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**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: DIAMOND PROPERTIES-OC CHOPPERS
PROJECT NO.: 17-20
PROJECT LOCATION: SECTION 95, BLOCK 1, LOT 74
SECTION 95, BLOCK 1, LOT 47.2
REVIEW DATE: 14 JULY 2017
MEETING DATE: 20 JULY 2017
PROJECT REPRESENTATIVE: CUDDY & FEDDER, ESQ. & MICHAEL GALLIN, R.A.

1. The Applicant is seeking a Text Change Amendment to the Town of Newburgh Zoning Code to include indoor recreational uses in the IB Zone. The Town Board is the agency which will evaluate the text change while the Planning Board has jurisdiction over the proposed amended site plan. Intent for Lead Agency should be determined early on in the process. Based on information supplied by the Town Board to County Planning the Town Board appears to be suggesting that the Planning Board serve as Lead Agency for the SEQRA review of the text change as well as the project.
2. Circulation to Orange County Planning by the Planning Board is required.
3. NYSDOT and Ken Wersted comments regarding traffic generation for the site should be received.
4. An analysis based on the existing approved City of Newburgh Flow Acceptance letter should be undertaken by the Applicants to determine if approval by the City of Newburgh is required based on potential increased hydraulic loading from the site.
5. Mike Donnelly's comments regarding the ownership, use and access to the parking, which exists on Tax Lot 47.2 should be received. It is unclear from a review of the project if the Applicant- Diamond Properties owns that tax lot.
6. The project narrative signed by William Diamond identifies 178 parking spaces on the site, while a parking calculation chart provided in Appendix D identifies 204 parking spaces.

7. The parking calculation should be checked with regard to restaurant and bar combined use at the site.
8. Documentation as to the proposed off street parking analysis including assumptions identified in the proposed off street parking analysis should be provided and reviewed by Ken Wersted's office.
9. The application submitted identifies the Cronomer Valley Fire District, however the project is solely located in the Orange Lake Fire District.
10. The existing conditions plan submitted is a previously approved plan which identifies different owners, project sponsors and applicants.

Respectfully submitted,

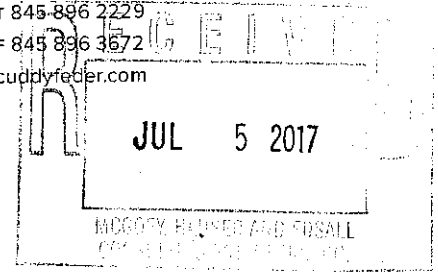
***McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.***

Patrick J. Hines
Principal

PJH/kbw



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845-896-2229
F 845-896-3672
cuddyfeder.com



June 30, 2017

BY HAND

Chairman John P. Ewasutyn,
And Members of the Planning Board
Town of Newburgh
308 Gardnertown Road
Newburgh, New York 12550

Re: Planning Board Application #17-20
Premises: Tax Parcels: 95-1-74 and 95-1-47.2 and the Interchange Business District
Diamond Properties (Requests for Site Plan Approval and Zoning Text Amendment)

Dear Chairman Ewasutyn and Members of the Board:

We are writing on behalf of DP66, LLC ("Diamond"), which is the owner of the property located at 14 Crossroads Court, more commonly known as the "Orange County Choppers" site ("Site"). The Site is located adjacent to Stewart Airport, in the IB (Interchange Business) District and in a portion of the Town designed by Orange County Planning Department as a Priority Growth Area.

Diamond filed a request to the Town Board on June 20 for a minor amendment to Chapter 185 (Zoning) of the Town Code. In particular, Diamond is requesting a text amendment to the Table of Use and Bulk Requirements for the IB Zoning District to expressly allow "indoor amusement establishments" as a principal use subject to site plan review by the Planning Board. Diamond's request also includes land use permitting for the completion of interior renovations at the Site.

