

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8, for Maximum Building Height and Accessory Uses.

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: N/A

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: October 8, 2013

4. DESCRIPTION OF VARIANCE SOUGHT: The Petitioner is requesting to construct a new Crystal Run Healthcare medical office building on property located off of Union Avenue (NYS Route 300), in proximity to Wal-Mart and Old Little Britain Road in IB – Interchange Business District in the Town of Newburgh. The Petitioner’s proposed louvered mechanical roof screen and the central lobby roof are between 45.0 and 48.0 +/- feet in height, depending on the final grading of the site. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8, provides that the maximum permitted building height is 40-feet for an office for business, research or professional uses in the IB district. While portions of the roofline may satisfy the maximum permitted height, the louvered mechanical roof screen and the central lobby roof exceed the maximum permitted height, requiring a variance of between 5.0 and 8.0 +/- feet for building height.

5. DESCRIPTION OF ZONING INTERPRETATION SOUGHT: The Petitioner is requesting to employ a mobile MRI (Magnetic Resonance Imaging) unit as an accessory use, incidental to the principal medical office building, to be parked and used in the parking lot of the proposed medical office building. The mobile MRI will be used by Crystal Run Healthcare medical professionals to provide clinical medical services to their patients. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8, provides that “[c]afeterias, clinics and recreation facilities for the use of employees engaged on the premises is an accessory use for offices for business, research and professional uses are uses subject to site plan review.” Town Code § 185-3 provides that an accessory use is a use recognized in the table of use and bulk requirements that is clearly incidental to the principal use and permitted in conjunction with the principal use identified. The Petitioner is requesting an interpretation that the mobile MRI is a permitted accessory use in the IB district as a clinic.

6. 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

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

N/A

7. IF AN AREA VARIANCE IS REQUESTED:

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

The proposed building height is as a result of screening measures required by the Town's Architectural Review and the Petitioner's measures to enhance the visual appeal of the building to be consistent with the surrounding businesses, including Wal-Mart and Home Depot along NYS Route 300. The requested building height variance would not be inconsistent with the character of the Interchange Business District. Portions of the roofline meet the maximum building height required for offices for business, research or professional uses in the IB district. There would be limited potential negative visual impacts to neighboring commercial properties, and the louvered mechanical roof screen and the central lobby roof would be primarily visible from NYS Route 300. Due to the nature of the site, the adjacent property owners will not be negatively impacted, and the proposed design is to enhance the visual appeal of the building to be consistent with the surrounding properties.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:
The Town's Architectural Review requires that all rooftop mechanicals are to be screened. Portions of the Petitioner's roofline meet the maximum height requirements in the IB District. Additionally, the building design is consistent with Crystal Run Healthcare's established medical office buildings. Further, depending on the grading of the property the central lobby roof is designed in light of the internal medical office functions, and the required rooftop screening. To be consistent with neighboring commercial uses and to enhance the building's visual appearance, a variance must be sought for the maximum building height for the louvered mechanical roof screen and the central lobby roof. The benefit sought by the applicant cannot be achieved by any other method.
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, as a result of the Town's Architectural Review requirements that all rooftop mechanicals are to be screened, the louvered mechanical roof screen will be visible primarily by the nearby commercial properties and from NYS Route 300. The Town Code permits a maximum permitted building height of 40-feet for an office for business, research or professional use in the IB district. While portions of the roofline may satisfy the maximum permitted height, the louvered mechanical roof screen and the central lobby roof exceed the maximum permitted height, requiring only a small variance of between 5.0 and 8.0 +/- feet for building height. This is not a significant difference, and therefore, if granted, would not be substantial.
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
As noted above, the proposed building height is as a result of screening measures required by the Town's Architectural Review and the Petitioner's measures to enhance the visual appeal of the building to be consistent with the surrounding businesses in the IB District, including Wal-Mart and Home Depot along NYS Route 300. The louvered mechanical roof screen and central lobby roof will be visible primarily by the nearby commercial properties and from NYS Route 300 and will have limited potential negative visual impacts to neighboring properties. This variance is not substantial and will have no adverse environmental or physical impacts on the neighborhood or in the district.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
As noted by Terry Rice in his Practice Commentaries for Town Law §274-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variance is required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the proposed Crystal Run Healthcare medical office building meet the Code's requirements.

8. ADDITIONAL REASONS (IF PERTINENT):

Please see the attached site elevation plan, and a copy of the narrative that accompanied the Planning Board application.



