUNPOWER®

by New York State Solar Farm

NEW YORK STATE SOLAR FARM
1938 STATE ROUTE 44/55
MODENA, NY 12548

UNIVERSAL NEW YORK PROPERTY OWNER'S ENDORSEMENT
(Person applying for building permit is not the property owner)

State of New York county of Orange --I hereby certify that

I, Paul Brothe am the owner in fee of

1 Genna Way, Newburgh, NY 12550 (address) in the Town of

Newburgh. I also hereby authorize Anthony S. Sicari, Jr. of SunPower by New York State Solar Farm, Inc. to apply for a permit to perform the installation of a photovoltaic system on my residence.

Owner Signature *Paul Brothe*
Paul Brothe (Sep 6, 2018)

Date Sep 6, 2018

SunPower® by New York State Solar Farm
SunPower® Master Dealer
Solar System Design and Installation
1938 Rt. 44/55, Modena, NY 12548 Tel: 845-255-0610 Email: info@nyssf.com



TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

27 23- 13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 11/27/2018

Application No. 18-1088

**To: Paul Brothe
1 Genna Way
Newburgh, NY 12550**

**SBL: 79-4-1.2
ADDRESS: 1 Genna Way**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 09/11/2018 for permit to install 30 ground mounted solar collectors in a front yard. on the premises located at 1 Genna Way is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section:

1) 185-D-3-(c)-[3] Solar collectors shall not be located in a front yard.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT YES / **NO**

NAME: Paul Brothe Building Application # 18-1088

ADDRESS: 1 Genna Way Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE **USE VARIANCE**

TYPE OF STRUCTURE: 25'-8" x 20'-8" x 11'-5" ground mounted solar panels

SBL: 79-4-1.2 **ZONE:** R-1 **ZBA Application #** _____

TOWN WATER: YES / NO **TOWN SEWER:** YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY _____ YES / NO
 CORNER LOT - 185-17-A _____ YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

NOTES: Modules will be located between the dwelling and Route 9W

VARIANCE(S) REQUIRED:

- 1 185-D-3-(c)-[3] Solar collectors not permitted in a front yard.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 27-Nov-18

orig.



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: 14401 / 1853
INSTRUMENT #: 20180035160

Receipt#: 2489636
Clerk: KP
Rec Date: 05/14/2018 11:57:48 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: PROFESSIONAL AGENCY

Party1: SALEM TABERNACLE
Party2: BROTHE PAUL J
Town: NEWBURGH (TN)
79-4-1.2

Recording:	
Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
Sub Total:	200.00
Transfer Tax	
Transfer Tax - State	1760.00
Sub Total:	1760.00
Total:	1960.00
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 9219	
Transfer Tax	
Consideration: 439900.00	
Transfer Tax - State	1760.00
Total:	1760.00

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

Comment: _____

Ann G. Rabbitt
Ann G. Rabbitt
Orange County Clerk

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 5/14/18 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY 12/17/18

Record and Return To:

JOSEPH S SAYEGH
1100 ROUTE 9
FISHKILL, NY 12524

SBL: 79-4-1.2

BARGAIN & SALE DEED, WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 2nd day of May, Two Thousand and Eighteen
BETWEEN

OASIS MINISTRIES* now known as **SALEM TABERNACLE**, a Religious Corporation organized and existing under the laws of the State of New York, with principal offices at 7 Delavan Avenue, Beacon, New York 12508, party of the first part, and

PAUL J. BROTHE, residing at 2217 N. Clarkson Street, Denver Colorado 80205-5118, party of the second part,

WITNESSETH, that the party of the first part, in consideration of **FOUR HUNDRED THIRTY-NINE** and **NINE HUNDRED 00/100 (\$439,900.00) DOLLARS**, lawful money of the United States and other good and 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, County of Orange, State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the west line of NYS Route 9W where the same is intersected by the centerline of a road known as Catalpa Road and running thence along NYS Route 9W South 30° 52' 30" West 461.45 feet to a point marked by a highway monument, thence continuing along the same South 31° 20' 50" 18.25 feet to a point; thence along lands now or formerly of Morehead North 68° 07' 10" West 150.00 feet to a point and continuing on a curve to the right having a radius of 214.43 feet an arc length of 120.32 feet to a point;

THENCE along lands now or formerly of Weiss the next three courses and distances [1] North 35- 58' 10" West 150.00 feet to a point (2) North 49e 32' 40" West 199.03 feet to a point, and (3) North 55s 14' 05" West 164.17 feet to a point, thence along and through Catalpa Road North 772 38' 25" East 280.24 feet to a point, thence continuing along or near the centerline of Catalpa Road the next twelve (12) courses and distances.