Copies of our June 20, 2017 letter to the Town Board are included with this correspondence. The June 20 letter summarizes the reasons for the minor text amendment, as well as the details of the proposed internal renovations of the building on the Site. The Orange County Choppers Site includes an approximately 96,000 square foot building that currently contains the headquarters and manufacturing operations of Orange County Choppers. The existing building also contains various retail and entertainment operations. Diamond is proposing to repurpose some of this internal space to also accommodate recreational laser tag, go-karting, and additional arcades. Diamond sought a permit to complete this work, but was advised that the proposal constitutes an "indoor amusement establishment" which is expressly permitted in the B Zoning District, but not in the IB District. If adopted, the proposed zoning text amendment would make clear that this internal renovation project is clearly permitted on the Site subject to Planning Board review.

On June 26, the Town Board referred this matter to the Planning Board as required by the Newburgh Town Code. The Town Board suggested at that meeting that the Planning Board serve as lead agency for purposes of completing a coordinated SEQRA review process.

Accordingly, enclosed with this letter please find fifteen (15) copies of the completed Town of Newburgh Site Plan Application Forms, Proxy Statement and Site Plan Checklist, together with a

C&F: 3471124.1



June 30, 2017
Page 2

survey of the Site, prepared by LEHR Surveys, dated June 8, 2015. We are also enclosing (2) checks made payable to the Town of Newburgh in the amounts of \$1,500 and \$4,500. These checks represent payment of the site plan application fees and escrow deposit (inclusive of the \$2,000 escrow deposit for the SEQRA/Long Environmental Assessment Form review).

Please note that the enclosed June 20, 2017 letter to the Town Board includes the following:

- Exhibit A: Proposed Local Law amending Chapter 185 of the Town of Newburgh Code to permit "Indoor Amusement Establishments" in the IB District;
- Exhibit B: Full Environmental Assessment Form, dated June 19, 2017;
- Exhibit C: Correspondence from William Diamond, dated June 19, 2017, providing a narrative of the proposed internal renovations to the Site; and
- Exhibit D: Existing approved Site Plan, prepared by M. A. Day Engineering, PC, stamped March 20, 2012, together with proposed internal renovation plans, prepared by Michael J. Gallin, dated February 10, 2017.

We respectfully request that the Planning Board place this matter on the July 20, 2017 meeting agenda to proceed with the SEQRA review process and its review of the site plan application. In the interim, please do not hesitate to contact me should the Board or Staff have any questions.

Very truly yours,

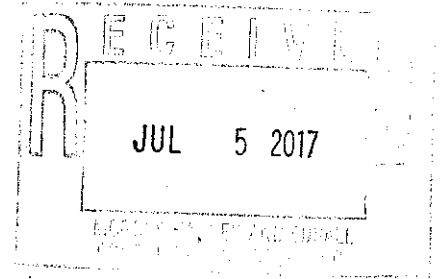
A handwritten signature in black ink, appearing to read 'Anthony F. Morando', is written over a faint, larger version of the signature.

Anthony F. Morando

cc: Gerald Canfield, Code Compliance Officer/Supervisor (copy enclosed)
James W. Osborne, P.E., Town Engineer (copy enclosed)
Patrick J. Hines, McGoey, Hauser and Edsall Consulting Engineers P.C. (FedEx)
Kenneth W. Wersted, Creighton Manning Engineering, LLP (FedEx)
Michael Donnelly, Esq., Attorney for the Planning Board (FedEx)
Mark Taylor, Esq., Attorney for the Town Board (FedEx)
Bill Diamond and Fatima Arash, Esq., Diamond (email)

C&F: 3471124.1

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**



RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550

DATE RECEIVED: _____ **TOWN FILE NO:** _____
(Application fee returnable with this application)

1. **Title of Subdivision/Site Plan (Project name):**
Orange County Choppers

2. **Owner of Lands to be reviewed:**

Name DP66, LLC c/o Diamond Properties
Address 333 North Bedford Road
Mount Kisco, NY 10549
Phone (914) 773-6249

3. **Applicant Information (If different than owner):**

Name Same
Address _____

Representative Cuddy & Feder LLP, Anthony F. Morando, Esq.
Phone (845) 896-2229
Fax (845) 896-3672
Email amorando@cuddyfeder.com

4. **Subdivision/Site Plan prepared by:**

Name _____
Address _____

Phone/Fax _____

5. **Location of lands to be reviewed:**

14 Crossroads Court

6. **Zone** IB
Acreage _____

Fire District Cronomer Valley Fire District
Orange Lake Fire District
School District Newburgh Enlarged Central School Dist.
Central Valley School Dist.