CRH Realty VIII, LLC
 By: Hal Teitelbaum, MD, JD, MBA/CEO
 PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 9th DAY OF October 20 13

CYNTHIA P. SCHADY
 Notary Public, State of New York
 Commission No. 4866719
 Qualified in Orange County
 Commission Expires August 11, 2014


 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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Newburgh Towne Center, LLC, and Old Little Britain Road Group, LLC,
DEPOSES AND SAYS THAT

HE/SHE MAINTAINS AN OFFICE TO DO BUSINESS AT C/O Danza Groups,
104 Garden Court, Franklins Lakes, New Jersey 07417

IN THE COUNTY OF Bergen AND STATE OF New Jersey

AND THAT HE/SHE IS THE OWNER IN FEE OF lands in the Town of Newburgh
designated as Section, Block and Lot Numbers 97-3-8, 97-3-2, in proximity to Union
Avenue (NYS Route 300) and Old Little Britain Road, Town of Newburgh, New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED CRH Realty VIII, LLC, Dominic
Cordisco, Esq., Lanc & Tully, Columbia Development, and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/9/13



ANGELO J. DANZA

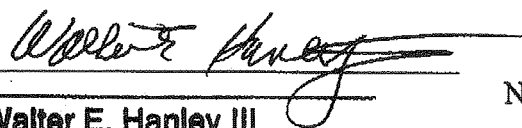
Newburgh Towne Center, LLC
Old Little Britain Road Group, LLC
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW JERSEY: COUNTY OF Bergen ^{Per me}

SWORN TO THIS 9 DAY OF October 2013



Walter E. Hanley III
Attorney at Law
State of New Jersey

NOTARY PUBLIC

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

TTC MANAGEMENT CORPORATION

TO
NEWBURGH TOWN CENTER, LLC

SECTION 97 BLOCK 3 LOT 8



RECORD AND RETURN TO:
(name and address)

ROBERT E. DINARDO, ESQ.
JACOBOWITZ & GUBITS
PO BOX 367
Walden, NY 12586

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | |
|----------------------------|---------------------------|
| 2089 BLOOMING GROVE (TN) | 4289 MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) |
| 2289 CHESTER (TN) | 4203 MONTGOMERY (VLG) |
| 2201 CHESTER (VLG) | 4205 WALDEN (VLG) |
| 2489 CORNWALL (TN) | 4489 MOUNT HOPE (TN) |
| 2401 CORNWALL (VLG) | 4401 OTISVILLE (VLG) |
| 2600 CRAWFORD (TN) | 4600 NEWBURGH (TN) |
| 2800 DEERPARK (TN) | 4800 NEW WINDSOR (TN) |
| 3089 GOSHEN (TN) | 5089 TUXEDO (TN) |
| 3001 GOSHEN (VLG) | 5001 TUXEDO PARK (VLG) |
| 3003 FLORIDA (VLG) | 5200 WALLKILL (TN) |
| 3005 CHESTER (VLG) | 5489 WARWICK (TN) |
| 3200 GREENVILLE (TN) | 5401 FLORIDA (VLG) |
| 3489 HAMPTONBURGH (TN) | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG) | 5405 WARWICK (VLG) |
| 3689 HIGHLANDS (TN) | 5600 WAWAYANDA (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5889 WOODBURY (TN) |
| 3889 MINISINK (TN) | 5801 HARRIMAN (VLG) |
| 3801 UNIONVILLE (VLG) | |
| 4089 MONROE (TN) | |
| 4001 MONROE (VLG) | |
| 4003 HARRIMAN (VLG) | |
| 4005 KIRYAS JOEL (VLG) | |

NO PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 840,000.00
TAX EXEMPT _____

Taxable
MORTGAGE AMT. \$ _____
DATE _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

CITIES

- ___ 0900 MIDDLETOWN
- ___ 1100 NEWBURGH
- ___ 1300 PORT JERVIS
- ___ 9999 HOLD

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Robert E. Dinardo*

RECORDED/FILED
03/21/2006 / 12:43:15
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20060031875
DEED C / BK 12109 PG 0731
RECORDING FEES 207.00
TTX# 007870 T TAX 3,360.00
Receipt#553047 suemay

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 03/21/06 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY OCTOBER 9, 2013



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

THIS INDENTURE, made the 17th day of March . 2006 and
BETWEEN TTC MANAGEMENT CORPORATION, a New York Corporation
with offices at 40 Murray Drive, Chester, New York 10918

party of the first part, and NEWBURGH TOWN CENTER , LLC
C/O Jacobowitz & Gubits 158 Orange Avenue, Walden, New York 12586

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEING and intended to be the same premises conveyed to Grantor by deed dated 9/8/2003 and recorded in The Orange County Clerk's Office on 10/7/2003 in liber 11220 page 20.

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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

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

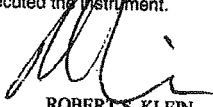
IN PRESENCE OF:


CHRISTOPHER A. RAGO
SECRETARY

Acknowledgement taken in New York State

State of New York, County of Orange, ss:

On the 17 day of March, in the year 2006, before me, the undersigned, personally appeared **CHRISTOPHER DRAG** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.


