

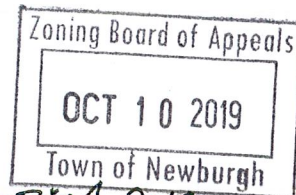


TOWN OF NEWBURGH

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: 9 OCTOBER 2019

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

DANIEL PARRIGO AS
TRUSTEE OF THE FRANK

I (WE) PARRIGO REVOCABLE TRUST (OWNER) PRESENTLY

RESIDING AT NUMBER 86 LAKESIDE ROAD, NEWBURGH, NY

TELEPHONE NUMBER 845-566-0252 (HOME)
845-564-1733 (WORK)

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:

86-1-96 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-83



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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: 08/04/2017
- 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: USE VARIANCE
FOR A SOLAR FARM

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:
THE PROPERTY IS ENCUMBERED BY AN INACTIVE HAZARDOUS WASTE DISPOSAL SITE THAT RESTRICTS USE UNDER THE EXISTING ZONING. (SEE ADDENDUM ATTACHED)
(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:
YES, THE INACTIVE WASTE SITE IS UNIQUE TO THIS PROPERTY IN THAT IT HAS A SUBSTANTIAL NEGATIVE IMPACT WHEN ANALYZING POTENTIAL ALTERNATIVE USES. (SEE ATTACHED ADDENDUM.)
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
THE PROPOSED USE VARIANCE MAINTAINS THE EXISTING CHARACTER MORE SO THAN DEVELOPING THE SITE UNDER CURRENT ZONING.

Addendum to Question 5a.

UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

The property is encumbered by an Inactive Hazardous Waste Disposal Site that restricts use under the existing Zoning.

Any future residential subdivision would have to mention that the property was once part of and contiguous to this Disposal Site. This would substantially negatively affect value.

Additionally the R-1 zone requires 40,000 square feet per lot. Without much Town road frontage the cost of installing interior roads to Town standards with lots this large would be cost prohibitive.

There is also a substantial grade difference of 80 feet from the barns to the top most of the Upper Field. This would require a road whose 6% slope would run 2100 feet or roughly the entire width of the property. The cost of roads and site work would make the project too expensive to build with lots at this size. R-1 is a standard that works well when a property has a lot of frontage on existing Town roads. The Darraigo Farm does not.

Other uses included in the R-1 Zone are Places of Worship or Membership Clubs both of which have a very limited number of potential buyers.

The last use would be 2-family homes on 2.25-acre lots. Again, this use would require so much interior road length that it would make the project too costly.

The best use for the property is a farm. But as the area has grown up around the site so must the nature of what is farmed. The location is too valuable for hay and alfalfa, solar energy is the next right crop rotation.



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d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
NO, THIS WAS A LEGAL DUMP SITE UNTIL
1985 WHEN THE DEC CLOSED ALL
PRIVATE SITES.

6. IF AN AREA VARIANCE IS REQUESTED: NOT APPLICABLE

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

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

7. ADDITIONAL REASONS (IF PERTINENT):

THERE ARE NOT ANY SUITABLE PROPERTIES AVAILABLE WITHIN THE AREA DESCRIBED BY ZONING FOR A SOLAR FARM. (SEE ADDENDUM ATTACHED)

Jeffrey Case
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF October 2019

Ioana G Tuta
NOTARY PUBLIC

IOANA G TUTA
Notary Public - State of New York
No. 01TU6333934
Qualified in Ulster
My Commission Exp. 12/07/2019

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

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

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

Addendum to Paragraph 7.

ADDITIONAL REASONS (IF PERTINENT):

There are not any suitable properties available within the area described by Zoning for a Solar Farm. The Town of Newburgh has chosen to place this use in the Industrial Zone only. This Zone is located at the Airport and in the area around the Danskamer and Roseton Power Plants.

A Solar Farm needs a minimum of 12 acres, preferably 20, for a standard 2 Megawatt installation. All of the Airport property is owned by the State and by definition is unusable for a Community Based Solar Farm as these must be private initiatives as described by the State of NY Energy Department.

The Danskamer-Roseton Industrial Zone has several properties over 10 acres but they are owned by Central Hudson or Tilcon Mining. There are no available privately owned properties large enough for a 2 Megawatt Farm.

Further, Solar Farms need to be within close proximity to a substation. Its location is limited by the nearness to a point of entry to the electric grid. It cannot be zoned into areas without this consideration. Several other townships have written a similar code with respect to setbacks, height, and implementation but have allowed Solar to occur in any area as long as the property was large enough and the code criteria could be met.

As it stands, the Town of Newburgh code is well written, but impossible to execute.



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

PROXY

DANIEL DARRIGO AS TRUSTEE OF THE FRANK DARRIGO REVOCABLE TRUST (OWNER), DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 86 LAKESIDE ROAD
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 84 LAKESIDE ROAD, NEWBURGH, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED JEFFREY LEASE TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9 October 2019 [Signature]

OWNER'S SIGNATURE

[Signature: Kelly A. Gran]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF October 20 19

[Signature: Ioana G. Tuta]

NOTARY PUBLIC

IOANA G TUTA
Notary Public - State of New York
No. 01TU6333934
Qualified in Ulster
My Commission Exp. 12/07/2019



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HE/SHE RESIDES AT 86 LAKESIDE ROAD
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 84 LAKESIDE ROAD, NEWBURGH, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED GREG LANGER TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 07 OCTOBER 2019 [Signature]

OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF October 20 19

[Signature]
NOTARY PUBLIC

IOANA G TUTA
Notary Public - State of New York
No. 01TU6333934
Qualified in Ulster
My Commission Exp. 12/07/2019

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - Project and Sponsor Information							
Name of Action or Project: DARRIGO SOLAR FARM							
Project Location (describe, and attach a location map): 84 LAKESIDE ROAD, NEWBURGH, NY 12550							
Brief Description of Proposed Action: A SOLAR FARM ON 40 ACRES PORTION OF THE EXISTING DARRIGO BROTHERS FARM.							
Name of Applicant or Sponsor: JEFFREY LEASE		Telephone: 845.542.0345	E-Mail: jefflease@johnleasecultors.com				
Address: 5020 ROUTE 9W, NEWBURGH, NY 12550							
City/PO: NEWBURGH	State: NY	Zip Code: 12550					
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"> <tr><th>NO</th><th>YES</th></tr> <tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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:			<table border="1"> <tr><th>NO</th><th>YES</th></tr> <tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		40 acres					
b. Total acreage to be physically disturbed?		20 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		60 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 checked="" 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 type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input type="checkbox"/>	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: THIS USE IS PART OF NYS GREEN ENERGY INITIATIVE. (SEE ADDENDUM ATTACHED.)	<input type="checkbox"/>	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: NOT APPLICABLE	<input checked="" type="checkbox"/>	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	NO	YES
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? 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: _____	<input checked="" type="checkbox"/>	NO	YES
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 checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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?	<input checked="" type="checkbox"/>	NO	YES
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	NO	YES
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/>	NO	YES

Short Environmental Assessment Form – Part 1

Addendum to Question 9

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:

This use is part of NYS Green Energy Initiative.

Founded by Governor Cuomo in 2014, the Initiative mandates 50% electricity from renewable resources by 2030. The Plan is to distribute wind, hydro, and solar facilities throughout the State. Additionally, the Plan calls for discrete, local points of generation across the State in a process called ‘micro-gridding’. This aspect allows for some part of the grid to go down without an entire county going dark. This is helpful in extreme weather circumstances and would help guard against acts of terrorism.

The New York State Energy Plan is looking to every township to supply some part of the total energy whole. In so doing, the cost of upgrading lines for peak demand is lessened.

The Darrigo Farm would be a marquis location that would uniquely address these goals because of its location near the Coldenham substation, its proximity to a major transportation hub, and its service to an adjacent populated area.

The proposed Solar Array will become a backbone of energy stability for the Town of Newburgh and prevent utility upgrades and their associated costs as area electric demand grows.

<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)? If Yes, explain purpose and size: _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <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? If Yes, describe: <u>THE PROPERTY IS ENCUMBERED BY AN INACTIVE HAZARDOUS WASTE SITE THAT REQUIRES MONITORING OF TEST WELLS.</u></p>	<p>NO <input type="checkbox"/></p>	<p>YES <input checked="" 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? If Yes, describe: <u>FROM 1999 TO THE PRESENT, REMEDIATION AND TESTING WAS PERFORMED ON THE SITE WITH A PROGRAM OF ONGOING TESTING.</u></p>	<p>NO <input type="checkbox"/></p>	<p>YES <input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>JEFFREY LEASE</u></p>		<p>Date: <u>7 MAY 2018</u></p>
<p>Signature: <u>Jeffrey Lease</u></p>		

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? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
	<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.

COMMENTS ON SHORT FORM ASSESSMENT PART 3

THE PROPOSAL MAINTAINS THE FARM, FIELDS, AND WOODLANDS AND COMFORTS AND EXCEEDS EXISTING ZONING SETBACKS FOR SOLAR FARMS AS WRITTEN IN CURRENT TOWN OF NEWBURGH ZONING. THIS PROPOSED USE WILL ALLOW THE SITE TO FUNCTION AS A BUFFER BETWEEN EXISTING RESIDENTIAL USES AND INTERSTATE 84 AND STEWART AIRPORT. THE PROPOSAL WILL USE EXISTING FIELDS AND MAINTAIN A GREEN SWARD THE PARRICO FARM HAS BEEN SINCE 1931.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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)



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PROXY

DANIEL DARRIGO AS TRUSTEE
OF THE FRANK DARRIGO
REVOCABLE TRUST (OWNER), DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 86 LAKESIDE ROAD

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF 84 LAKESIDE
ROAD, NEWBURGH, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED GREG LAWLER
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 07 OCTOBER 2019 [Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF October 20 19

[Signature]

NOTARY PUBLIC

IOANA G TUTA
Notary Public - State of New York
No. 01TU633934
Qualified in Ulster
My Commission Exp. 12/07/2019

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

FRANK DARRIGO
Frank Darrigo, Trustee under
THE FRANK DARRIGO
REVOCABLE TRUST

SECTION 86 BLOCK 1 LOT 60.42

RECORD AND RETURN TO:
(name and address)

CARL DARRIGO, P.C.
67 S. Plank Rd
Newburgh, NY 12550



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)
- 2001 WASHINGTONVILLE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- X 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)

CITIES

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

NO PAGES 5 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$
TAX EXEMPT
Taxable MORTGAGE AMT. \$
DATE 3-30-01

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: C. Darrigo, P.C.
LIBER 5519 PAGE 246

LIBER 5519 PAGE 246

ORANGE COUNTY CLERKS OFFICE 27342 MLV
RECORDED/FILED 05/10/2001 10:49:12 AM

FEES 50.00 EDUCATION FUND 5.00

SERIAL NUMBER: 009148

OFFD CNTL NO 56264 RE TAX .00

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 5/10/01 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,
OF THE COUNTY OF ORANGE

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

THIS INDENTURE, made the 30 day of March two thousand one.

BETWEEN

FRANK DARRIGO, residing at 84 Lakeside Road, Newburgh, NY 12550

party of the first part, and

FRANK DARRIGO, residing at 84 Lakeside Road, Newburgh, NY 12550, as Trustee under the Frank Darrigo Revocable Trust, dated March 30, 2001

party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum 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 buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

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 line 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 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 as of the day and year first above written.

Frank Darrigo
Frank Darrigo

LIBER 5519 PAGE 247

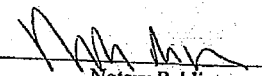
RIDER, WEINER, FRANKEL & CALHELHA, PC
P.O. BOX 2280 • NEWBURGH, N. Y. 12550 • (914) 562-9100

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

ss.:

On March 30, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Frank Darrigo 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 capacities, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

RODERICK E. de RAMON
Notary Public, State of New York
Qualified in Dutchess County
No. 4964022
Commission Expires March 19, 2002


Notary Public

LIBER 5519 PAGE 248

RIDER, WEINER, FRANKEL & CALHELHA, P.C.
P. O. BOX 2280 • NEWBURGH, N. Y. 12550 • (914) 562-9100

SCHEDULE A

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

On the north by the Shunpike Road; on the east by the premises now or formerly of George Watts; on the south by lands now or formerly of William Embler and Alex Beattie; and on the west by lands now or formerly of Alex Beattie and David Montgomery.

CONTAINING about one hundred ten (110) acres.

BEING the same premises heretofore conveyed to Mariano D'Arrigo, the party of the first part and Giuseppa D'Arrigo, his wife by deed of Robert F. Armstrong and others, dated January 2, 1926 and recorded in the Office of the Clerk of the County of Orange on October 13, 1927 in Liber 679 of Deeds at page 574. The said Giuseppa D'Arrigo died a resident of the County of Orange aforesaid on April 29, 1940.