7. **Tax Map: Section** 95 **Block** 1 **Lot** 74 and 47.2


8. Project Description and Purpose of Review:

Number of existing lots 2 Number of proposed lots 2
Lot line change _____
Site plan review X - See Attached Cover Letter
Clearing and grading _____
Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:
(Describe generally) _____

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

DP66, LLC
Signature BY:  Title Margy, Mer Lee
WILLIAM DIAMOND
Date: 6/28/17

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

FEE LAW SUMMARY

PENDING APPLICATIONS

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

SEVERABILITY

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

DP66, LLC

APPLICANT'S NAME (printed)

DP66, LLC

By: 

APPLICANTS SIGNATURE

WILLIAM DIAMOND

6/28/17
DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PROXY

DP66, LLC its principal address
(OWNER) by WILLIAM DIAMOND, DEPOSES AND SAYS THAT ~~HE/SHE~~
is ~~RESIDES AT~~ 333 North Bedford Road

IN THE COUNTY OF Westchester

AND STATE OF New York

AND THAT ~~HE/SHE~~ ^{it} IS THE OWNER IN FEE OF _____
14 Crossroads Court

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
PLANNING BOARD AND Cuddy & Feder LLP/Anthony F. Morando, Esq. IS AUTHORIZED
TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 6/28/17

DP66, LLC
By: [Signature]
OWNERS SIGNATURE

WILLIAM DIAMOND
OWNERS NAME (printed)

[Signature]
WITNESS' SIGNATURE

NAMES OF ADDITIONAL
REPRESENTATIVES

[Signature]
WITNESS' NAME (printed)

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

6/28/17

DATED

DP66, LLC

APPLICANT'S NAME (printed)

DP66, LLC

By: 

APPLICANT'S SIGNATURE

WILLIAM DIAMOND

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

 NONE

 NAME, ADDRESS, RELATIONSHIP OR INTEREST
(financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.


- TOWN BOARD
- PLANNING BOARD
- ZONING BOARD OF APPEALS
- ZONING ENFORCEMENT OFFICER
- BUILDING INSPECTOR
- OTHER

6/28/17
DATED


INDIVIDUAL APPLICANT

DP66, LLC

CORPORATE OR PARTNERSHIP APPLICANT

BY: 
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

TOWN OF NEWBURGH PLANNING BOARD

ORANGE COUNTY CHOPPERS
PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up

11. Surveyor,s Certification
12. Surveyor's seal and signature
13. Name of adjoining owners
14. Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. Flood plain boundaries
16. Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. Metes and bounds of all lots
18. Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. Show existing or proposed easements (note restrictions)
20. Right-of-way width and Rights of Access and Utility Placement
21. Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. Lot area (in sq. ft. for each lot less than 2 acres)
23. Number of lots including residual lot
24. Show any existing waterways
25. A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. Show topographical data with 2 or 5 ft. contours on initial submission

30. N/A Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. N/A Number of acres to be cleared or timber harvested
33. N/A Estimated or known cubic yards of material to be excavated and removed from the site
34. N/A Estimated or known cubic yards of fill required
35. N/A The amount of grading expected or known to be required to bring the site to readiness
36. N/A Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
-
37. N/A Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
-
38. _____ List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By: 
Licensed Professional

Date: 6/30/17

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date):



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com 5 2017

BY HAND

June 20, 2017

Gil Piaquadio, Supervisor
and Members of the Town Board
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Re: Diamond Properties (Request to Amend the Town of Newburgh Zoning Law)
Premises: Interchange Business (IB) District and Tax Parcels: 95-1-74 and 95-1-47.2