ROBERT S. KLEIN
Notary Public State of New York
No. 01KL4689386
Qualified in Orange County
Commission Exp. Dec. 31, 2008

Acknowledgement by Subscribing Witness taken in New York State

State of New York, County of _____, ss:

On the _____ day of _____, in the year _____, before me, the undersigned, personally appeared _____

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in _____

that he/she/they know(s) _____ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said _____ execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Title No.: RD 33-33575 Hardenburgh

TTC MANAGEMENT CORPORATION

TO

NEWBURGH TOWN CENTER, LLC

Distributed by
Chicago Title Insurance Company

Acknowledgement taken in New York State

State of New York, County of _____, ss:

On the _____ day of _____, in the year _____, before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Acknowledgement taken outside New York State

* State of _____, County of _____, ss:
* (or insert District of Columbia, Territory, Possession or Foreign Country)

On the _____ day of _____, in the year _____, before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION 97
BLOCK 3
LOT 8
COUNTY OR TOWN Newburgh (Town)

RETURN BY MAIL TO:

ROBERT E. DINARDO, ESQ.
Jacobowitz & Gubits
PO Box 367
Walden NY Zip No. 12586

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

SCHEDULE A

All that parcel of land situate in the Town of Newburgh - County of Orange - State of New York being more particularly bounded and described as follows.

Beginning at a point on the southeasterly right-of-way line of Union Avenue (NEW YORK STATE ROUTE 300), Said point further referenced as being the most northerly corner of the parcel herein described.

Thence from said point of beginning SOUTH 62 degrees - 38 minutes - 11 seconds EAST along the common line of lands now or formerly of Flannery (Liber 2030 - Page 395), 196.09 feet to a point at the end of a stone wall.

Thence SOUTH 68 degrees - 18 minutes - 42 seconds WEST along the northwesterly right-of-way line of an easement formerly known as Old Goshen Road, 202.55 feet to a point.

Thence NORTH 59 degrees - 56 minutes - 21 seconds WEST continuing along the right-of-way line of an easement formerly known as Old Goshen Road, said line also being the municipal boundary line for the Town of Newburgh and the Town of New Windsor, 64.20 feet to a point.

Thence NORTH 26 degrees - 08 minutes - 21 seconds EAST along the southeasterly right-of-way line of Union Avenue (New York State Route 300), 107.99 feet to a point.

Thence continuing along the southeasterly right-of-way line of Union Avenue (New York State Route 300) on a non-tangential curve to the left having a radius of 1471.89 feet and an arc length of 42.12 feet to the point and place of beginning.

Containing 20,020 +/- sq.ft.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Regina C. Flannery (individually and as executrix of the estate of James J. Flannery), DEPOSES AND SAYS THAT

SHE RESIDES AT 135 Dogwood Lane, Newburgh, New York 12550

IN THE COUNTY OF Orange AND STATE OF New York

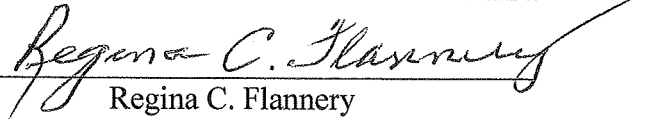
AND THAT THEY ARE THE OWNERS IN FEE OF lands in the Town of Newburgh designated as Section, Block and Lot Numbers 97-3-7, 97-3-26, and 97-3-6, in proximity to Union Avenue (NYS Route 300) and Old Little Britain Road, Town of Newburgh, New York, and land in the Town of New Windsor, designated as Section, Block and Lot Number 4-1-72.2, Town of New Windsor, New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED CRH Realty VIII, LLC, Dominic Cordisco, Esq., Lanc & Tully, Columbia Development, and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/8/13




Regina C. Flannery
Individually and as
Executrix of the Estate of James J. Flannery
OWNER'S SIGNATURE


Douglas V. Crossley
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8TH DAY OF OCTOBER 2013



NOTARY PUBLIC

DOMINIC R. CORDISCO
Notary Public, State of New York
No. 02C05041831
Qualified in Orange County
My Commission Expires 6/14

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

9864 99-3-6,7+26
NW
SECTION 4 BLOCK 1 LOT 72.2



ROBERT W. FINK, ESQ., REFEREE

RECORD AND RETURN TO:
(name and address)

TO
REGINA C. FLANNERY, Individually
REGINA C. FLANNERY, as Executrix

DRAKE, LOEB HELLER KENNEDY GOGERTY
GABA & RODD, PLLC
555 HUDSON VALLEY AVE., STE 100
NEW WINDSOR, NY 12553
ATTN: TIMOTHY P. MC ELDUFF, JR.