ALSO, ALL that certain piece or parcel of land situate, lying and being in the Town of Newburgh, Orange County, New York, bounded and described as follows, to wit:

BEGINNING at the corner of two stone walls, and running thence along lands now or formerly of William Patten, South 22 degrees and 15 minutes West 26 chains and 80 links to a hickory tree in the line of lands now or formerly of Benjamin Sears; thence along lands now or formerly of said Benjamin Sears, North 69 degrees 22 chains and 80 links to the middle of the Pond Road; thence along the same North 23 degrees and 45 minutes East 11 chains and 64 links; thence North 57 degrees and 15 minutes East 7 chains; thence North 63 degrees and 30 minutes East 3 chains and 13 links; thence North 67 degrees and 30 minutes East 8 chains and 30 links; thence leaving the Pond Road South 77 degrees and 30 minutes East 10 chains and 58 links to the place of beginning.

Containing 50 acres and 26/100 of an acre of land more or less.

CONTINUED

PAGE 2

Excepting and reserving thereout and therefrom the premises described in the following instruments:

1. Deed to Angelo Darrigo, dated 7/5/57 and recorded 7/10/57 in Liber 1431 at page 485.
2. Deed to Angelo and Antoinette Darrigo, dated 7/23/64 and recorded 7/27/64 in Liber 1672 at page 164.
3. Notice of Appropriation by the State of New York, recorded 5/20/68 in Liber 1794 at page 432 and in maps and descriptions filed therewith and described as Parcels 1087 and 1088 therein.
4. Deed to Antoinette Darrigo, dated 7/29/98 and recorded 8/18/98 in Liber 4852 at page 50.
5. Deed to Blooming Grove Equipment Corp., dated 8/24/98 and recorded 9/1/98 in Liber 4861 at page 80.

Subject to the following:

1. Easement granted to Central Hudson Gas and Electric Corp. and New York Telephone Co., recorded 4/11/55 in Liber 1342 at page 11.
2. Easement granted to Central Hudson Gas and Electric Corp., recorded 4/29/57 in Liber 1423 at page 396.
3. Easement granted to Central Hudson Gas and Electric Corp. and New York Telephone Co., recorded 9/9/64 in Liber 1679 at page 178.
4. Easment Parcel No. 1089 appropriated by the State of New York being Liber 1794 at page 432 and maps and description filed therewith.
5. Easement granted to Daniel Darrigo, recorded 6/9/99 in Liber 5076 at page 10.
6. Declaration of Covenants and Restrictions recorded Liber 5341 at page 92.

BEING and intended to be part of the same premises conveyed to the grantor here by DEED from Mariano Darrigo dated 12/11/41 and recorded on 2/17/42 in the Orange County Clerk's Office in Liber 880 of Deeds at page 183.

Addendum to Paragraph 7.

ADDITIONAL REASONS (IF PERTINENT):

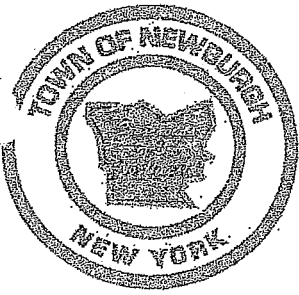
There are not any suitable properties available within the area described by Zoning for a Solar Farm. The Town of Newburgh has chosen to place this use in the Industrial Zone only. This Zone is located at the Airport and in the area around the Danskamer and Roseton Power Plants.

A Solar Farm needs a minimum of 12 acres, preferably 20, for a standard 2 Megawatt installation. All of the Airport property is owned by the State and by definition is unusable for a Community Based Solar Farm as these must be private initiatives as described by the State of NY Energy Department.

The Danskamer-Roseton Industrial Zone has several properties over 10 acres but they are owned by Central Hudson or Tilcon Mining. There are no available privately owned properties large enough for a 2 Megawatt Farm.

Further, Solar Farms need to be within close proximity to a substation. Its location is limited by the nearness to a point of entry to the electric grid. It cannot be zoned into areas without this consideration. Several other townships have written a similar code with respect to setbacks, height, and implementation but have allowed Solar to occur in any area as long as the property was large enough and the code criteria could be met.

As it stands, the Town of Newburgh code is well written, but impossible to execute.



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

2638-17

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/04/2017

Application No. 17-0702

**To: Frank Darrigo
84 Lakeside Rd
Newburgh, NY 12550**

**SBL: 86-1-96
ADDRESS: 84 Lakeside Rd**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 08/03/2017 for permit to build a solar farm in an R-1 residential district on the premises located at 84 Lakeside Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
1) 185-83 Solar farms shall be located in the I district


Gerald Canfield

**Cc: Town Clerk & Assessor (500')
File**

Town of Newburgh Code Compliance

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

NAME: _____ Frank Darrigo _____ Building Application # _____ 17-0702

ADDRESS: _____ 84 Lakeside Rd. Newburgh NY 12550 _____

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: _____ Solar Farm _____

SBL: _____ 86-1-96 _____ ZONE: _____ R-1 _____ ZBA Application # 2638-17

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: Solar Farms not permitted in an R-1 zone

VARIANCE(S) REQUIRED:

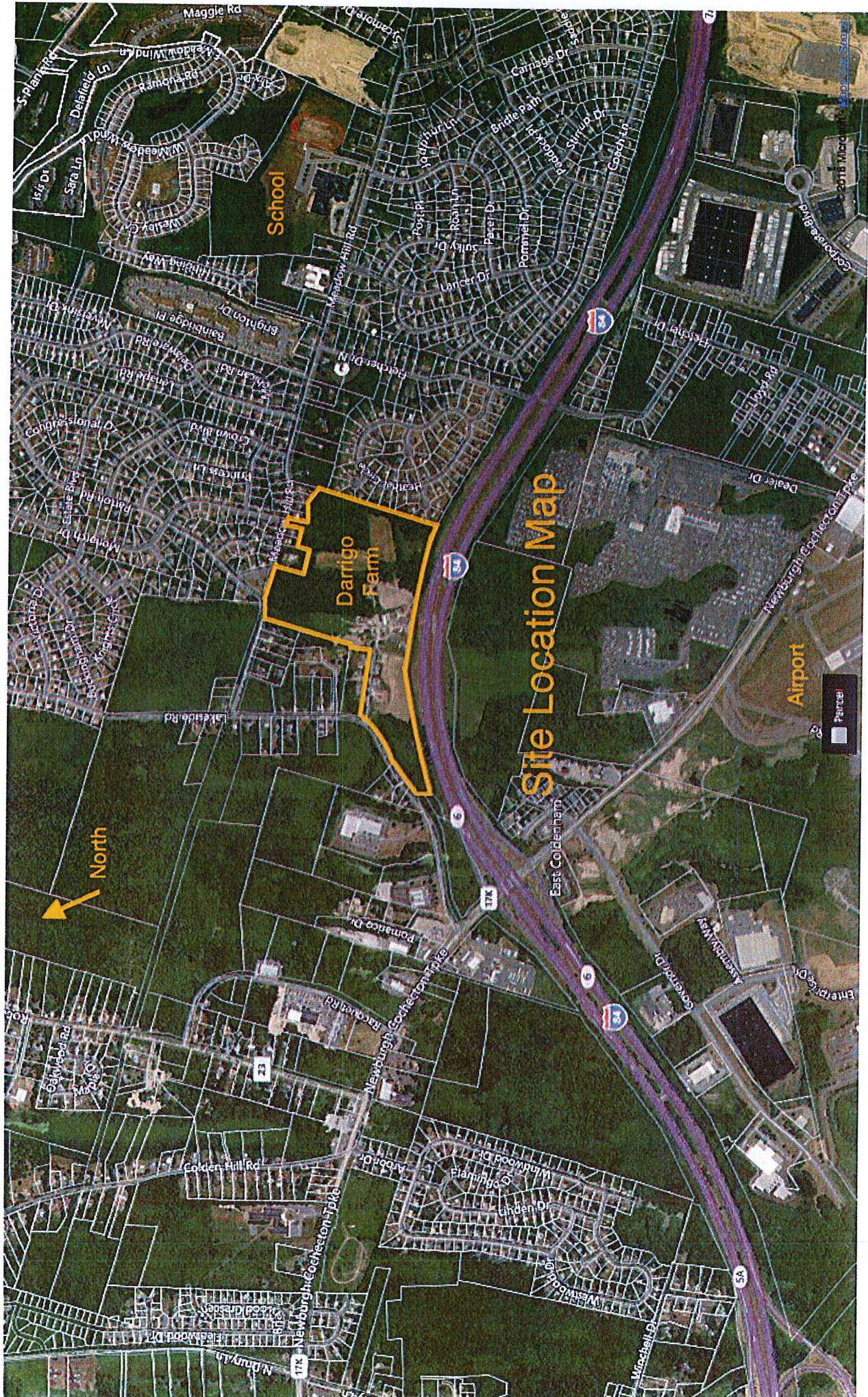
1 185-83 Solar farms shall be permitted in the I district.

2 _____

3 _____

4 _____

REVIEWED BY: _____ Gerald Canfield _____ DATE: _____ 4-Aug-17 _____



School

Darrigo Ram

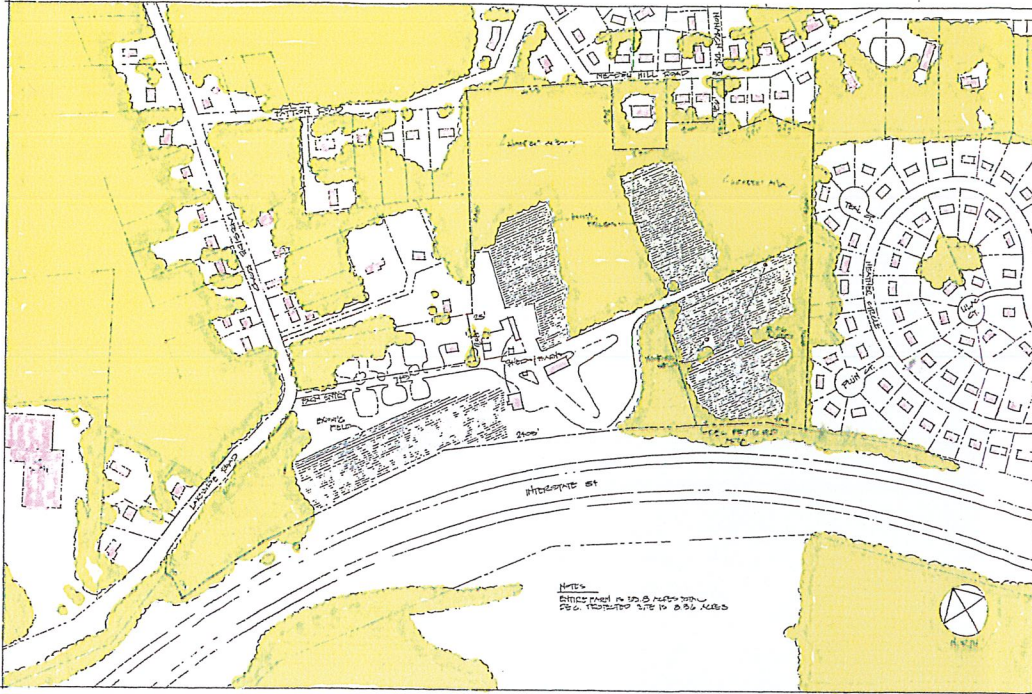
Site Location Map

Airport

North

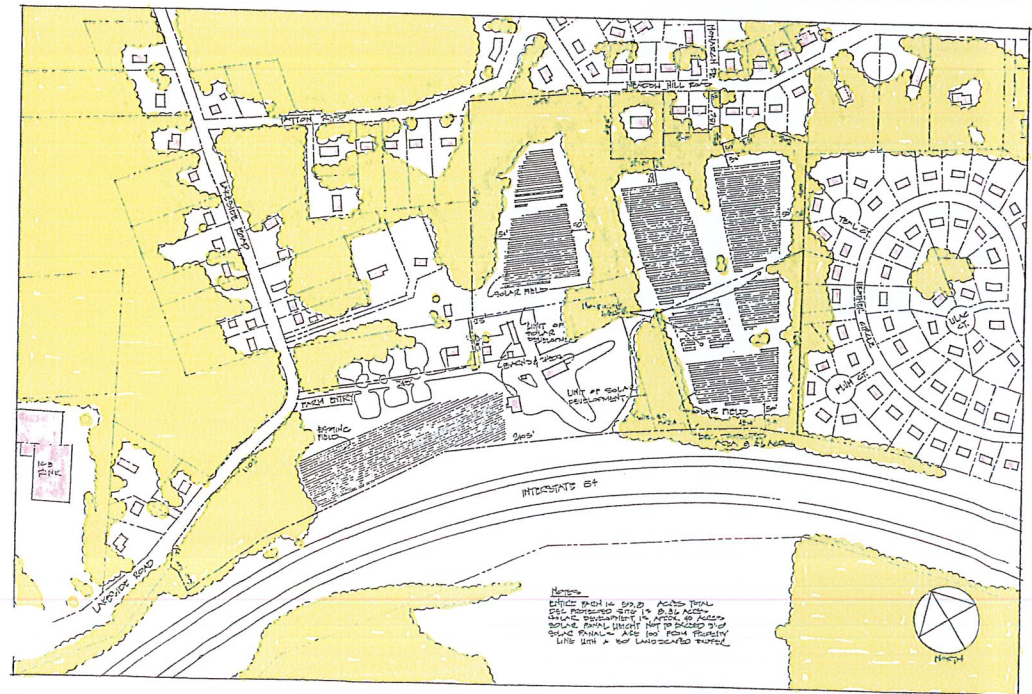
Parcel

© 2018 Micro Map Data Source



This is the Existing Farm and the neighborhood.