Dear Mr. Piaquadio and Members of the Town Board:

We are writing on behalf of DP66, LLC ("Diamond"), which is the owner of the IB zoned property located at 14 Crossroads Court in the Town of Newburgh, more commonly known as the "Orange County Choppers" site (the "Site"). Diamond is filing this request to the Town Board for a minor amendment to Chapter 185 (Zoning) of the Town of Newburgh Code. In particular, Diamond seeks a text amendment to the Table of Use and Bulk Requirements for the IB Zoning District to allow "indoor amusement establishments" as a principal use subject to site plan review by the Planning Board. We respectfully submit this request in accordance with Article XI of Chapter 185 (Section 185-60 of the Zoning Law).

Reasons Supporting the Text Amendment

Diamond is requesting that the Town Board amend the Zoning Law to include "indoor amusement establishments" in Column D, Row 2 of the existing "Table of Use and Bulk Requirements for the IB Zoning District, Schedule 8". A draft Local Law reflecting this requested text change is attached to this letter as Exhibit A.

Allowing indoor amusement establishments in the IB District is consistent with the existing Zoning Law, B and IB Tables of Uses, and the Town of Newburgh Comprehensive Plan.

"Indoor amusement establishments" are currently permitted as a principal use in the Business (B) District of the Town of Newburgh. The IB and B Districts contain many similar permitted use types. As a whole, the IB District tends to allow larger and generally more intense uses when compared with the B Zone. Similar to the B District, the IB District allows mini-malls, retail stores, personal service stores, restaurants, shopping centers, theaters, and health clubs and



June 20, 2017

Page 2

fitness facilities as principal uses subject to site plan review. The IB District also permits manufacturing, travel centers, vehicle dealerships, and transportation facilities which are generally more intense land uses. As such, we believe it would be appropriate to expand the list of principal uses permitted in the IB District to include "indoor amusement establishments" as is already allowed in the generally more restrictive B District.

Indeed, the location of the IB District appears to be an even more appropriate area in the Town for "indoor amusement establishments". The Comprehensive Plan states that the Town of Newburgh should investigate and effectively encourage other types of businesses that could benefit from "pass through tourism traffic." (See Comprehensive Plan, III-45). The Comprehensive Plan also states that "[i]n the southern part of Town, State Route 17K is a magnet for development, given its proximity to Interstates 84 and 87, as well as other major roads such as State Route 300." (See Comprehensive Plan, III-26).

Amending the Zoning Law to allow "indoor amusement establishments" in the IB District is an action that would therefore fit within the Town's designated planning strategy. The IB District is generally located in the southern portion of the Town and in areas near or adjoining extensive, existing travel oriented areas and transportation corridors (e.g., Stewart International Airport, Interstate 87, Interstate 84, Route 17K, Routes 52, 32 and 300). Adopting this amendment will enable the Town to not only capitalize on passing travelers and focus their visits in appropriate areas, but also induce tourism.

Furthermore, the existing Table of permitted uses for the IB District demonstrates an intent by the Town to allow "amusement" type activities based on the current language. Indeed, certain important components of a typical indoor amusement establishment are already allowed in the IB District (e.g., retail, recreational, restaurants and other eating and drinking establishments). Adding indoor amusement establishment to the IB Table will provide an appropriate and needed clarification to the Zoning Law, and advance the Town's strategic planning objectives by promoting economic development and increased tourism in the southern end of the Town.

Diamond's Proposal for 14 Crossroads Court:

Diamond is proposing to renovate the internal space of the existing Orange County Choppers facility located on the Site. The Site is located in the IB District, within a unique area that provides convenient highway access and easy connections to Stewart International Airport. The Site is served by municipal water and sewer systems. (See Comprehensive Plan, Exhibit III-3). Notably, the Site is also located within an Orange County designated Priority Growth Area.