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED CY MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|-------------------------------|---------------------------|
| 2089 BLOOMING GROVE (TN) | 4289 MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) |
| 2003 SO. BLOOMING GROVE (VLG) | 4203 MONTGOMERY (VLG) |
| 2289 CHESTER (TN) | 4205 WALDEN (VLG) |
| 2201 CHESTER (VLG) | 4489 MOUNT HOPE (TN) |
| 2489 CORNWALL (TN) | 4401 OTISVILLE (VLG) |
| 2401 CORNWALL (VLG) | 4600 NEWBURGH (TN) |
| 2600 CRAWFORD (TN) | 4800 NEW WINDSOR (TN) |
| 2800 DEERPARK (TN) | 5089 TUXEDO (TN) |
| 3089 GOSHEN (TN) | 5001 TUXEDO PARK (VLG) |
| 3001 GOSHEN (VLG) | 5200 WALLKILL (TN) |
| 3003 FLORIDA (VLG) | 5489 WARWICK (TN) |
| 3005 CHESTER (VLG) | 5401 FLORIDA (VLG) |
| 3200 GREENVILLE (TN) | 5403 GREENWOOD LAKE (VLG) |
| 3489 HAMPTONBURGH (TN) | 5405 WARWICK (VLG) |
| 3401 MAYBROOK (VLG) | 5600 WAWAYANDA (TN) |
| 3689 HIGHLANDS (TN) | 5889 WOODBURY (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5801 HARRIMAN (VLG) |
| 3889 MINISINK (TN) | 5809 WOODBURY (VLG) |
| 3801 UNIONVILLE (VLG) | CITIES |
| 4089 MONROE (TN) | 0900 MIDDLETOWN |
| 4001 MONROE (VLG) | 1100 NEWBURGH |
| 4003 HARRIMAN (VLG) | 1300 PORT JERVIS |
| 4005 KIRYAS JOEL (VLG) | 9999 HOLD |

NO. PAGES 6 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____
PAYMENT TYPE: CHECK V
CASH _____
CHARGE _____
NO FEE _____
Taxable
CONSIDERATION \$ 1,100,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:
____ (A) COMMERCIAL/FULL 1%
____ (B) 1 OR 2 FAMILY
____ (C) UNDER \$10,000
____ (E) EXEMPT
____ (F) 3 TO 6 UNITS
____ (I) NAT.PERSON/CR. UNION
____ (J) NAT.PER-CR.UN/1 OR 2
____ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Hill-n-Dale

RECORDED/FILED
08/02/2012/ 09:08:35
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20120072762
DEED C / BK 13386PG 1961
RECORDING FEES 325.00
TTX# 000021 T TAX 4,400.00
Receipt#1484304 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 08/02/12 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY OCTOBER 9, 2013



HN 47446

REFEREE'S DEED

This deed, made the 23rd day of July, 2012, between ROBERT W. FINK, ESQ.,
200 MAIN ST., GOSHEN, NY 10927
referee duly appointed in the action hereinafter mentioned, as GRANTOR, and REGINA C. FLANNERY, INDIVIDUALLY, with an address of 135 Dogwood Lane, Newburgh, New York 12550 and REGINA C. FLANNERY, AS EXECUTRIX OF THE ESTATE OF JAMES J. FLANNERY, with an address of 135 Dogwood Lane, Newburgh, New York 12550, as GRANTEE:

WITNESSETH, that GRANTOR, the referee appointed in an action between Regina C. Flannery individually and as the Executrix of the Estate of James C. Flannery, plaintiff v. Newburgh Town Center, LLC, defendant, foreclosing a Mortgage Consolidation and Spreader Agreement recorded on the 5th day of July, 2007 in the Office of the Orange County Clerk, in Liber 12480, page 293, in accordance with a judgment entered in the Orange County Clerk's Office on the 13th day of June, 2012 by the Supreme Court, County of Orange, and in consideration of One and XX/100 Dollars (\$1.00) paid by GRANTEE, being the highest sum bid at the sale conducted pursuant to said judgment, does hereby grant and convey unto GRANTEE

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, bounded and described premises are described on the Town of Newburgh tax map as:

- Section 97, Block 3, Lot 6
- Section 97, Block 3, Lot 7
- Section 97, Block 3, Lot 26

And

DRAKE LOEB HELLER KENNEDY GOGERTY GABA & RODD PLLC
555 HUDSON VALLEY AVENUE, SUITE 100, NEW WINDSOR, NEW YORK 12553
PHONE: 845-561-0550

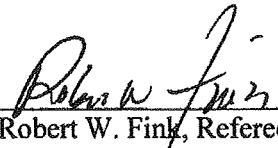
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described premises are described on the Town of New Windsor tax map as:

Section 4, Block 1, Lot 72.2

AND AS more particularly described in the legal descriptions annexed hereto.


To have and to hold the property herein granted unto GRANTEE, REGINA C. FLANNERY, INDIVIDUALLY, and REGINA C. FLANNERY, AS EXECUTRIX OF THE ESTATE OF JAMES J. FLANNERY, her distributees, and assigns forever.

In Witness Whereof, GRANTOR has hereunto set its hand and seal on the day and year first above written.


Robert W. Fink, Referee

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

On the 23rd day of July in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert W. Fink, 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

TIMOTHY P. MCELDUFF, JR.
Notary Public, State of New York
No. 02MC8022929
Qualified in Orange County
Commission Expires April 12, 2015

ROBERT D. KALAKA, L.S., P.C.