<p>JEFFREY LEASE ARCHITECT 520 FT SW NEWBURGH, NY 12550</p>	<p>DARRIGO SOLAR FARM 84 LAKESIDE ROAD, NEWBURGH, NY 12550 SBL 86-1-36</p>	<table border="1"> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION							<p>EXISTING FARM AND NEIGHBORING PROPERTY SCALE: 1" = 200'-0"</p>	<p>SITE-1 8 JAN '10</p>
DATE	DESCRIPTION											



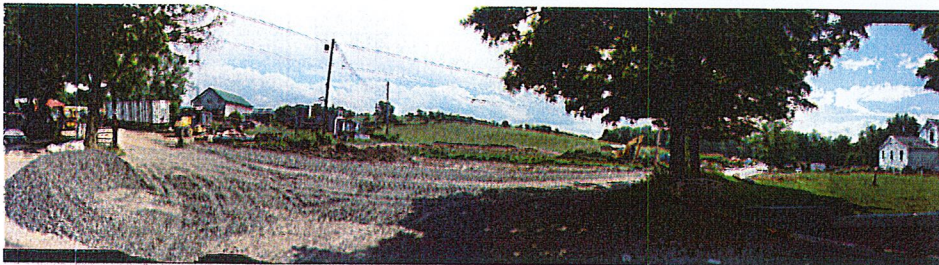
This is the proposed Solar Farm with setbacks.

<p>JEFFREY LEASE ARCHITECT 520 FT SW NEWBURGH, NY 12550</p>	<p>DARRIGO SOLAR FARM 84 LAKESIDE ROAD, NEWBURGH, NY 12550 SBL 86-1-36</p>	<table border="1"> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION							<p>SOLAR FARM SHOWN ON INTERIOR FIELDS SCALE: 1" = 100'</p>	<p>SITE-2 8 JAN '10</p>
DATE	DESCRIPTION											

These photos follow a path from the entry on Lakeside Road up and into the property. Past the Barns and Sheds look north to see the Lower Field where the first Solar Array is promised. The photos then go up the hill along the main drive and then look north to the plowed Upper Field. Then turn south to see the D.E.C. Field, the photos end by looking down hill and over I-84.



Standing Near the Property Entrance looking South along Lakeside Road.



The Barn and Shed Area



The Lower Field from the Barn and Shed



The Road up to the Upper Fields from Barn and Shed Area.



The Upper Field looking north at planting Time.



The Upper Field looking North in high summer.



The D.E.C. Field looking south.



The Upper Field looking north and downhill back to the Barn and Shed Area.



The D.E.C Field looking west overlooking I-84.



The D.E.C Field looking south.



The tree-line at the D.E.C. Field looking south toward Amber Fields.



A close up of tree-line looking south toward Amber Fields.



1. The road up to the upper fields from the barn and shed area.



2. The upper field looking north toward Meadow Hill Road.



3. The lower field looking north towards Patton Road.



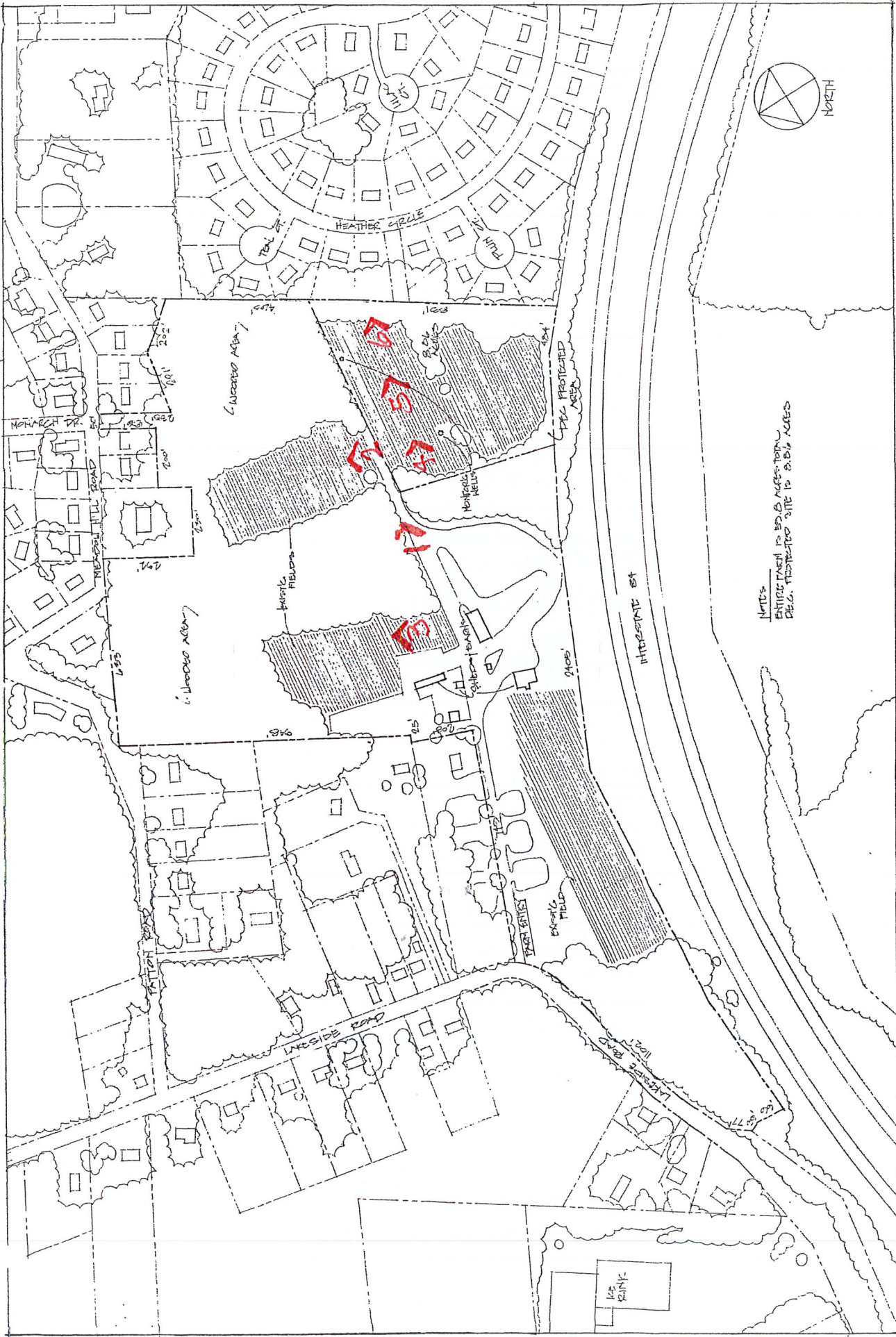
4. The D.E.C. Field looking east toward Amber Fields.



5. The tree-line at the D.E.C. Field looking east toward Amber Fields.



6. A close up of the 50-foot buffer looking east toward Amber Fields.



NOTE: ENTIRE FARM IS BEING ACQUIRED BY THE STATE. RESTRICTED SITE IS 8.86 ACRES



SITE-1
8 JAN. 10

EXISTING FARM - PHOTOS
AND NEIGHBORING PROPERTY
SCALE: 1" = 100'-0"

REVISIONS	DATE	DESCRIPTION

DARRIGO SOLAR FARM
84 LAKESIDE ROAD, NEWBURGH, NY 12550
CBL: 86-1-916

JEFFREY LEASE
ARCHITECT
500 RT. 9W, NEWBURGH, NY 12550

Darrigo Solar Farm

Solar Installations Similar to Proposed



The ground-mounted panels will be 3' on the low side rising to 7' at 20 degree slope.



This array shows Community Based Solar in Halfmoon, New York.



A 2.7 megawatt solar field similar in size a solar array on the Darrigo Farm.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C
625 Broadway, 11th Floor, Albany, NY 12233-7014
P: (518) 402-9662 | F: (518) 402-9679
www.dec.ny.gov

January 9, 2018

Mr. Jeffrey Lease
John J. Lease Realtors
5020 Rte. 9W
Newburgh, NY 12550

RE: Solar Farm Proposal
84 Lakeside Road
F&T Darrigo; Site No. 336002
Newburgh (T), Orange County

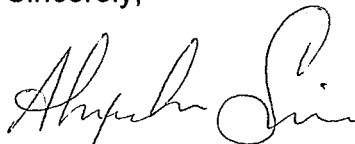
Dear Mr. Lease,

The former F&T Darrigo site, comprising an 8.860-acre portion of the property located at 84 Lakeside Road in the Town of Newburgh, Orange County, is currently listed as a Class 4 site on New York State's Registry of Inactive Hazardous Waste Disposal Sites. Remediation at this site is complete, and use of the 8.860 acres is restricted to commercial use. The New York State Department of Environmental Conservation (Department) has approved a Site Management Plan to monitor the effectiveness of the remedy in place, and control the use of the subject property.

Future use of property adjacent to the site is subject to local zoning laws and restrictions. Any intended use of adjacent property must not interfere with the effectiveness of the remedy in place, and must preserve the legal and physical access to the site that has been provided by the owner to the Department. Any activities to be performed on the 8.860-acre site require prior notification to the Department, and must adhere to the provisions described in the Department-approved Site Management Plan. From the Department's understanding of the proposed project on the adjacent property, it would not interfere with the effectiveness of the remedy on the Class 4 site.

Should you have any questions, please contact me at 518-402-9809, or alexandra.servis@dec.ny.gov.

Sincerely,



Lexy Servis
Division of Environmental Remediation



Thomas J. & Susan M. Knieser

53 Lakeside Road

Newburgh NY 12550

845 564-4184

tomknieser@hvc.rr.com

December 28, 2017

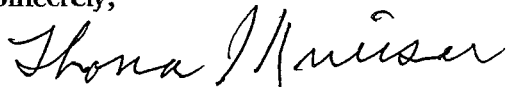
Re.: 86 Lakeside Road
Newburgh NY 12550

To Whom It May Concern

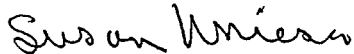
We would like to lend out support to the proposed Solar Farm on the Darrigo Brother Lakeside Road property in the Town of Newburgh.

We attended a meeting where this project was explained to us and we had no objection to any of the proposals. We are a supporter of solar energy and feel that this would be to the advantage to the area.

Sincerely,



Thomas Knieser



Susan Knieser

6 Front Street

Newburgh, New York

12550

Tel. 845-568-0600

Fax. 845-568-0699



October 10, 2019

Mr. Darrin J. Scalzo, Chairperson and Board Members
Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: ZONING USE - VARIANCE REQUEST - OUR FILE NO. E802007
F & T DARRIGO SITE
84 LAKESIDE ROAD
SECTION 86, BLOCK 1, LOTS 96
ORANGE COUNTY, NEWBURGH, NEW YORK 12550

Dear Mr. Scalzo and Zoning Board Members:

I have reviewed the appraisal and documentation in our prior letters dated February 8, 2018 and May 8, 2018 and considered them still valid in today's market. Conditions have not changed significantly to alter the opinion given in those reports. Please use that analysis when determining the variance request for this property.

Respectfully submitted,


GREGORY R. LANGER

6 Front Street
Newburgh, New York
12550
Tel. 845-568-0600
Fax. 845-568-0699



May 8, 2018

Darrin J. Scalzo, Chairperson and Board Member
Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: ZONING USE - VARIANCE REQUEST - OUR FILE NO. E802007
F & T DARRIGO SITE
84 LAKESIDE ROAD
SECTION 86, BLOCK 1, LOTS 96
ORANGE COUNTY, NEWBURGH, NEW YORK 12550

Dear Mr. Scalzo and Zoning Board Members:

I have been requested by the owner of the above referenced property to give my opinion as to whether uses currently permitted under the R-1 Zoning District in the Town of Newburgh will yield a reasonable return if developed on the subject property. Based on the analysis presented below, I have concluded that none of the residential uses permitted under the R-1 Zoning District could yield a reasonable return for the subject property. I have further concluded that development of 40 acres of the subject property for a Solar Farm would be the highest and best use of the subject property.

The subject is comprised of one tax lot; Section 86, Block 1, Lot 96. According to the assessor records and a map provided from D.J. Scalzo Associates Engineering and Planning, the lot totals 59.82 acres. It has improvements on approximately 5 acres and located in the R-1 zoning district.

The parcel has 1,102 feet of frontage on Lakeside Road with 165 feet of dry land and the remainder wetlands which can not be used, 50 feet of frontage on Meadow Hill Road and 223 feet on Patton Road. The property also borders I84 along the southern portion.

The purpose of this report is to support the Owner's request for a use variance to construct a Solar Farm on a 40 acre vacant parcel.