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Page 3

The existing Orange County Choppers facility includes an approximately 96,000 square foot building that currently contains the headquarters and manufacturing operations of "Orange County Choppers". The building currently contains bowling lanes, arcades, retail shopping and personal service space, as well as a restaurant and bar. Diamond is proposing to convert approximately 5,200 square feet of the existing second floor from a silk-screening shop to a recreational laser tag space, re-purpose the existing basement parking garage into a recreational go-karting space, and replace a portion of the existing first floor retail shopping and personal service space with additional arcades (collectively, the "Project"). Diamond is not seeking to perform any exterior renovations, or any changes to the existing Site outside the building.

Diamond sought a permit to complete the Project, but was advised that the use proposed for the Site constitutes an "indoor amusement establishment" which is not currently permitted in the IB District. If adopted, the proposed zoning text amendment would make clear that this completely internal, renovation Project is permitted on the Site subject to Planning Board review. Diamond further submits that the Project, like the requested amendment is completely consistent with the Comprehensive Plan and provides social and economic benefits to the Town. See Exhibit C.

Materials in Support of the Zoning Text Amendment/Proposed Action:

We hereby submit copies of the following exhibits in support of the zoning text amendment:

- Exhibit A: Proposed Local Law amending Chapter 185 of the Town of Newburgh Code to permit "Indoor Amusement Establishments" in the IB District;
- Exhibit B: Full Environmental Assessment Form, dated June 19, 2017;
- Exhibit C: Correspondence from William Diamond, dated June 19, 2017, providing a narrative of the proposed internal renovations to the Site; and
- Exhibit D: Existing approved Site Plan, prepared by M. A. Day Engineering, PC, stamped March 20, 2012, together with proposed internal renovation plans, prepared by Michael J. Gallin, dated February 10, 2017.

Diamond is also submitting under separate cover, a check made payable to the Town of Newburgh in the amount of \$2,500, representing an escrow deposit for the Town's review costs.



June 20, 2017

Page 4

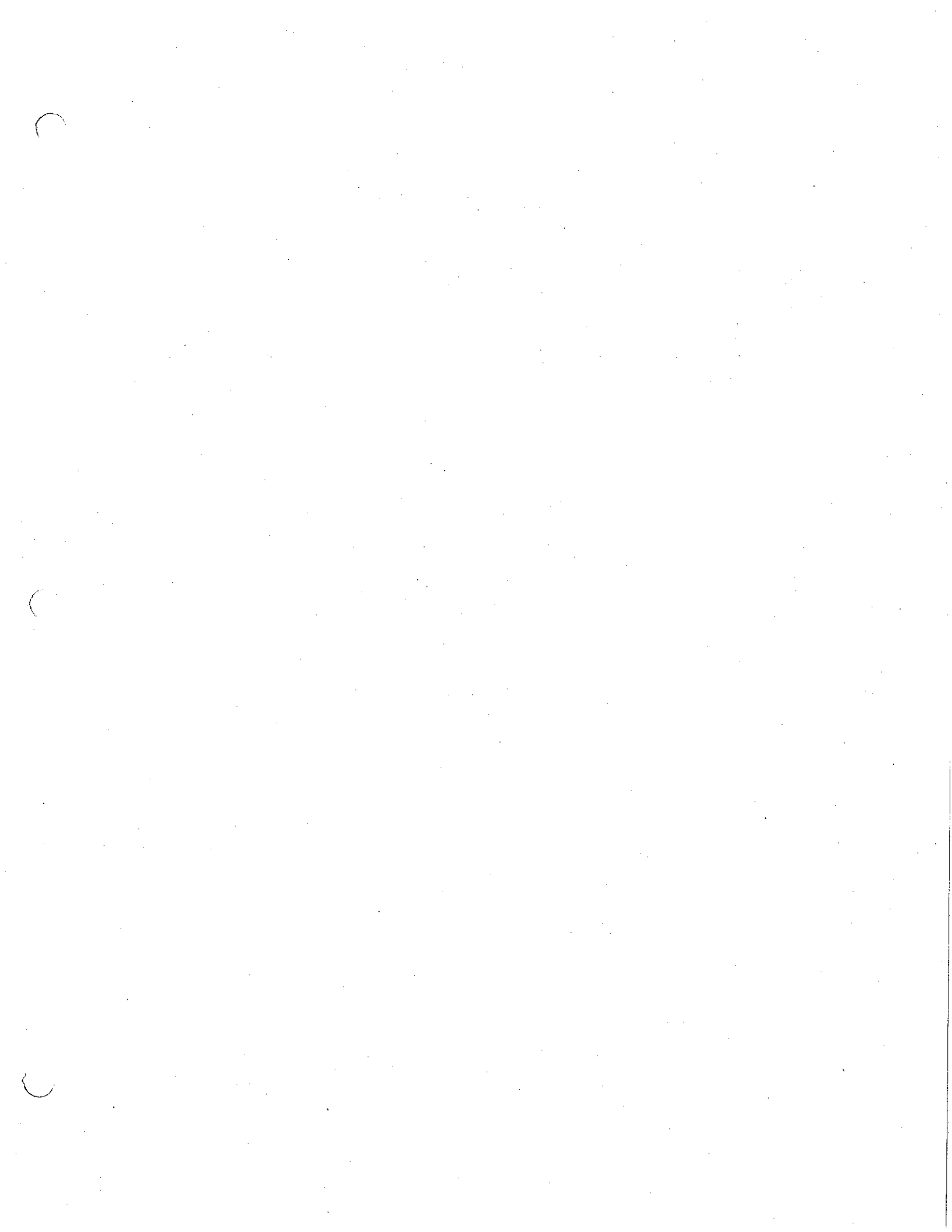
We respectfully request that the Town Board place this matter on the June 26, 2017 meeting agenda to begin the public review process by accepting this proposed zoning text amendment and initiating the required referrals. In the interim, please do not hesitate to contact me should the Board or Town Staff have any questions or comments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Anthony F. Morando', is written over a faint, larger version of the signature.