N.Y.S. Licensed Land Surveyor
P.O. Box 250
Wappingers Falls, New York 12590

Phone: (845) 297-5229

Fax: (845) 297-5166

Date: 06/27/07

Job Number: 333.2

Property Description
Newburgh Towne Center, LLC
Tax Map: 33-4600-97-3-7

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

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Rizzo (L.1666 P.300); thence along the easterly line of Union Avenue, on a curve to the left having a radius of 1471.89' for a distance of 82.00' and North 31-24-09 East 268.08' to a point; thence along lands now or formerly Flannery (L.1486 P.239), South 43-23-38 East 409.30' to a point; thence along Old Goshen Road, South 71-44-00 West 316.87' to a point; thence along lands now or formerly Rizzo (L.1666 P.300), North 59-10-00 West 192.50' to the point or place of beginning. Containing 2.11 acres of land, more or less.

Subject to a 25' Wide Utility Easement granted by Regina Flannery to James J. & Regina C. Flannery, bounded and described as follows:

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.396) with the southerly line of James J. & Regina C. Flannery (L.1486 P.239); thence along lands now or formerly Flannery (L.1486 P.239), South 43-23-38 East 409.30' to a point; thence along Old Goshen Road, South 71-44-00 West 27.80' to a point; thence over and through lands of Flannery (L.2030 P.396), North 43-23-38 West 390.80' to a point; thence along the easterly line of Union Avenue, North 31-24-09 East 25.91' to the point or place of beginning.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.

SCHEDULE A

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

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.395); thence, along the easterly line of Union Avenue, North 31-17-45 East 427.75', North 41-39-59 East 11.18', North 56-41-00 East 21.02' and South 89-59-01 East 9.38' to a point; thence along the southerly line of Old Little Britain Road, South 46-55-34 East 68.94' and South 45-54-59 East 6.97' to a point; thence along lands now or formerly Simon (L.3849 P.98), South 32-23-05 West 135.03' and South 52-46-00 East 61.00' to a point; thence continuing along lands now or formerly Simon (L.3849 P.98) and along lands now or formerly Connors (L.5513 P.235), lands now or formerly Sloan (L.1199 P.539), lands now or formerly Carattini (L.4679 P.18) and along lands now or formerly Swilpa (L.3551 P.178), South 49-14-00 East 421.90' to a point; thence along lands now or formerly Rose (L.4206 P.16), South 29-04-21 East 33.43' to a point; thence along lands now or formerly the City of Newburgh (L.388 P.352, L.389 P.126) and generally along a stone wall, South 51-05-00 West 233.06', South 59-44-00 West 41.00', South 69-25-00 West 148.00', South 70-04-00 West 251.34' and South 71-36-00 West 442.13' to a point; thence along the easterly line of Union Avenue, North 41-21-00 East 187.79' to a point; thence along lands now or formerly Rizzo (L.1656 P.300), South 56-31-00 East 64.20' and North 71-18-30 East 201.38' to a point; thence along lands now or formerly Flannery (L.2030 P.395), North 71-44-00 East 315.87' and North 43-23-38 West 409.30' to the point or place of beginning. Containing 5.39 acres of land, more or less.

Together with a 25' Wide Utility Easement granted by Regina Flannery to James J. & Regina C. Flannery, bounded and described as follows:

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.395) with the southerly line of James J. & Regina C. Flannery (L.1486 P.239); thence along lands now or formerly Flannery (L.1486 P.239), South 43-23-38 East 409.30' and South 71-44-00 West 27.61' to a point; thence over and through lands of Flannery (L.2030 P.395), North 43-23-38 West 390.78' to a point; thence along the easterly line of Union Avenue, North 31-24-09 East 26.91' to the point or place of beginning.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

Newburgh Town
Center, LLC
TO
The Old Britain
Group, LLC

SECTION 97 BLOCK 3 LOT 142



RECORD AND RETURN TO:
(name and address)