The solar farm will be constructed on mostly existing fields. The solar panels will comply with the zoning code in terms of setbacks, height and maintenance. They will be seven feet high, set back 100 feet from the property line and will include a 50 foot

landscaped buffer. The project will retain the character of the farm as well as the existing buffer between the homes, I-84 and the airport.

The farm would remain in the Darrigo family with a lease agreement with a Solar Panel Operator. The remaining 20 acres will be used for the continuation of their existing business as a landscape supply and pay a separate tax for that remaining portion. The lease arrangement will be 25 years, triple-net for \$80,000 per year on the 40 acres with 2.5% annum increases. The rental also includes paying for the loss of the agriculture tax exemption which is estimated at about \$50,000.

The trust assumes that with the loss of 40 acres they will lose the agriculture tax exemption on the remaining 20 acres. The rental on the land to the revocable trust is \$100.00 per month for 99 years from Darrigo Brothers Landscape Suppliers, Inc. This agreement will remain in affect for the remainder 20 acres. The taxes with agriculture exemption on the entire property are 2018 county \$9,344.94, 2017 school: \$19,712.23.

The DEC has access to maintain monitoring of wells on a 8.86 acre portion of the property that was contaminated and having been remediated is undergoing testing. This cost varies from \$2,000-\$6,000 per year. They also have a right of way thru the balance of the property which must be maintained by the trust.

The R-1 District's principal permitted uses revolve around single family dwellings, municipal buildings and town activities.

There are some uses allowed in zoning via special permits from the Planning Board. They include conversion of existing dwellings for multi family use, cluster developments, membership clubs providing recreational facilities, places of worship, related parish houses, seminaries, dormitories and related activities, substance abuse rehabilitation homes, community residence for the disabled, marinas, public utility structure and rights-of-way, 2-family dwelling and semidetached dwellings.

There are no buildings on the 40 acre portion so converting existing buildings is not applicable. Cluster development will be discussed separately. There is no known demand for membership clubs, places of worship and dormitories as none have been built in the area for many years. The distance from services makes this location

unlikely for rehabilitation homes and community residences for the disabled. Marinas are not applicable. Two family and semi detached dwellings appear to be physically possible.

COMPARABLE LAND SALES

Location	Zoning	Acres	Sale Date	Sold Price	Price Per Acre
Route 211 West, Middletown	RA-Res Agricultural	34	09/20/17	\$275,000	\$8,088
Connors Rd, Middletown	R2-Suburban Res	71.8	01/30/18	\$212,500	\$2,960
St. Andrews Rd., Montgomery	RA5- Res Agricultural	36.9	12/21/17	\$250,000	\$6,775
Mountain Lodge Rd, Blooming Grove	RR-Rural Residential	75.3	12/07/17	\$300,000	\$3,984
Route 302, Crawford	RA-Res Agricultural	32.7	05/06/17	\$142,000	\$4,343
Pocatello Rd, Middletown	R2-Suburban Res	61.1	02/22/17	\$105,000	\$1,718
Primrose Ln, Blooming Grove	RR-Rural Residential	75.5	04/25/17	\$100,000	\$1,325

Comparing large parcels of residential land, as seen in the chart above, sales range from \$1,325 to \$8,088 per acre. We estimate a value of \$6,000 per acre multiplied by 40 acres equates to an estimated value of \$240,000.

Examining the market for sales of individual lots under 5 acres we found in the Hudson Gateway MLS, there were 22 lots sold from January 2016 till present. The average sale price was \$57,893 and a median price of \$57,000.

According to our market analysis, we have projected sales of 10 lots per year for years 4 & 5 and 11 lots per year for years 6 & 7, after the initial projected two year approval process and one year build out. We estimate selling the 42 lots in a four-year period, once the infrastructure is complete in year three. Our Value estimate is \$235,000. The present worth of the right to receive \$80,000 per year for five years at a 6% return rate is \$1,000,000.

DISCOUNTED CASH FLOW ANALYSIS AT 12.0%
 Darrigo Farm
 Building Lots
 Unapproved

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
LOT VALUES	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	
Land Sales	0	0	0	10	10	11	11	42
TOTAL	\$0	\$0	\$0	\$600,000	\$600,000	\$660,000	\$660,000	\$2,520,000
Remaining Lots	42	42	42	32	22	11	0	
EXPENSES								
Taxes, per lot per year, +3%	\$1,500	\$12,000	\$40,000	\$63,000	\$48,000	\$33,000	\$16,500	\$224,500
Infrastructure Cost per LF-\$250	4,200	\$0	\$1,050,000	\$0	\$0	\$0	\$0	\$1,050,000
Sales Commission	3.0%	\$0	\$0	\$18,000	\$18,000	\$19,800	\$19,800	\$75,600
Closing Costs, per lot sale	\$1,500	\$0	\$0	\$15,000	\$15,000	\$16,500	\$16,500	\$63,000
Profit	10.0%	\$0	\$0	\$60,000	\$60,000	\$66,000	\$66,000	\$252,000
Miscellaneous	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$35,000
TOTAL EXPENSES	\$17,000	\$17,000	\$1,095,000	\$161,000	\$146,000	\$140,300	\$123,800	\$1,700,100
NET OPERATING INCOME	-\$17,000	-\$17,000	-\$1,095,000	\$439,000	\$454,000	\$519,700	\$536,200	\$819,900
Present Worth: \$1/	0.892857	0.797194	0.711780	0.635518	0.567427	0.506631	0.452349	
NET INCOME	-\$15,179	-\$13,552	-\$779,399	\$278,992	\$257,612	\$263,296	\$242,550	\$234,320

Total DCF
 ROUNDED

\$234,320
 \$235,000

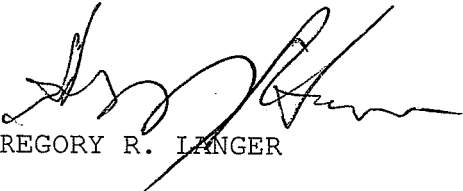
Overall, the cost to subdivide the subject parcel is not economically feasible. The rents that could be obtained on a triple net basis, which is projected at \$80,000 year and maintaining the natural topography of the property is \$1,000,000.

Finally, it is my professional opinion that the proposed use of the property for a solar farm will not alter the character of the neighborhood.

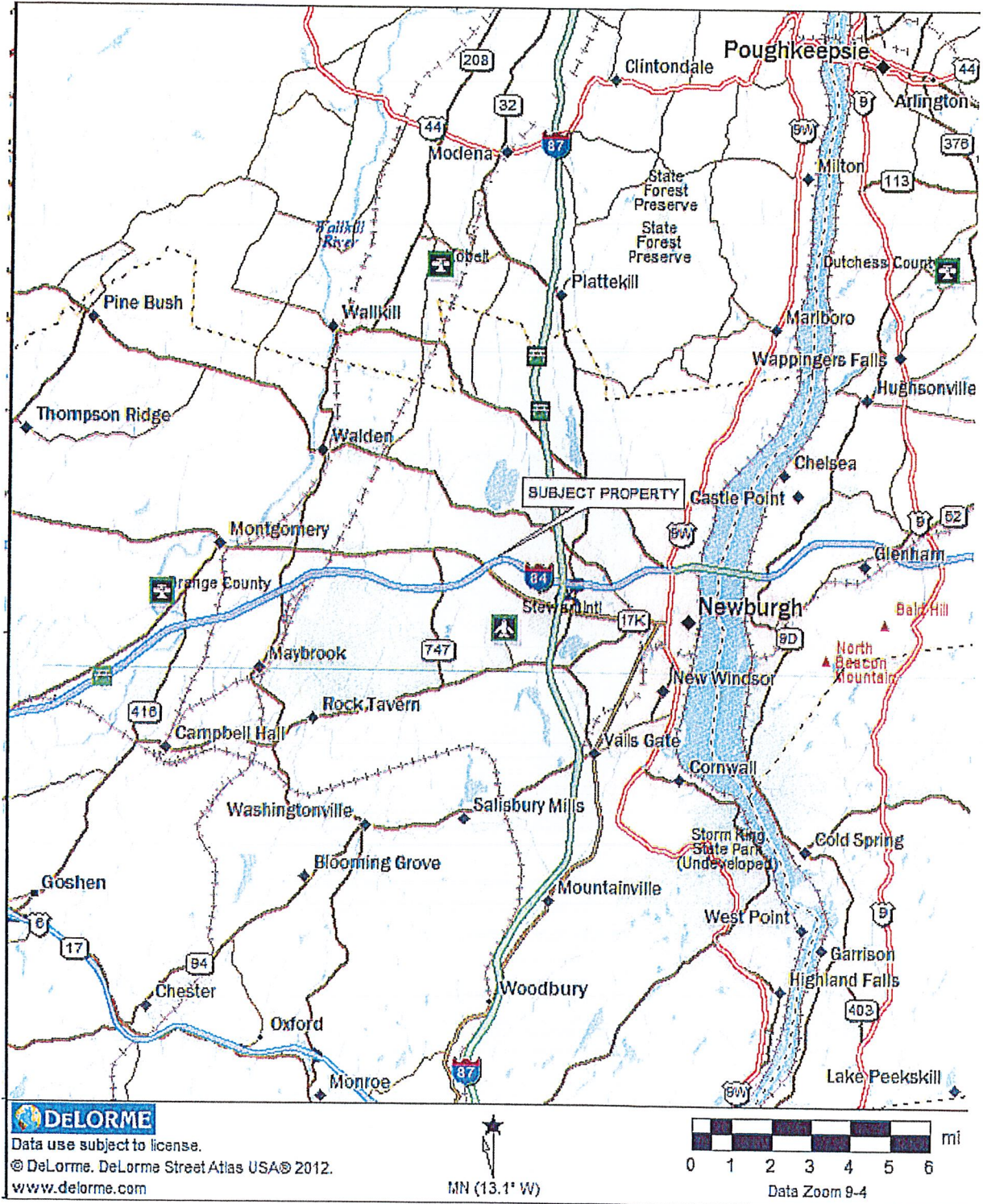
In summation, there is no reasonable return under the R-1 zoning. Granting a use variance will permit the location of a solar farm development at the subject property and will make it feasible for the property to derive that reasonable return.

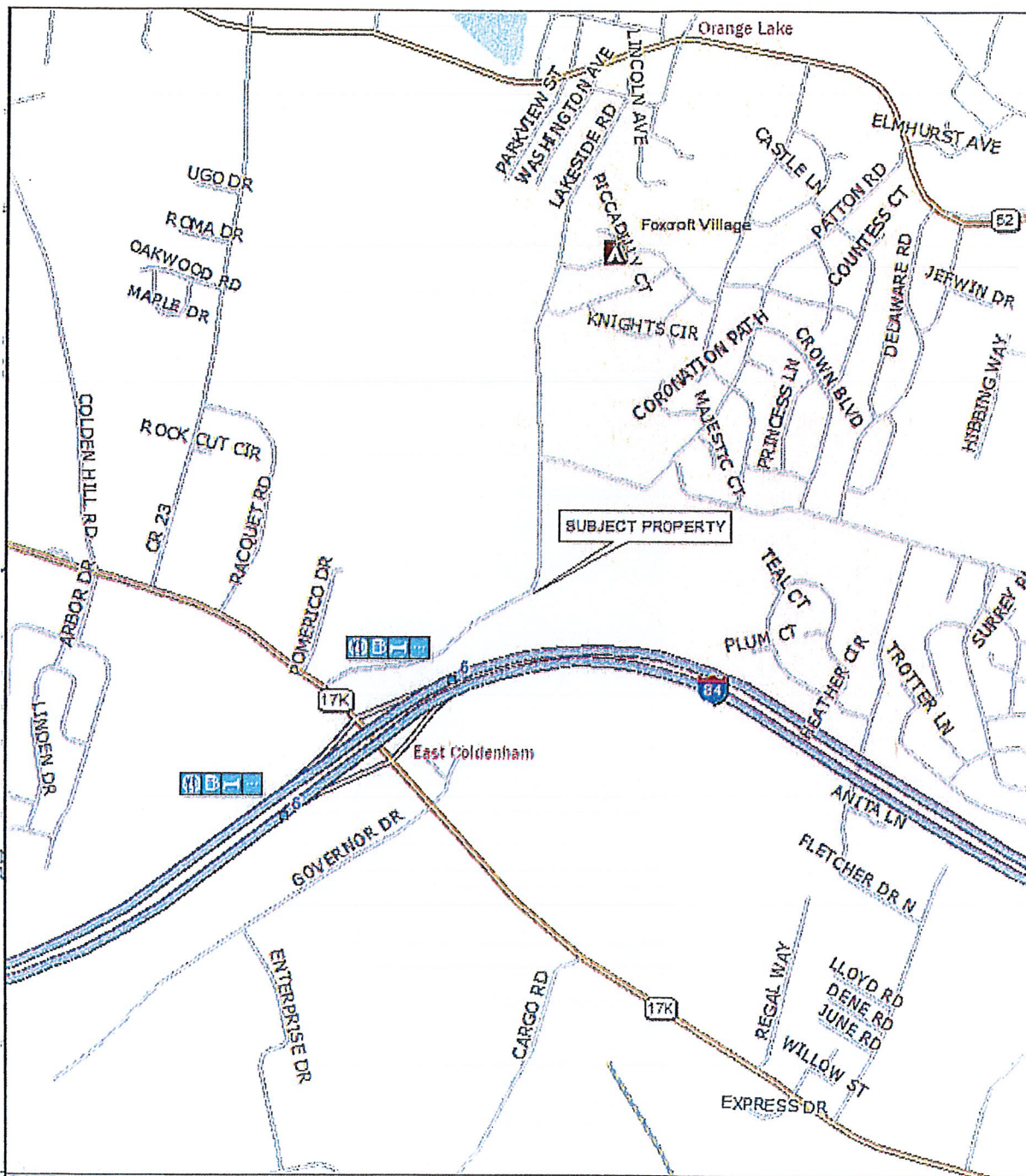
Should you have any questions or need further information, please do not hesitate to contact me.