Anthony F. Morando

cc: Hon. John Ewasutyn, Planning Board Chair (by hand)
Mark Taylor, Esq., Attorney for the Town Board (by FedEx)
Michael Donnelly, Esq., Attorney for the Planning Board (by FedEx)
Andrew J. Zarutskie, Newburgh Town Clerk (by hand)
Bill Diamond and Fatima Arash, Esq., Diamond (by email)



**TOWN OF NEWBURGH
INTRODUCTORY LOCAL LAW NO. __ OF 2017
AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE
CODE OF THE TOWN OF NEWBURGH
TO PROVIDE FOR INDOOR AMUSEMENT ESTABLISHMENTS AS A
PERMITTED PRINCIPAL USE SUBJECT TO SITE PLAN REVIEW
IN THE IB ZONING DISTRICT**

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange, as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Provide for Indoor Amusement Establishments as a Permitted Principal Use Subject to Site Plan Review in the IB Zoning District".

SECTION 2 – PURPOSE AND INTENT

The purpose of this local law is to permit "indoor amusement establishments" as a principal use in the Interchange Business (IB) District subject to site plan review by the Planning Board. For purposes of this Local Law and the Zoning Code, the term "indoor amusement establishments" includes facilities with activities such as arcades, go-karting, bowling and other indoor recreation and entertainment activities. Indoor amusement establishments are currently permitted in the Business (B) District as a permitted principal use subject to site plan approval. The Town Board declares its intent to also permit indoor amusement establishments as a principal use subject to site plan review in the IB District. The Board finds that the "indoor amusement establishments" use is similar to and consistent with existing land uses in the IB District and the principal commercial uses already permitted in the IB District. In addition, the Town Board finds that this local law furthers the goals of the Town Comprehensive Plan by promoting economic development and increased tourism in the Town of Newburgh, by encouraging economic development near suitable transportation corridors, and by creating diverse full and part-time employment opportunities for residents of the Town, County and Region.