David B. Gubits, Esq.
P.O. Box 367
Walden, NY 12580

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

| | | |
|-------------------------------|------|----------------------|
| 2089 BLOOMING GROVE (TN) | 4289 | MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 | MAYBROOK (VLG) |
| 2003 SO. BLOOMING GROVE (VLG) | 4203 | MONTGOMERY (VLG) |
| 2289 CHESTER (TN) | 4205 | WALDEN (VLG) |
| 2201 CHESTER (VLG) | 4489 | MOUNT HOPE (TN) |
| 2489 CORNWALL (TN) | 4401 | OTISVILLE (VLG) |
| 2401 CORNWALL (VLG) | 4600 | NEWBURGH (TN) |
| 2600 CRAWFORD (TN) | 4800 | NEW WINDSOR (TN) |
| 2800 DEERPARK (TN) | 5089 | TUXEDO (TN) |
| 3089 GOSHEN (TN) | 5001 | TUXEDO PARK (VLG) |
| 3001 GOSHEN (VLG) | 5200 | WALLKILL (TN) |
| 3003 FLORIDA (VLG) | 5489 | WARWICK (TN) |
| 3005 CHESTER (VLG) | 5401 | FLORIDA (VLG) |
| 3200 GREENVILLE (TN) | 5403 | GREENWOOD LAKE (VLG) |
| 3489 HAMPTONBURGH (TN) | 5405 | WARWICK (VLG) |
| 3401 MAYBROOK (VLG) | 5600 | WAWAYANDA (TN) |
| 3689 HIGHLANDS (TN) | 5889 | WOODBURY (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5801 | HARRIMAN (VLG) |
| 3889 MINISINK (TN) | 5809 | WOODBURY (VLG) |
| 3801 UNIONVILLE (VLG) | | CITIES |
| 4089 MONROE (TN) | 0900 | MIDDLETOWN |
| 4001 MONROE (VLG) | 1100 | NEWBURGH |
| 4003 HARRIMAN (VLG) | 1300 | PORT JERVIS |
| 4005 KIRYAS JOEL (VLG) | | |
| | 9999 | HOLD |

NO. PAGES 5 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____
PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____
Taxable
CONSIDERATION \$ 0
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%
 (B) 1 OR 2 FAMILY
 (C) UNDER \$10,000
 (E) EXEMPT
 (F) 3 TO 6 UNITS
 (I) NAT.PERSON/CR. UNION
 (J) NAT.PER-CR.UN/1 OR 2
 (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Hardenburgh

RECORDED/FILED
01/09/2013/ 13:37:23
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130003595
DEED R / BK 13482PG 0370
RECORDING FEES 195.00
TTX# 003172 T TAX 0.00
Receipt#1547994 joanned

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 1/09/13 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY OCTOBER 9, 2013



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

THIS INDENTURE, made the 27th day of December, two thousand twelve

BETWEEN Newburgh Town Center, LLC, a New York Limited Liability Company, with an address of 104 Garden Court, Franklin Lakes, NJ 07417, party of the first part,

and

The Old Britain Group, LLC, a New Jersey Limited Liability Company, with an address of 104 Garden Court, Franklin Lakes NJ 07417, party of the second part,

WITNESSETH, that the party of the first part, 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 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 and State of New York, described as follows:

See Schedule "A" attached.

Property: Old Britain Road, T/O Newburgh
SBL: 97-3-1 & 97-3-2

(97-3-1) **BEING** the same premises conveyed by Antonio Simoni and Teresa Simoni to Newburgh Towne Center, LLC by deed dated March 14, 2007 and recorded in the Orange County Clerk's Office on March 21, 2007 in Liber 12393 of Deeds at Page 0541 as corrected by the deed dated November 28, 2007 and recorded in the Orange County Clerk's Office on January 8, 2008 in Liber 12593 of Deeds at Page 0733. The party of the first part herein (grantor) acquired title erroneously in the foregoing deeds as Newburgh Towne Center, LLC whereas the deeds should have read Newburgh Town Center, LLC.

(97-3-2) **BEING** the same premises conveyed by Lindsay K. Conners to Newburgh Town Center, LLC by deed dated January 31, 2006 and recorded in the Orange County Clerk's Office on February 8, 2006 in Liber 12078 of Deeds at Page 1860.

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

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

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, and being more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Old Little Britain Road, said point being South 45° 55' 00" East 6.867 feet from New York State R.O.W. monument; thence along the southerly line of Old Little Britain Road the following two courses: South 45° 55' 00" East 73.0 feet; South 48° 07' 00" East 50.0 feet to an iron pin found; thence along the westerly line of the lands now or formerly K. Williams, South 37° 13' 53" West 124.87 feet; thence along lands of J. Flannery, the following three courses: North 49° 14' 00" West 50.0 feet; North 52° 46' 00" West 61.0 feet; and North 32° 23' 05" East 135.032 feet to the point and place of beginning.

PREMISES also described as follows:

BEGINNING at a point in the southerly line of Old Little Britain Road, said point being South 45° 55' 00" East, 6.867 feet from New York State R.O.W. monument, and also being the northeasterly corner of lands of J. Flannery; thence along the southerly line of Old Little Britain Road, the following two courses: South 45° 55' 00" East 73.0 feet; South 48° 07' 00" East 50.0 feet to an iron pin found in the northwesterly corner of the lands of K. Williams; thence along the westerly line of the lands n/w K. Williams, South 37° 13' 53" West, 124.87 feet to the northerly line of lands of J. Flannery; thence along lands of J. Flannery, the following three courses: North 49° 14' 00" West, 50.0 feet; North 52° 46' 00" West, 61.0 feet; North 32° 23' 05" East 135.032 feet to the point and place of beginning.

BEING the same premises described in that certain Deed dated 12/21/87 from Arthur J. Mariani and Louis N. Mariani, and recorded in the Orange County Clerk's Office on 12/24/87 in Liber 2859 of Deeds at Page 245.