Respectfully submitted,

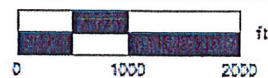


GREGORY R. LANGER





Data use subject to license.
 © DeLorme. DeLorme Street Atlas USA © 2012.
 www.delorme.com



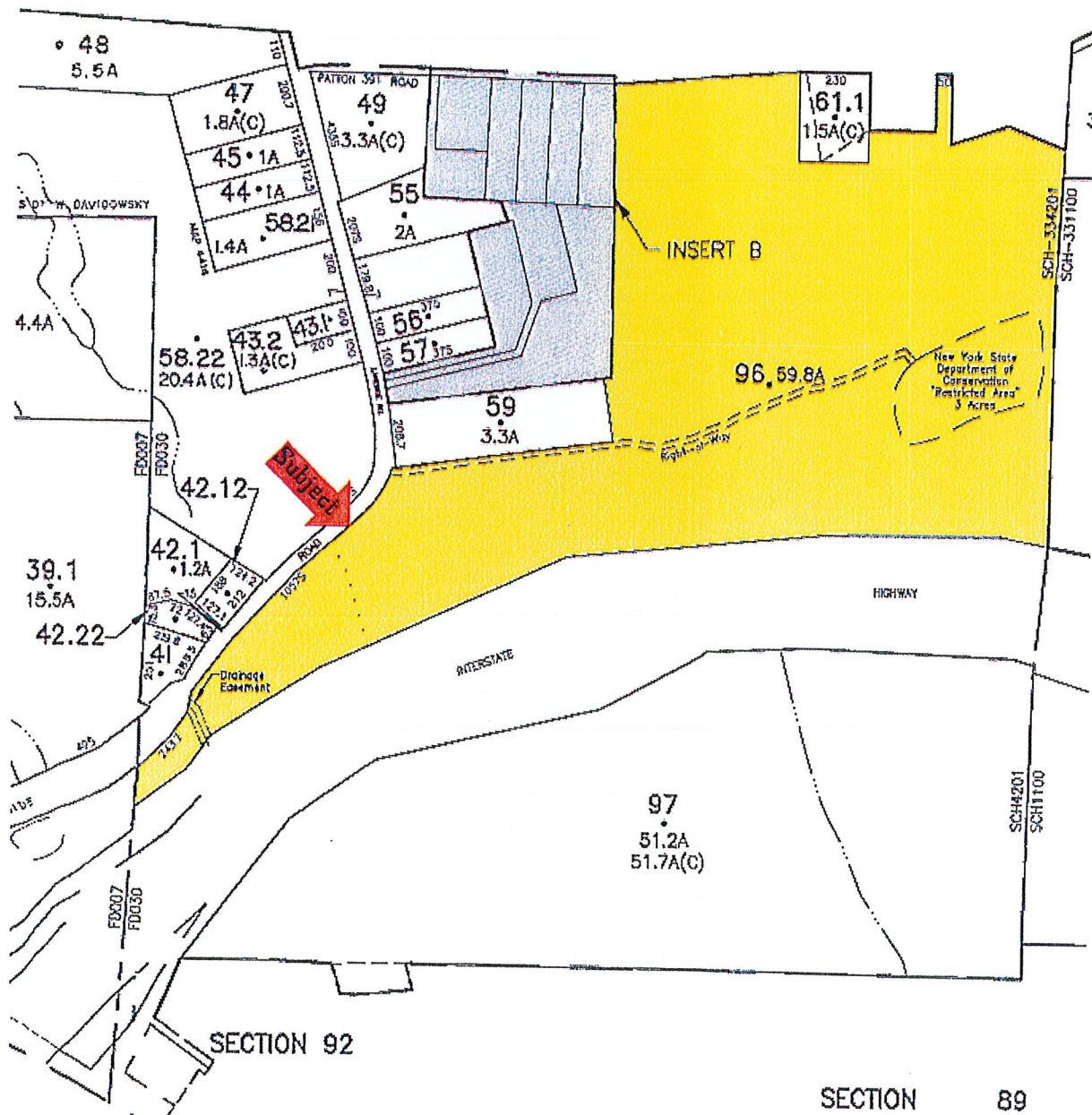
Data Zoom 13-0

NEIGHBORHOOD MAP

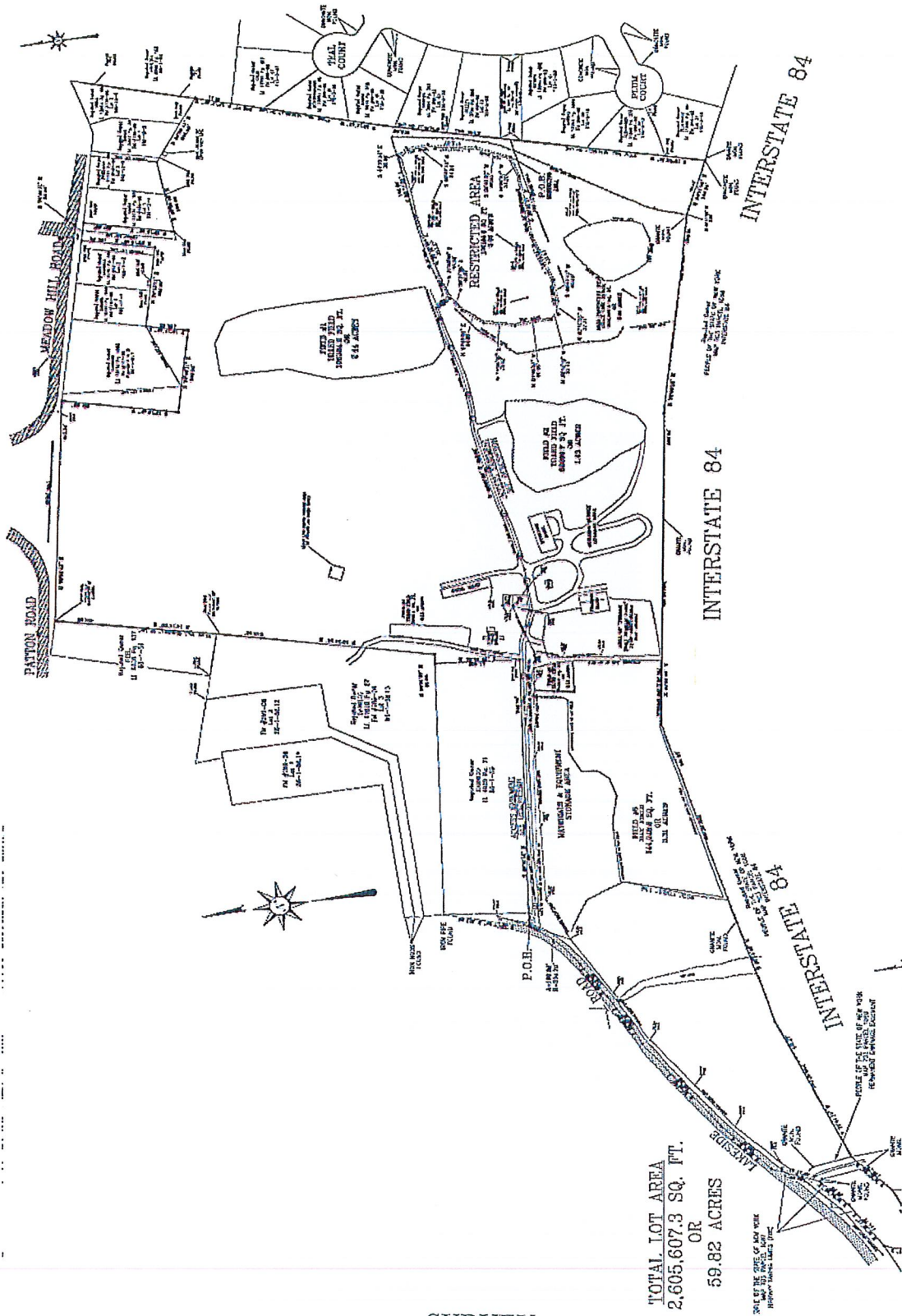
47

SECTION

102



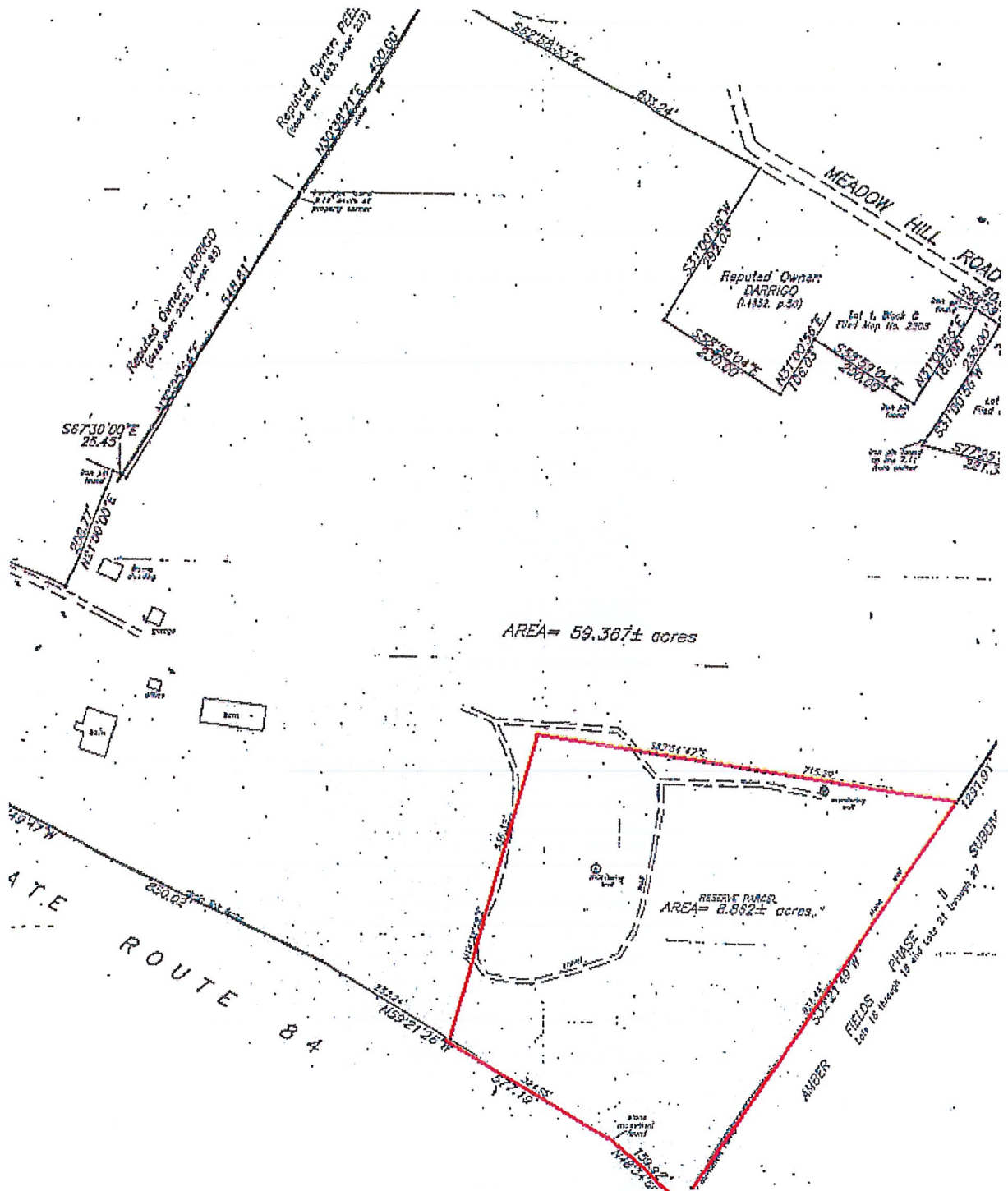
ASSESSORS MAP