(1) North 822 25 ' 55" East 46.50 feet, thence (2) North 862 52' 55" East 50.00 feet, thence (3) South 892 41' 05" East 50.00 feet, thence (4) South 862 36' 05" East 50.00 feet, thence (5) South 83s 58' 05" East 50.00 feet, thence (6) South 802 51' 00" East 50.00 feet, thence (7) South 792 44' 05" East 50.00 feet, thence (8) South 752 18' 10" East 50.00 feet, thence (9) South 682 21' 00" East 50.00 feet, thence (10) South 642 40 ' 05" East 50.00 feet, thence (11) South 622 50' 05" East 50.00 feet, thence (12) South 602 33' 05" East 58.52 feet to the point or place of **BEGINNING**.

* more particularly described on the attached Schedule A

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,

Title No. PRO-9668-OF

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 and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the west line of NYS Route 9W where the same is intersected by the centerline of a road known as Catalpa Road and running thence along NYS Route 9W South 30 deg 52' 30" West 461.45 feet to a point marked by a highway monument, thence continuing along the same, South 31 deg 20' 50" West 18.25 feet to a point; thence along lands now or formerly of Morehead North 68 deg 07' 10" West 150.00 feet to a point and continuing on a curve to the right having a radius of 214.43 feet an arc length of 120.32 feet to a point;

THENCE along lands now or formerly of Weiss the next three (3) courses and distances: (1) North 35 deg 58' 10" West 150.00 feet to a point, (2) North 49 deg 32' 40" West 199.03 feet to a point, and (3) North 55 deg 14' 05" West 164.17 feet to a point, thence along and through Catalpa Road North 77 deg 38' 25" East 280.24 feet to a point, thence continuing along or near the centerline of Catalpa Road the next twelve (12) courses and distances:

(1) North 83 deg 25' 55" East 46.50 feet, thence (2) North 86 deg 52' 55" East 50.00 feet, thence (3) South 89 deg 41' 05" East 50.00 feet, thence (4) South 86 deg 36' 05" East 50.00 feet, thence (5) South 83 deg 58' 05" East 50.00 feet, thence (6) South 80 deg 51' 00" East 50.00 feet, thence (7) South 79 deg 44' 05" East 50.00 feet, thence (8) South 75 deg 18' 10" East 50.00 feet, thence (9) South 68 deg 21' 00" East 50.00 feet, thence (10) South 64 deg 40' 05" East 50.00 feet, thence (11) South 62 deg 50' 05" East 50.00 feet, thence (12) South 60 deg 33' 05" East 58.52 feet to the point and place of BEGINNING.

BEING FURTHER BOUNDED AND DESCRIBED ACCORDING TO A SURVEY PREPARED BY ROBERT L. CAMPBELL, LS DATED 4/24/18 AS FOLLOWS:

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

Beginning at a point on the Westerly side of US Route 9W, said point marking the Northeast corner of the herein described parcel and at or near the center of a private road known as Powelton Farms Road a.k.a. Catalpa Road; thence running Southerly along the Westerly side of said US Route 9W, South 30-52-30 West 461.45 feet to a concrete monument and South 31-20-50 West 18.25 feet to a point marking the Southeast corner of the herein described parcel and the Northeast corner of lands now or formerly Morehead (Liber 1472, page 137);