SCHEDULE A

ALL that tract or 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 in the Southwesterly line of Old Little Britain Road, said point being an iron bolt found at the most Easterly corner of lands now or formerly Simoni (Liber 3849, cp 098); thence along the said Southwesterly line of Old Little Britain Road South 48-07-00 East 100.00 feet to a point; thence along the Westerly line of lands now or formerly Sloan (Liber 1199, cp 538) South 37-10-00 West 123.00 feet to a point; thence along the Northeasterly line of lands now or formerly Flannery (Liber 1486, cp 239) North 49-14-00 West 100.00 feet to an iron rod found; thence along the Easterly line of the said lands now or formerly Simoni (Liber 3849, cp 098) on a corrected bearing of North 37-13-53 East 124.87 feet to the point or place of Beginning.

Dickover, Donnelly, Donovan & Biagi, LLP
Attorneys and Counselors at Law

James B. Biagi
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

October 8, 2013

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Crystal Run Healthcare Medical Office Building // Site Plan & Minor Subdivision
Union Avenue (NYS Route 300) and Old Little Britain Road
97-3-6, 7, 8, 26 (Zone IB) (Town of Newburgh) and 4-1-72.2 (Town of New
Windsor)

Members of the Board:

The above referenced applicant made its initial appearance before the Town of Newburgh Planning Board on October 3, 2013. The applicant proposes to build a new Crystal Run Healthcare medical office building on property located off of Union Avenue (NYS Route 300) in proximity to Wal-Mart and Old Little Britain Road, in the town's IB zoning district. On the site elevation plan submitted to the planning board, the louvered mechanical roof screen and the central lobby roof appear to exceed the maximum permitted 40-foot building height (feet) for an office for business, research or professional uses in the IB district. The maximum permitted is 40 feet. Portions of the roofline may satisfy the maximum permitted height. However, the louvered mechanical roof screen and central lobby roof as shown are between 45.0 and 48.0 +/- feet in height, depending on the final grading of the site. It appears the applicant may require an area variance for the portions of the proposed building that exceed the maximum 40-feet in height.

Additionally, the applicant proposes to employ a mobile MRI (Magnetic Resonance Imaging) unit as an accessory use, incidental to the principal medical office building, to be parked and used in the parking lot of the proposed medical office building. The

mobile MRI will be used by Crystal Run Healthcare medical professionals to provide clinical medical services to their patients. The table of use and bulk requirements for the IB district provides that “[c]afeterias, clinics and recreation facilities for the use of employees engaged on the premises is an accessory use for offices for business, research and professional uses are uses subject to site plan review.” An accessory use is a use recognized in the table of use and bulk requirements that is clearly incidental to the principal use. It appears the applicant will require an interpretation that the mobile MRI is a permitted accessory use in the IB district as a clinic.

If the variance and interpretation of the zoning code are not Type II actions under SEQRA, the planning board suggests that you handle your reviews on an uncoordinated basis. The planning board has no particular matters to bring to your attention in regard to this application.

Very truly yours,

A handwritten signature in black ink, appearing to read "MHD", written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
David A. Donovan, Esq.
Dominic Cordisco, Esq.

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.

Nicholas A. Pascale
Benjamin M. Wilkinson
Sebastian Lemos
Hunter D. Raines
Taylor M. Palmer

Thomas J. Egan
Of Counsel

*LL.M. in Taxation

October 10, 2013

BY HAND DELIVERY

Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: Crystal Run Healthcare Medical Office Building //
Maximum Building Height Variance & Zoning Interpretation Application
Our File No.: 13792-65667

Dear Board Members:

The applicant, CRH Realty VIII, LLC, respectfully submits a variance and zoning interpretation application to construct a new Crystal Run Healthcare medical office building on property located off of Union Avenue (NYS Route 300), in proximity to Wal-Mart and Old Little Britain Road in the Town of Newburgh. The property consists of four (4) lots located in the IB - Interchange Business zoning district in the Town of Newburgh, identified on the tax map as section 97, block 3, lots 6, 7, 8, 28 (SBL 97-3-6, 7, 8, 28), and one (1) lot in the C - Design Shopping zoning district in the Town of New Windsor, identified on the tax map as section 4, block 1, lot 72.2 (SBL 4-1-72.2). My client, CRH Realty VIII, LLC, is proposing to consolidate and realign five (5) adjoining tax parcels to construct a 65,250+/- square foot medical office building, and related appurtenances on a combined 8.1 +/--acre parcel.

The applicant is requesting a maximum building height variance of between 5.0+/- feet and 8.0+/- feet for the applicant's proposed louvered mechanical roof screen and the central lobby roof, depending on the final grading of the site. The Town's Architectural Review requires screening for rooftop mechanicals. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that the maximum permitted building height is 40-feet for an office for business, research or professional uses in the IB district. While portions of the roofline may satisfy the maximum permitted height, the louvered mechanical roof screen and the central lobby roof may exceed the maximum permitted height, requiring a variance of between 5.0+/- feet and 8.0+/- feet for building height.