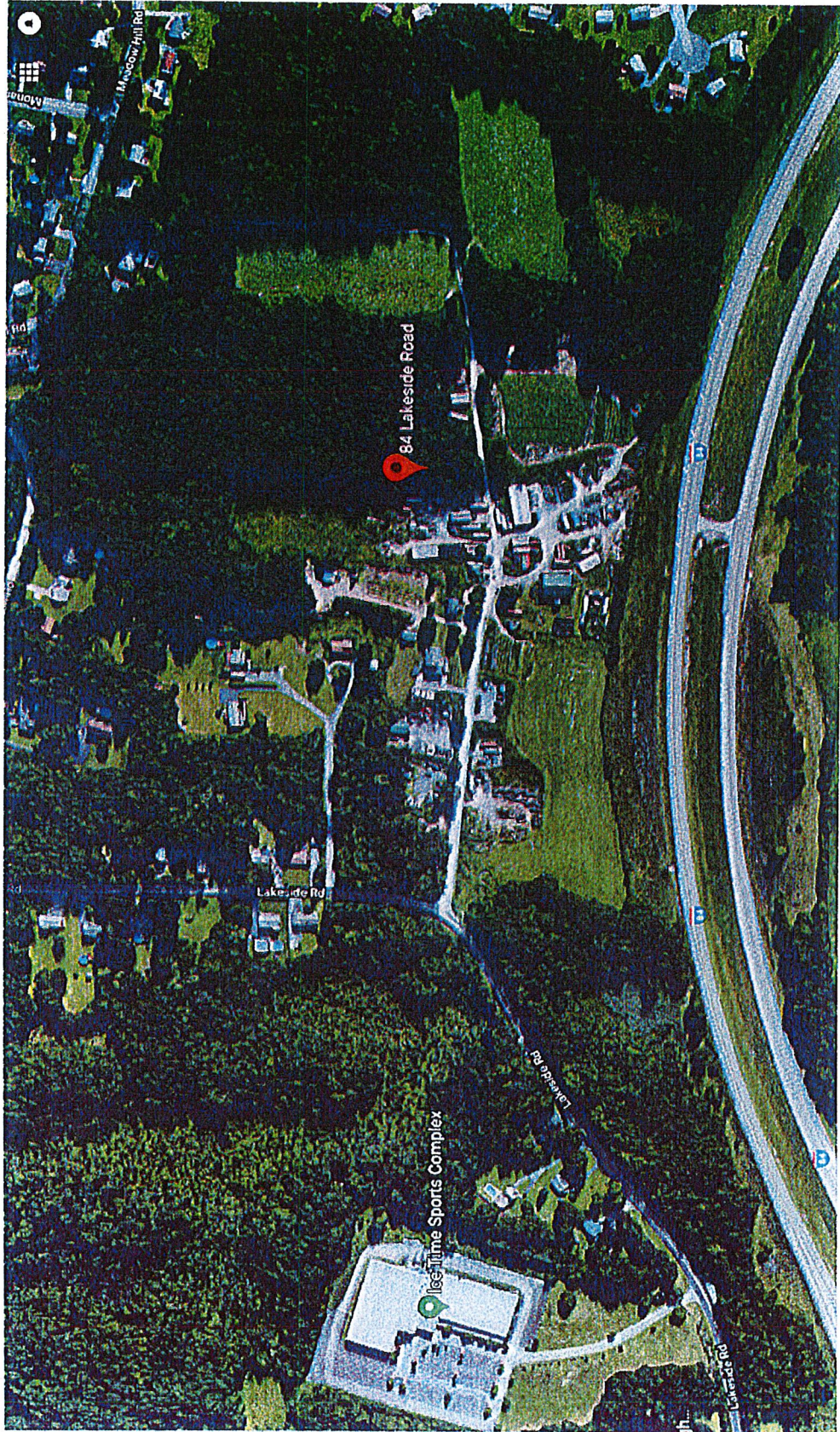
TOTAL LOT AREA
 2,605,607.3 SQ. FT.
 OR
 59.82 ACRES

DATE OF THIS SURVEY: MAY 1954
 SURVEYED BY: JAMES H. [unreadable]

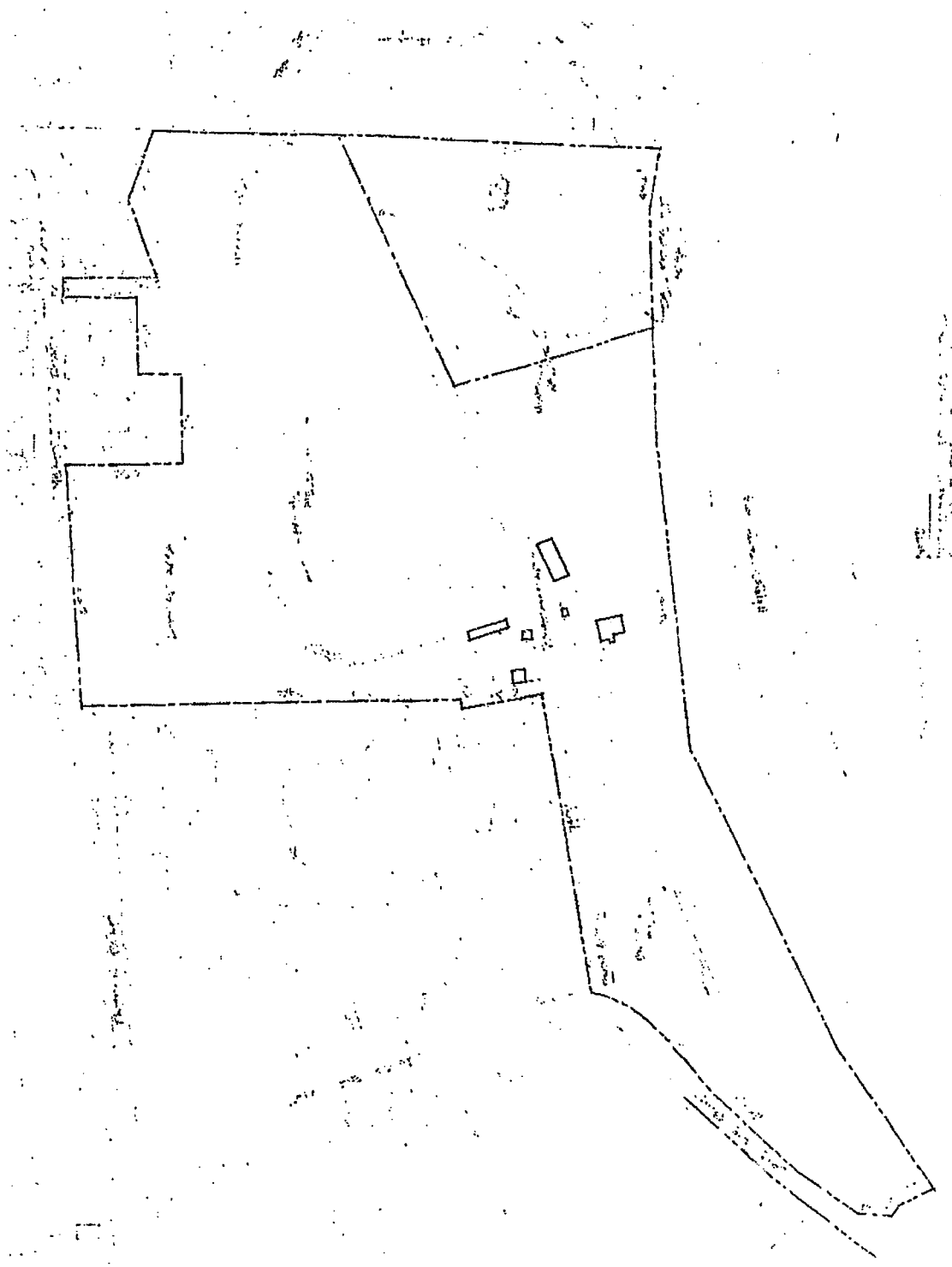
SURVEY



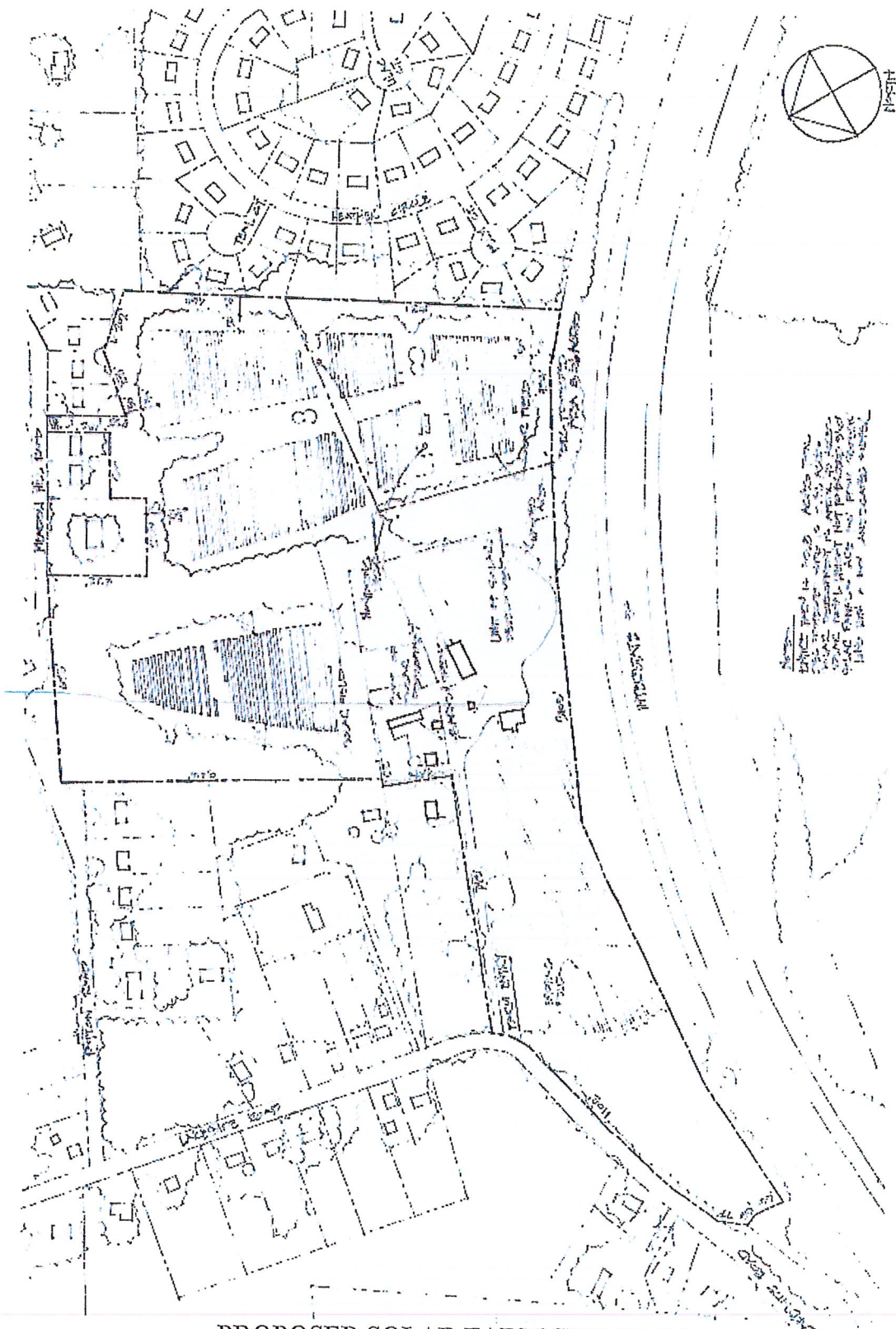
DESIGNATED WETLANDS PORTION



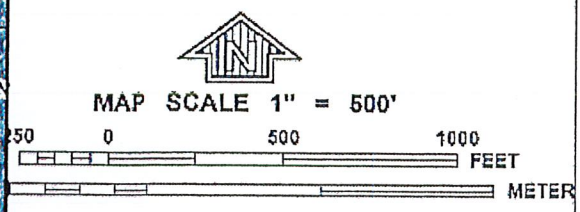
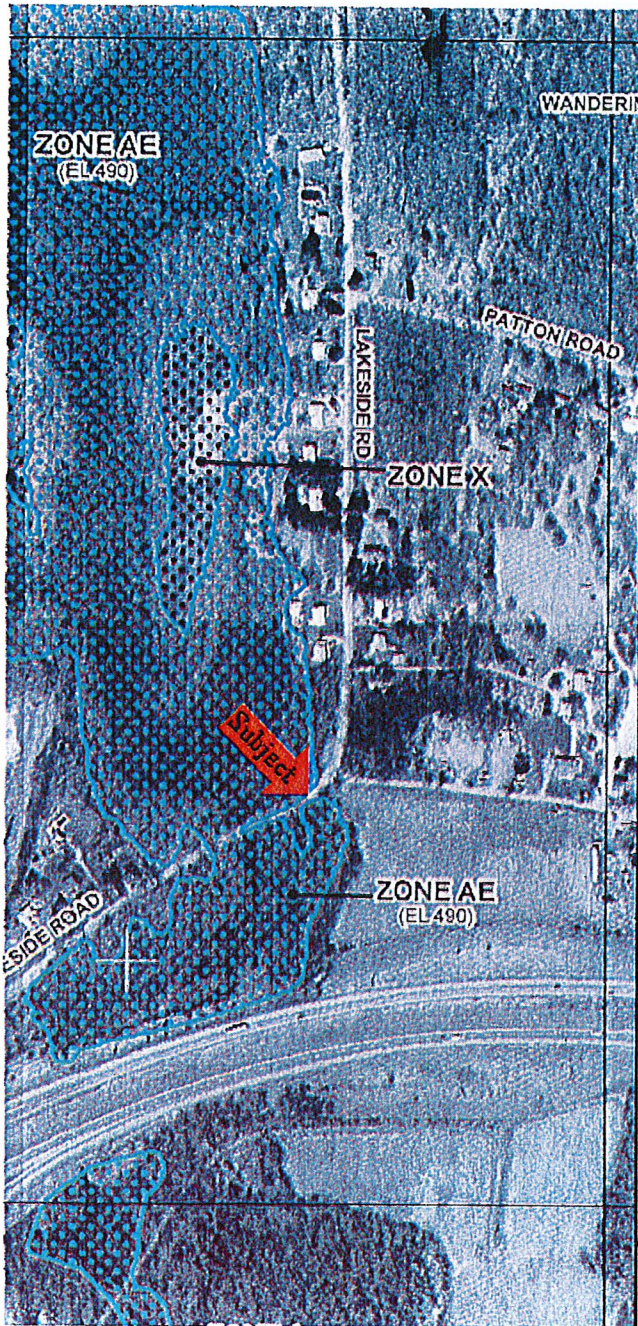
AERIAL VIEW