Title No. PRO-9668-OF

SCHEDULE "A" (continued)

thence running Westerly along the Northerly line of said Morehead, North 68-07-10 West 150.00 feet to a railroad spike; thence on a curve to the right with a radius of 214.43 feet and an arc length of 120.32 feet and long chord of North 52-02-40 West 118.75 feet to an iron rod marking the Northwest corner of the aforementioned Morehead and the Northeasterly line of lands now or formerly Weiss (Liber 1782, page 174); thence running along the Northeasterly side of said Weiss and at or near the center of an old lane, North 35-58-10 West 150.00 feet to an iron rod, North 49-32-40 West 199.03 feet to an iron rod; thence continuing along said Weiss and passing over an iron rod found marking the most Northerly corner of said Weiss, North 55-14-05 West 164.17 feet to a point on the Southerly side of the aforementioned Powelton Farms Road, a.k.a. Catalpa Road; thence running through the same, North 77-28-35 East 280.24 feet to a point in the center of said private road; thence running along the same the following 12 courses, North 83-25-55 East 46.50 feet, North 86-52-55 East 50.00 feet, South 89-41-05 East 50.00 feet, South 86-36-05 East 50.00 feet, South 83-58-05 East 50.00 feet, South 80-51-00 East 50.00 feet, South 79-44-05 East 50.00 feet, South 75-18-10 East 50.00 feet, South 68-21-00 East 50.00 feet, South 64-40-05 East 50.00 feet, South 62-50-05 East 50.00 feet and South 60-33-05 East 58.52 feet to the point or place of beginning.

SBL: 79-4-1.2


the New York State Attorney General's Office and the Dutchess County Supreme Court under Petition identified by Dutchess County Supreme Court Index Number 2018-51002.

ANNEXED HERETO is a copy of the ORDER AND JUDGMENT authorizing this conveyance in accordance Section 12 of New York Religious Corporations Law and Section 511 of the New York Not For Profit Corporation Law, which is made a part hereof, and which ORDER AND JUDGMENT has been duly executed by the Hon. Peter M. Forman Justice of the Supreme Court, on April 19, 2018 and which ORDER AND JUDGMENT further bears the required endorsement of "no objection" by the New York Attorney General's Office.

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

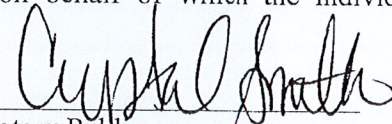
IN PRESENCE OF:

* SALEM TABERNACLE, a New York Religious Corporation

BY: 
William Dandreano
President and Senior Pastor

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

On the 2nd day of May, 2018, before me, the undersigned, a notary public in and for said state, personally appeared William Dandreano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.


Notary Public

Address: 1 Genna Way, Newburgh, NY

CRYSTAL SMITH
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01SM6022526
Qualified in Orange County
Commission Expires April 5, 2019

RETURN BY MAIL TO:
Joseph S. Sayegh, Esq.
1100 Route 9
Fishkill, NY 12524

Paul Brothe, 1 Genna Way, Newburgh NY, 12550

Photos for Building and Zoning Review

The proposed Ground Mount Array is not in the front yard. Our array is in the backyard and is screened from view on all sides.

This is a corner lot property, where all sides are technically street-facing, but the front yard is as shown:



1. View facing 1 Genna Way from Genna Way



2. Side / Rear Views of Residence







3. Views of Ground Mount Array Area





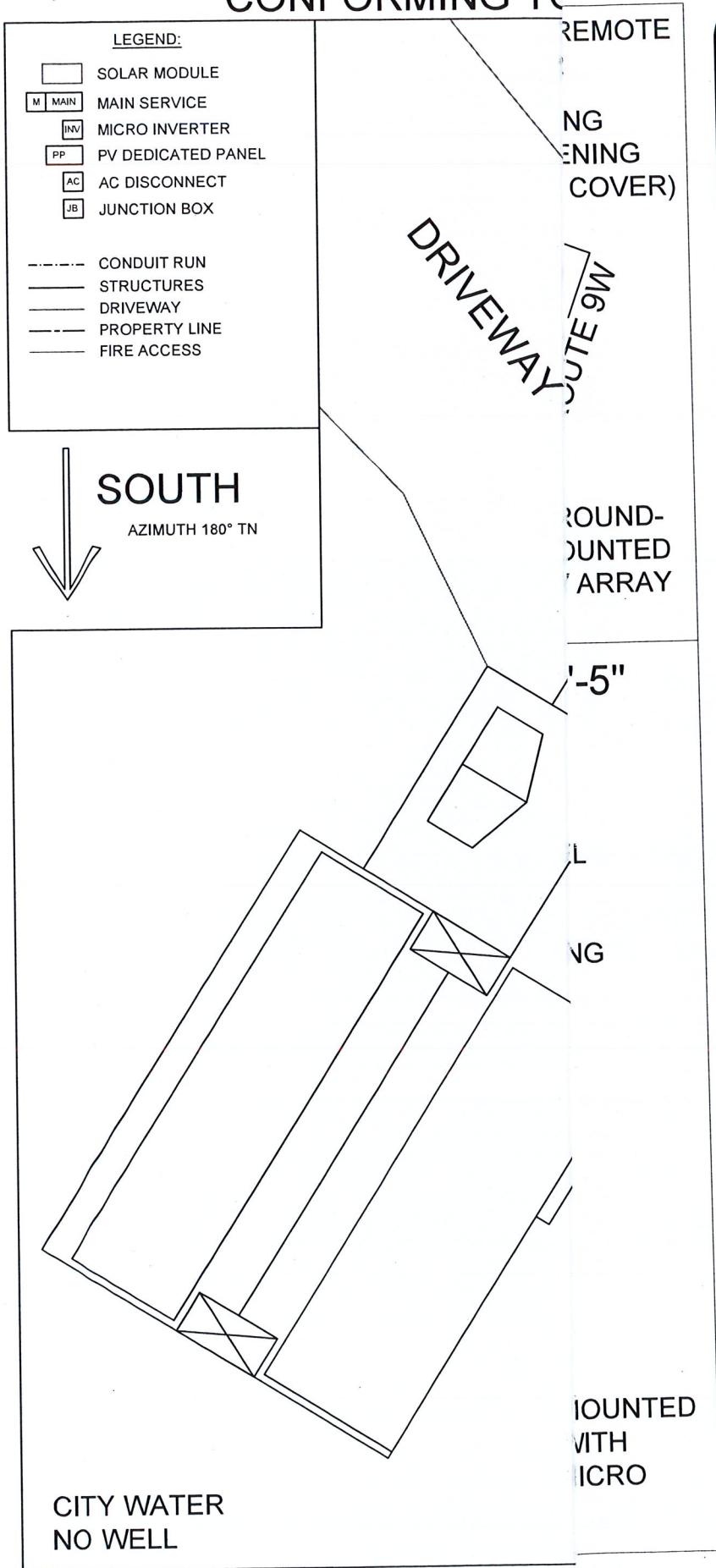
Paul Brothe, 1 Genna Way, Newburgh NY, 12550

Photos for Building and Zoning Review

4. Panoramic View of 1 Genna Way



CONFORMING TO 2014 NEC



NEW YORK STATE SOLAR FARM INC.

871 STATE ROUTE 208

GARDINER, NY 12525 USA

PHONE: 1.877.SOLAR.95

BuySolarLocal.com

SUNPOWER®

by

New York State Solar Farm

CUSTOMER:

Paul Brothe

RESIDENCE

1 Genna Way

Newburgh, NY 12550

PV SYSTEM CONFIGURATION:

SYSTEM SIZE: 9.81 kW

PV MODULES:(30) SUNPOWER

E20-327-D-AC

MICRO INVERTER: (3 BRANCHES)

DRAWN BY: NYSOLAR-AS

DATE: 10-9-2018

REV: 2D

INSTALLER CODE: 2D

SHEET #: PV1

SHEET TITLE: SITE PLAN

1 OF 10 SHEETS

SCALE: LISTED

SOLAR ARRAYS AND THEIR SYSTEM COMPONENTS SHALL BE INSTALLED IN CONJUNCTION WITH LOCAL CODES, 2017 NY UNIFORM BUILDING CODE SUPPLEMENT & 2014 NEC

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Yanira DePuy, being duly sworn, depose and say that I did on or before
January 10, 2019, post and will thereafter maintain at

1 Genna Way in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the
information contained in the original Notice of Hearing) until after the Public Hearing is closed. The
Notice must then be removed and property disposed of within ten (10) days of the close of the Public
Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for
additional time.