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Chapter 185, "Zoning" of the Code of the Town of Newburgh, Table of Use and Bulk Requirements for the IB Zoning District, Schedule 8 of the Code adopted and incorporated into the Code pursuant to §185-10 entitled "Utilization of Use Table" and §185-11 entitled "Utilization of Bulk Table" shall be amended as follows:

DRAFT 6.19.17

- A. Number 2 of Column D entitled "Uses Subject to Site Plan Review by the Planning Board" shall be amended to read as follows:

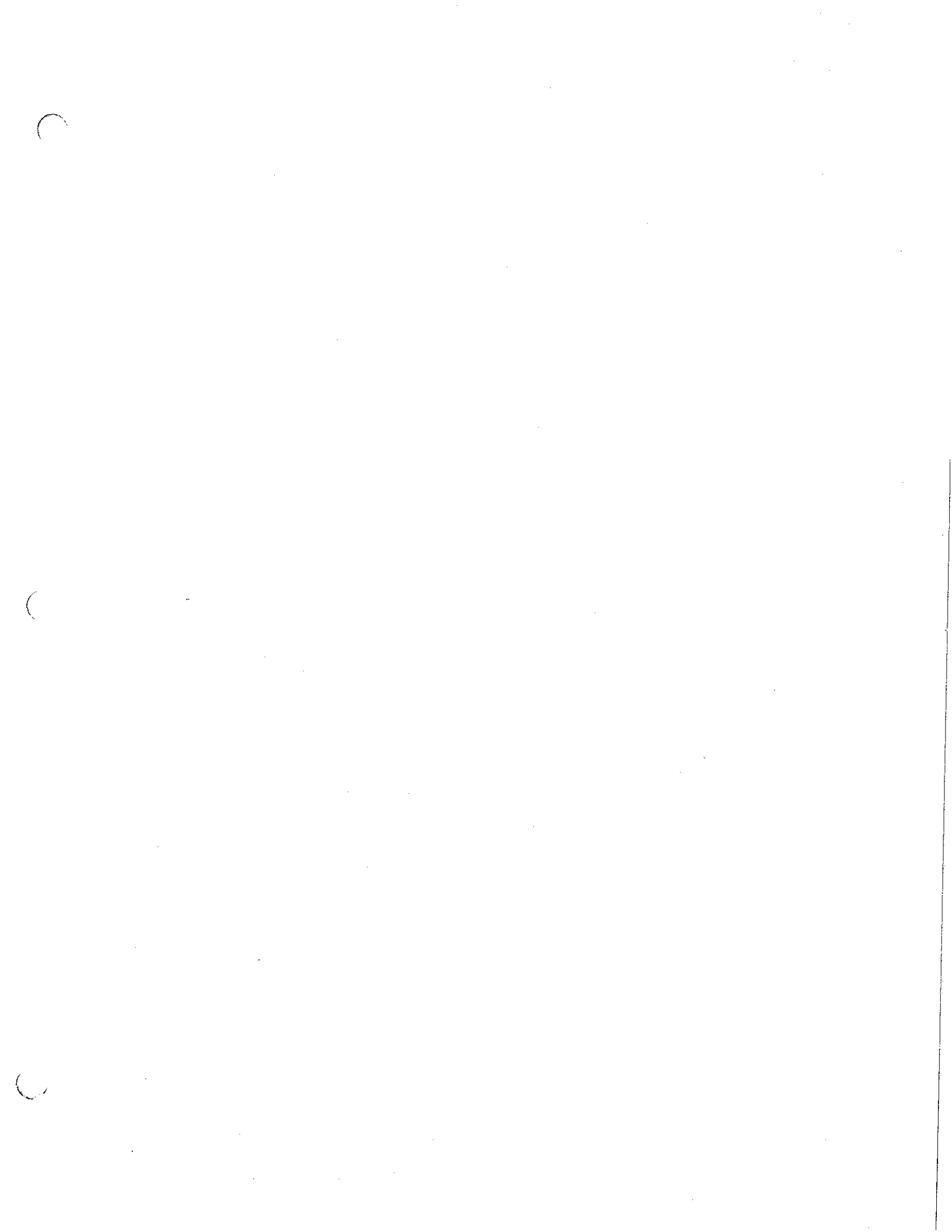
"2. Individual retail stores, convenience stores with or without gasoline filling stations, personal services stores [and], uses and health clubs and fitness facilities, and indoor amusement establishments."