EXISTING FARM SITE PLAN



PROPOSED SOLAR FARM SITE PLAN



PANEL 0138E

FIRM
FLOOD INSURANCE RATE MAP
 for ORANGE COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>
NEW WINDSOR, TOWN	360628
OF	
NEWBURGH, TOWN OF	360627

PANEL 138 OF 630
MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
 36071C0138E

EFFECTIVE DATE
 AUGUST 3, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

FLOOD MAP

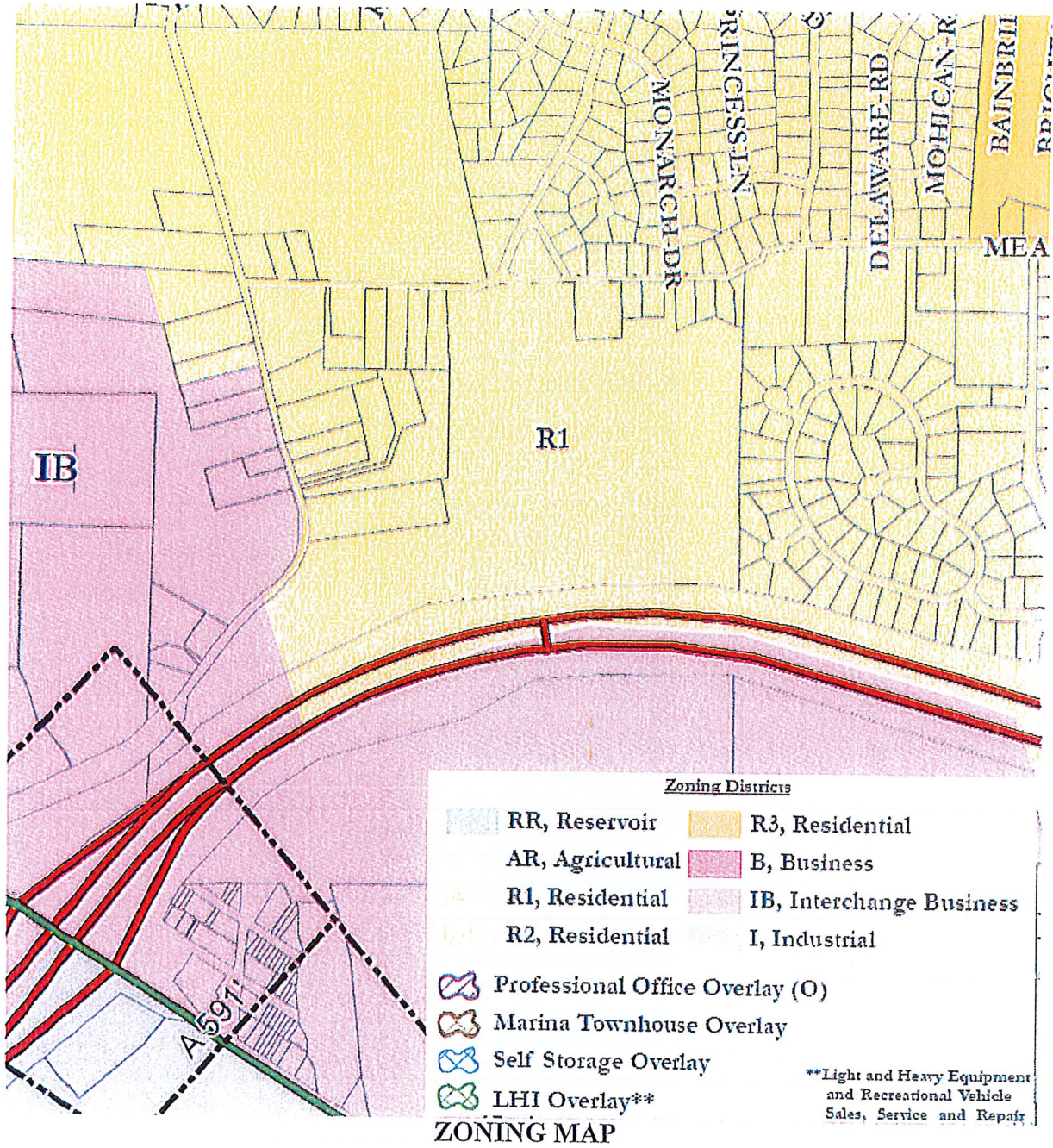
ZONING SUMMARY

The subject property is located in the Town of Newburgh, County of Orange, State of New York, and is situated in a R-1 Zoning District. This is a Residence District. The following regulations shall apply in all R-1 Districts.

- A. Permitted Uses:
1. Single family dwellings.
 2. Municipal buildings and town activities.
- B. Accessory Uses:
1. Home occupations.
 2. Private garage or carport for not more than 4 vehicles.
 3. Garden houses, toolsheds, wading or swimming pool or tennis court in accordance with 185-43.
 4. Signs in accordance with 185-14:
 - a. Professional
 - b. Institutional
 - c. Identification
 5. Keeping of not more than five dogs and/or cats over six months of age.
 6. Keeping up to 2 horses on a lot of 2 acres or more.
 7. Off street parking as required by the principal use.
 8. Separate living quarters within the permitted uses for persons employed on the premises.
 9. Accessory apartments in accordance with 185-38.
 10. Satellite earth stations in accordance with 185-40.
 11. Nursery school or day care.
- C. Special Permitted Uses:
1. Conversion of existing dwellings for multi family use in accordance with 185-25.
 2. Cluster developments in accordance with 185-26.
 3. Membership clubs providing recreational facilities in accordance with 185-29.
 4. Places of worship, related parish houses, seminaries, dormitories and related activities.
 5. Substance abuse rehabilitation homes.
 6. Community residence for the disabled.
 7. Marinas in accordance with 185-34.
 8. Public utility structure and rights-of-way
 9. 2-family dwelling, not to exceed 2 dwelling units per lot.
 10. Semidetached dwellings, not to exceed 2 dwelling units per lot.
- D. Building Height Limit:
- No structure of building shall exceed 35 feet in height for all except marinas which shall not exceed 40 feet in height.
- E. Required Lot Area:
- There shall be a minimum lot size of 40,000 square feet for all except membership clubs which shall be 10 acres; places of worship which shall be two acres; substance abuse homes and community residence for the disabled which shall be

60,000 square feet; marinas which shall be five acres; and two-family and semidetached dwellings which shall be 100,000 square feet.

- F. Required Lot Width:
There shall be a minimum lot width of 200 feet for all except conversion of existing dwellings for multifamily use, substance abuse homes, and community residence for the disabled which shall be 150 feet; and membership clubs which shall be 300 feet.
- G. Required Lot Depth:
There shall be a minimum lot depth of 150 feet for all except membership clubs which shall be 300 feet; places of worship and marinas which shall be 200 feet.
- H. Front Yard:
There shall be a front yard of not less than 50 feet for all except membership clubs which shall be not less than 200 feet.
- I. Rear Yard:
There shall be a rear yard of not less than 40 feet for all except membership clubs which shall be no less than 200 feet; places of worship which shall be no less than 60 feet; substance abuse rehabilitation homes and community residence for the disabled shall be no less than 50 feet; marinas are not required a rear yard at the shoreline.
- J. Side Yard:
Each side yard must be a minimum of 30 feet and the total of both side yards must be a minimum of 80 feet for all except membership clubs which must be a minimum of 200 feet and a total of 400 feet; places of worship, substance abuse homes, community residences for the disabled, and marinas should be a minimum of 50 feet and a total of 100 feet.
- K. Maximum Permitted Building Coverage:
There is a maximum coverage of 10% for all except municipal buildings, substance abuse homes, community residence for the disabled, and public utility structures which have a maximum of 20%; membership clubs and places of worship have a maximum of 15%; and marinas have a maximum of 40%.



GREGORY R. LANGER - APPRAISER'S QUALIFICATIONS

EDUCATION:

BA - Hartwick College, Oneonta, New York Undergraduate	1976
Newburgh Free Academy - Adult Education Principles of Real Estate	1976
Real Estate Law	1977
New York State Association of Realtors Graduate Realtors Institute - Course I	1977
Marist College Society of Real Estate Appraisers Course 101 - An Introduction to Appraising Real Property	1980
Pennsylvania State University Society of Real Estate Appraisers Course 201 - Principles of Income Property Appraising	1981
Dartmouth College American Institute of Real Estate Appraisers Capitalization Theory and Techniques Parts II and III	1982
American Institute of Real Estate Appraisers Case Studies in Real Estate Valuation and Valuation Analysis and Report Writing	1983
Tampa, Florida American Institute of Real Estate Appraisers Standards of Professional Practice	1984
University of Florida American Institute of Real Estate Appraisers Real Estate Investment Analysis	1985

MEMBERSHIPS AND AFFILIATIONS:

American Institute - Practicing Affiliate	
State of New York - Certified Real Estate General Appraiser - #46-43405	

COURSES/SEMINARS:

Argus Seminar	1993
Appraisal Institute Consideration of Environmental Hazards in Real Estate Valuation	1994
Appraisal Institute Understanding Limited Appraisals	1994
Orange County Community College Environmental Law and The Planning Board	1995
Appraisal Institute New Industrial Valuation	1997
Appraisal Institute Appraisal of Local Retail Properties	1998

Appraisal Institute Attacking & Defending an Appraisal In Litigation	1998
Appraisal Institute Emerging Technologies Forum	1998
Appraisal Institute Internet Search Strategies	1998
Appraisal Institute - Course 1064-07 Case Studies in Commercial Highest & Best Use	06/2000
Appraisal Institute - Mid Hudson Chapter Standards of Professional Appraisal Practice - Part C - Course 11430	09/2002
Appraisal Institute Scope of Work: Expanding Your Range of Services	10/2003
Appraisal Institute Course 1400N - USPAP National Update Standards and Ethics for Professionals	10/2003
Manfred Real Estate Learning Center, Inc. Code #0022 - (AQ1) Fair Housing, Fair Lending & Environmental Issue	01/2004
Appraisal Institute Code #2352-07 - Appraisal Consulting: A Solution Approach for Professionals	5/2005
Appraisal Institute Subdivision Valuation	6/2005
Appraisal Institute NY State Code #2814-07 Appraising Convenience Stores	12/2005
Appraisal Institute - NY State Code #2837-02 2006 Changes to USPAP; The Demise of Departure	3/2006
Appraisal Institute - NY State Code #2839-07 Analyzing Commercial Lease Clauses	6/2006
Appraisal Institute USPAP Update Course	9/2006
Appraisal Institute - NY State Code #3023-02 Online Valuation Resources to the NY Appraiser	4/2007
Appraisal Institute - NY State Code #2994-07 Appraisal of Local Retail Properties	5/2007
Appraisal Institute - NY State Code - 3053-04 Professional Guide to Conservation Easements	8/2007
Appraisal Institute - NYS Code #2379-07 USPAP Update Course	3/2008
Argus Lease Analysis	4/2008
Appraisal Institute - An Introduction to Valuing Green Buildings	10/2008

Land Trust Alliance - Northeast Land Trust Conference Mapping Tools for Your Land Trust; Selecting and Evaluating Conservation Lands Using Online Mapping and GIS Resources	4/2009
Appraisal Institute - NYS Course #3452-07 Long Island Chapter of the Appraisal Institute Hotel Appraising- New Techniques for Today's Uncertain Times	9/2009
Appraisal Institute - NYS Code 3249-5.25 Business Practices and Ethics	11/2009
Appraisal Institute - Webinar Self Storage Buildings	01/2010
Appraisal Institute - Webinar Uniform Appraisal Standards for Federal Land Acquisitions	8/2010
Appraisal Institute - Webinar Strategies for Successfully Appealing a Real Estate Tax Assessment	9/2010
Appraisal Institute - Webinar A Debate on the Allocation of Hotel Total Assets	10/2010
Appraisal Institute - Webinar Understanding the New Interagency Appraisal and Evaluation Guidelines	2/2011
Appraisal Institute - Webinar Profiting from the New Estate Tax Law	5/2011
Appraisal Institute - Webinar Perspectives from Commercial Review Appraisers	7/2011
Appraisal Institute - Webinar The New Demand Reports	8/2011
Appraisal Institute - Webinar Understanding the Impact of the Interagency Appraisal and Evaluation Guidelines for Appraisers and Lenders	10/2011
Appraisal Institute Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets	2/2012
Appraisal Institute USPAP Equivalent Course	3/2012
Appraisal Institute - State Code: 2623-07 Online Small Hotel/Motel Valuation	3/2012
Appraisal Institute - Webinar Guides Notes 11 and 12 - What They Mean to You	6/2012
Appraisal Institute - Webinar IRS Valuation	7/2012
Appraisal Institute - Webinar	9/2012

Regression Analysis is Becoming Mainstream
Are You Prepared?