The applicant is also requesting a zoning interpretation that the applicant's proposed mobile MRI (Magnetic Resonance Imaging) unit is a permitted accessory use in the IB district as a clinic. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District - Schedule 8, provides that "[c]afeterias, clinics and recreation facilities for the use of employees engaged on the premises is an accessory use

for offices for business, research and professional uses are uses subject to site plan review.” Town Code § 185-3 provides that an accessory use is a use recognized in the table of use and bulk requirements that is clearly incidental to the principal use and permitted in conjunction with the principal use identified. The mobile MRI unit will be used by Crystal Run Healthcare medical professionals to provide clinical medical services to patients, as an accessory use, incidental to the principal medical office building.

The Town of Newburgh Planning Board Attorney provided a referral letter, dated October 8, 2013, and we request to be placed on the next available Zoning Board of Appeals agenda. If you have any questions or comments, please feel free to contact me.

Very truly yours,



DOMINIC CORDISCO

DRC/TMP/320802

Enclosures

cc: Gaynor Rosenstein
Russell Jenks
Douglas Sansted, Esq.
John O'Rourke, P.E.
Philip J. Greal, Ph.D., P.E.
Rich Rosen
Michael Arcangel (by email only)

617.20
Appendix B
Short Environmental Assessment Form

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: Crystal Run Healthcare Medical Office Building | | | | | | | |
| Project Location (describe, and attach a location map): 1000-1006 Union Avenue (NYS Route 300), in proximity to Old Little Britain Road, Newburgh, Orange County, New York. Tax Parcels 97-3-6, 7, 8, 26 (Town of Newburgh) and Tax Parcels: 4-1-72.2 (Town of New Windsor). | | | | | | | |
| Brief Description of Proposed Action: The action involves a maximum building height variance for the central lobby roof and louvered mechanical roof screening of the applicant's proposed 65,250 +/- square foot medical office building and related appurtenances on a combined 8.1 +/- acre parcel located in the IB – Interchange Business Zoning District in the Town of Newburgh, and a portion in the C – Design Shopping Zoning District in the Town of New Windsor. The action also involves a zoning interpretation that the applicant's proposed mobile MRI (Magnetic Resonance Imaging) unit is a permitted accessory use in the IB Zoning District. | | | | | | | |
| Name of Applicant or Sponsor: CRH Realty VIII, LLC | | Telephone: (518) 862-9133 | | | | | |
| | | E-Mail: <u>rrosen@columbiadev.com</u> | | | | | |
| Address: C/O Columbia Development, 302 Washington Avenue Extension | | | | | | | |
| City/PO: Albany | | State: New York | Zip Code: 12203 | | | | |
| 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. | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table> | NO | YES | X | |
| NO | YES | | | | | | |
| X | | | | | | | |
| 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: Town of Newburgh Planning Board (Lot consolidation and site plan approval); City of Newburgh (Water and Wastewater Flow); NYS Department of Transportation (Highway Work Permit); Orange County Department of Health. | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table> | NO | YES | | X |
| NO | YES | | | | | | |
| | X | | | | | | |
| 3.a. Total acreage of the site of the proposed action | | 8.1 +/- acres | | | | | |
| b. Total acreage to be physically disturbed? | | 6.5 +/- acres | | | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 8.1 +/- 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 checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | | | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Lake Washington, City of</u> | | | | | | | |
| <input type="checkbox"/> Parkland <u>Newburgh Water Supply</u> | | | | | | | |

| | NO | YES | N/A |
|--|----|-----|-----|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? | | X | |
| b. Consistent with the adopted comprehensive plan? | | X | |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | | X | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | |
| | X | | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | X | | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | | X | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | X | | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ | NO | YES | |
| | | X | |
| 10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES] If No, describe method for providing potable water: _____ | NO | YES | |
| | | X | |
| 11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____ | NO | YES | |
| | | X | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | NO | YES | |
| | X | | |
| b. Is the proposed action located in an archeological sensitive area? | X | | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO | YES | |
| | | X | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | X | | |
| | | | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES | |
| | X | | |
| 16. Is the project site located in the 100 year flood plain? | NO | YES | |
| | X | | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: City of Newburgh WWTP (Hudson River) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES | NO | YES | |
| | | X | |
| | | | |

| | | |
|---|---------|-----|
| 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)? If Yes, explain purpose and size: _____ _____ _____ | NO X | YES |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____ | NO X | YES |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____ | NO X | YES |

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

Applicant/sponsor name: Dominic Cordisco, Esq. Date: October 10, 2013

Signature: 

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 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? | | |
| 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? | | |
| 7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | | |
| 11. Will the proposed action create a hazard to environmental resources or human health? | | |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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) |

To see all the details that are visible on the screen, use the "Print" link next to the map.

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N 96

CRH Realty
WEST, LLC

97-3-6, 7, 8
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I/B
Zone

Town of Newburgh

Town of New Windsor