Sworn to before me this 31st

day of DECEMBER, 2018.

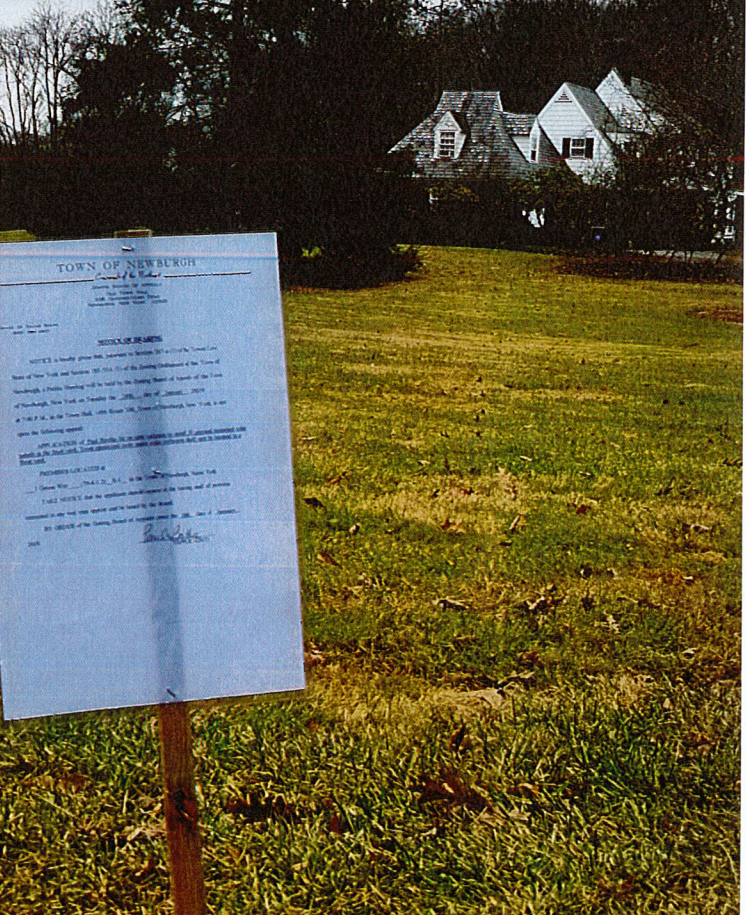
Yanira DePuy

Andrew J. Zarutskie

Notary Public

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2021

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this
affidavit.]



TOWN OF NEWBURGH
NOTICE TO THE PUBLIC
NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF THE TOWN OF NEWBURGH, NEW YORK, HAS RESOLVED TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF NEWBURGH, NEW YORK, ON THE 15TH DAY OF OCTOBER, 2011, AT 7:00 P.M. IN THE TOWN HALL, 1000 ROUTE 9W, TOWN OF NEWBURGH, NEW YORK.

TOWN OF NEWBURGH
NOTICE TO THE PUBLIC
NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF THE TOWN OF NEWBURGH, NEW YORK, HAS RESOLVED TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF NEWBURGH, NEW YORK, ON THE 15TH DAY OF OCTOBER, 2011, AT 7:00 P.M. IN THE TOWN HALL, 1000 ROUTE 9W, TOWN OF NEWBURGH, NEW YORK.

TOWN OF NEWBURGH
NOTICE TO THE PUBLIC
NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF THE TOWN OF NEWBURGH, NEW YORK, HAS RESOLVED TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF NEWBURGH, NEW YORK, ON THE 15TH DAY OF OCTOBER, 2011, AT 7:00 P.M. IN THE TOWN HALL, 1000 ROUTE 9W, TOWN OF NEWBURGH, NEW YORK.

TOWN OF NEWBURGH
NOTICE TO THE PUBLIC
NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF THE TOWN OF NEWBURGH, NEW YORK, HAS RESOLVED TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF NEWBURGH, NEW YORK, ON THE 15TH DAY OF OCTOBER, 2011, AT 7:00 P.M. IN THE TOWN HALL, 1000 ROUTE 9W, TOWN OF NEWBURGH, NEW YORK.