Appraisal Institute - Business Practices and Ethics	2/2013
Appraisal Institute - Webinar Property Taxation: Valuation & Consultation Services	7/2013
Appraisal Institute - State Code: 4102-07 The Discounted Cash Flow Model: Concepts, Issues and Applications	9/2013
Appraisal Institute - NYS Code 4101-07 Appraising the Appraisal: Appraisal Review-General	10/2013
Appraisal Institute - NYS Code: 4020-14 Residential & Commercial Valuation of Solar	11/2013
Appraisal Institute - Webinar Appraising Cell Towers	12/2013
Appraisal Institute 7 Hour USPAP Update Course	12/2013
Appraisal Institute - Webinar Trial Components Recipe for Success or Disaster	5/2014
Appraisal Institute - USPAP Update, 7 Hour National Uniform Standards of Professional Appraisal Practice	11/2014
Appraisal Institute - Business Practices and Ethics	5/2015
Appraisal Institute - Webinar High Volatility Commercial Real Estate Valuation Consideration and Complexities	8/2015
Appraisal Institute - Webinar Contamination and the Valuation Process	9/2015
Appraisal Institute - Raising the Bar: Complex Properties A Risk Based Approach to Allocations and Investments	9/2015
Appraisal Institute - NYS Code 4395-07 Mid Hudson Chapter - 1 st Annual Appraisal Case Studies Seminar	10/2015
Appraisal Institute - NYS Code 3625-28 Advanced Concepts & Case Studies - Course 503GD	12/2015
Manfred Real Estate Learning Center, Inc. - Course Q-0332 Supervisory/Appraiser/Trainee Appraiser Course	10/2016
Appraisal Institute - NY State Code #4530-07 Mid Hudson Chapter: 2 nd Annual Appraisal Case Studies Seminar	10/2016
Appraisal Institute - NY State Entity Code: NY Practical Highest and Best Use	6/2017
Appraisal Institute - NY State Code #4670-07	

Drone Technology and Its Impact on the Appraisal Industry	6/2017
Appraisal Institute - NYS Code 4752-07 Mid Hudson Chapter: 3 rd Annual Appraisal Case Studies	10/2017
Appraisal Institute - NYS Code A4767-07 7 Hour National USPAP Update Course	12/2017

EXPERIENCE:

Valuation Consultants, Inc. 3/93 to Present
Owner and Senior Commercial Appraiser

As an owner of the company, I will review and appraise all types of commercial appraisal reports.

H.F. Ahmanson and Company 11/86 to 2/93

Served in various positions including Senior Real Estate Financial Analyst, Chief Appraiser of the Bowery and Vice President-Loan Officer. Responsibilities and duties included valuation of the commercial real estate portfolio on the Eastern Seaboard, overseeing a full staff of commercial appraisers in the Manhattan office, portfolio valuation in the acquisition of Bowery Savings Bank and Home Savings Bank, and northeast lending operations.

Eastern Savings Bank 10/85 to 11/86

Served as an Assistant Vice President in lending, as well as an Appraiser

Appraisal Services Company 10/79 to 10/85

Worked as the Senior Commercial Appraiser after previously performing residential appraisals and overseeing the residential staff.

Sold Residential Real Estate 1976 to 1979

I have appraised all types of residential property, commercial and industrial buildings, farms and vacant land.

I have had experience in court testimonials for various cases.

I have made appraisals for financial institutions, attorneys, major corporations, home guarantee programs, insurance companies and others. I have worked on assignments for the following companies:

A. GENERAL EXPERIENCE

- Abacus Bank
- Advent Valuation
- American Business Lenders
- Appraisal Management
- Astoria
- Bank of America
- Bank of New York
- Bank of the West
- Bank of Greene County
- Bank United
- Berkshire Bank
- Bloom and Bloom
- Business Lending
- Catskill Hudson Bank
- Charles Brodie, Esquire

Chase Manhattan Bank
Citizens Bank
City National Bank
City of Middletown
City of Newburgh
City of Poughkeepsie
Community Bank
Community Preservation Corporation
Concorde Lending
Country Bank
County of Orange
County of Dutchess
Cumberland Farms
Cumberland Gulf
David Brodsky, Esquire
Dormitory Authority of State of New York
Dwight Joyce, Esquire
Eastern Savings Bank
First Niagara Bank
Freedom Bank
Greater Hudson Bank
Hometown Bank of the Hudson Valley (formerly Walden Federal)
HSBC Bank USA
Hudson Heritage Federal Credit Union
Hudson United Bank
Hudson Valley Bank
Hudson Valley Federal Credit Union
Jacobowitz and Gubits, LLP
Jeff Bank
JP Morgan Chase
Key Bank of New York
Kingston City School District
Lakeland Bank
Lend Lease
M&T Bank
Metbank
Mahopac National Bank
Mid Hudson Valley Federal Credit Union
National Valuation Services
NBT
Newburgh Central School District
NYS Office of Mental Retardation & Developmental Disabilities
Orange County Trust
Orange County Land Trust
Orange & Rockland Utilities
Peoples United
Putnam County National Bank
Putnam County Savings Bank
Richard Drake, Esq.
Rhinebeck Savings Bank
Riverside Bank
Rondout Savings
Salisbury Bank
Sawyer Savings Bank
SBU
SI Bank and Trust
Stanley Marks and Company, CPA
Sterling National Bank (formerly Provident Bank)
Stevan Nosonowitz, Esquire
Stewart International Airport
Summit Bank
TD Banknorth, N.A.

Town of Chester
 Town of Newburgh
 Town of Wallkill
 Trust Company of New Jersey
 Ulster Savings Bank
 Union Savings Bank
 Union State Bank
 Vanacore, DeBenedictus, DiGiovanni & Weddell, CPA
 Valley National Bank
 Village of Walden
 Walden Savings
 Wallkill valley Federal Credit Union
 Warwick Valley School District
 Webster Bank
 Wells Fargo
 Wilber National Bank

B. AREAS OF APPRAISAL EXPERIENCE -

New York State -

COUNTIES: Orange, Dutchess, Putnam, Rockland, Sullivan, and Ulster

FACTUAL STATISTICAL AND REFERENCE INFORMATION

An up-to-date set of area Zoning Maps and Ordinances

City maps showing existence of underground utilities

Maintenance of sales transactions by subdivisions and street name, effective dates of sale and current listing

Current community statistics referring to retail sales, bank clearance, employment, transportation routes, construction activity, and mortgage recordings

Census Tract Maps, Flood Plain Maps, Wetland Maps

UNIQUE ID NUMBER
46000043405

State of New York
Department of State

DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY
Control
No. 104111

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE
EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.

EFFECTIVE DATE

MO | DAY | YR
03 | 08 | 18

LANGER GREGORY R
C/O VALUATION CONSULTANTS INC
6 FRONT ST
NEWBURGH, NY 12250

EXPIRATION DATE

MO | DAY | YR
03 | 07 | 20

HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A
R. E. GENERAL APPRAISER

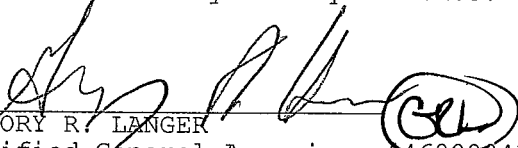
In Witness Whereof, The Department of State has caused
its official seal to be hereunto affixed

ROSSANA ROSADO
SECRETARY OF STATE

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics of the Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- Gregory R. Langer has made a personal inspection of the property that is the subject of this report.
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification, other than Christine Bell.
- We have not provided any appraisal or consulting services nor any other services with regard to the property, such as property management, leasing, brokerage, auction, or investment advisory services in the past three years.
- As of the date of this report, Gregory R. Langer is a Practicing Affiliate of the Appraisal Institute and is current in his continuing education cycle requirements.


GREGORY R. LANGER
Certified General Appraiser #46000043405

6 Front Street
Newburgh, New York
12550
Tel. 845-568-0600
Fax. 845-568-0699



May 8, 2018

Mr. Darrin J. Scalzo, Chairperson and Board Member
Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: ZONING USE - VARIANCE REQUEST - OUR FILE NO. E802007
F & T DARRIGO SITE
84 LAKESIDE ROAD
SECTION 86, BLOCK 1, LOTS 96
ORANGE COUNTY, NEWBURGH, NEW YORK 12550

Dear Mr. Scalzo and Zoning Board Members:

We are presenting expanded information concerning our prior letter dated February 8, 2018.

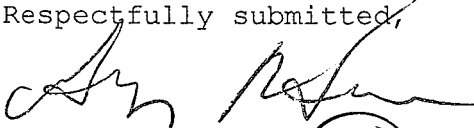

- We presented a scenario with 42 lots on the 60 acres (rounded) of the subject which represents 30% of the land used as roads, etc., which is a typical conversion factor. Utilizing just the 40 acres of solar farm land results in 28 lots using the same formula based on one acre zoning. Typical road frontage based on an analysis of other subdivisions is 100 linear feet of road per lot. Further analysis of other subdivisions indicates a minimum 250 per linear feet of road for site work.

- We have included a second discount cash flow using these parameters which results in a \$190,000 value for the 40 acres.

- Our lot value and absorption takes into account the presence of the "former hazardous waste site". Our values are an average with the lots closest to the site selling for less and those farther for more.

- We presented a present worth of the right to receive \$80,000 annually over 25 years at \$1,000,000. If we factored in the 2.5% annual increases, the present worth totals \$1,298,360 (\$1,300,000 rounded).

Respectfully submitted,


GREGORY R. LANGER 

DISCOUNTED CASH FLOW ANALYSIS AT 12.0%
Darrigo Farm
Building Lots
Unapproved

28 Lots

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
LOT VALUES							
Land Sales	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	
TOTAL	0	0	0	0	0	0	28
Remaining Lots	28	28	28	19	10	0	\$1,680,000
EXPENSES							
Taxes, per lot per year, +3%	\$1,500	\$12,000	\$40,000	\$42,000	\$28,500	\$15,000	\$149,500
Infrastructure Cost per LF\$250	2,800	\$0	\$700,000	\$0	\$0	\$0	\$700,000
Sales Commission 3.0%	\$0	\$0	\$0	\$16,200	\$16,200	\$18,000	\$50,400
Closing Costs, per lot sale	\$1,500	\$0	\$0	\$13,500	\$13,500	\$15,000	\$42,000
Profit 10.0%	\$0	\$0	\$0	\$54,000	\$54,000	\$60,000	\$168,000
Miscellaneous	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$30,000
TOTAL EXPENSES							
	\$17,000	\$17,000	\$745,000	\$130,700	\$117,200	\$113,000	\$1,139,900
NET OPERATING INCOME							
Present Worth: 51%	1.1200	0.892857	0.711780	0.639518	0.567427	0.506631	\$540,100
NET INCOME							
	-\$15,179	-\$13,552	-\$530,276	\$260,118	\$239,908	\$246,729	\$167,748


Total DCF
 ROUNDED
 \$187,748
 \$190,000

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


STATE OF NEW YORK: COUNTY OF ORANGE:

I JEFFREY LEASE, being duly sworn, depose and say that I did on or before
October 10, 2019, post and will thereafter maintain at
86 Lakeside Rd 86-1-96 R-1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

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



Sworn to before me this 10
day of October, 2019.



Notary Public

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

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

Siobhan Jablesnik

From:
Sent:
To:
Subject:

siobhan,

find below photos of two of the four sign placements for this property.



at meadow avenue and monarch drive



looking west on meadow



on patton road at elbow



looking west along patton

Jeff Lease's iPhone

Siobhan Jablesnik

From:
Sent:
To:
Subject:

siobhan,

final 2 signs, there are two photos of each sign.



lakeside road at main entry drive to property.



lakeside at entry drive to property



lakeside road near 'ice time' entry across the street



same sign looking north along lakeside road.

Jeff Lease's iPhone