SECTION 4 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

SECTION 5 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



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

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Sponsor Information.

Name of Action or Project: Indoor Amusement Amendment + Diamond Properties/Grand Prix Orange County		
Project Location (describe, and attach a general location map): Interchange Business (IB) District (see attached Zoning Map), and 14 Crossroads Court, (Orange County), Newburgh, NY (SBL: 95-1-74 and 95-1-47.2)		
Brief Description of Proposed Action (include purpose or need): The proposed action includes the adoption of a zoning text change to permit "indoor amusement establishments" as a principal use in the existing Interchange Business (IB) District, where similar commercial uses are already permitted, subject to site plan review by the Planning Board. The proposed action also includes land use permitting and interior renovations of the existing Orange County Choppers facility located in the southern portion of the Town, near the intersection of Route 17K and Interstate 87 (NYS Thruway). The existing Orange County Choppers facility includes an approximately 96,000 square foot building that currently contains the headquarters and manufacturing facility of "Orange County Choppers", with existing bowling lanes, arcades, retail shopping and personal service space, as well as a restaurant/bar. The project proposes to convert approximately 5,200 square feet of the existing second floor, which currently is a silk-screening shop, into a recreational laser tag space; re-purpose approximately 34,300 square feet of the existing basement parking garage into a recreational electric go-karting space; and replace a portion of the existing first floor retail shopping and personal service space with approximately 35 additional arcades. The project does not include any exterior renovations, or any changes to the site layout.		
Name of Applicant/Sponsor: DP66 LLC	Telephone: 914.773.6249	E-Mail: bdlamond@dprngt.com
Address: 333 North Bedford Road		
City/PO: Mount Kisco	State: New York	Zip Code: 10549
Project Contact (if not same as sponsor; give name and title/role): Anthony F. Morando, Cuddy & Feder LLP	Telephone: (914) 761-1300	E-Mail: @cuddyfeder.com
Address: 300 Westage Business Center Drive		
City/PO: Fishkill	State: NY	Zip Code: 12524
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board (zoning code text amendment)	
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board (advisory referral/site plan review)	
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning Department (advisory referral)	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

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

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

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

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

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

C.4. Existing community services.

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

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

c. Which fire protection and emergency medical services serve the project site?
Cronomer Valley Fire District; Orange Lake Fire District; Town of Newburgh Emergency Medical Services

d. What parks serve the project site?
Algonquin Powder Mill Park, Cronomer Hill County Park, New Windsor Historic Parkland, Stewart State Forest

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial/Recreational

b. a. Total acreage of the site of the proposed action? IB Zoning District acres
 b. Total acreage to be physically disturbed? 0 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.27 acres

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

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

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

<p>f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%; text-align: center;"><u>One Family</u></th> <th style="width: 20%; text-align: center;"><u>Two Family</u></th> <th style="width: 20%; text-align: center;"><u>Three Family</u></th> <th style="width: 25%; text-align: center;"><u>Multiple Family (four or more)</u></th> </tr> </thead> <tbody> <tr> <td>Initial Phase</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>At completion of all phases</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </tbody> </table>						<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>	Initial Phase	_____	_____	_____	_____	At completion of all phases	_____	_____	_____	_____
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>															
Initial Phase	_____	_____	_____	_____															
At completion of all phases	_____	_____	_____	_____															
<p>g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,</p> <p>i. Total number of structures <u>0</u></p> <p>ii. Dimensions (in feet) of largest proposed structure: <u>n/a</u> height; <u>n/a</u> width; and <u>n/a</u> length</p> <p>iii. Approximate extent of building space to be heated or cooled: _____ square feet</p>																			
<p>h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,</p> <p>i. Purpose of the impoundment: _____</p> <p>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres</p> <p>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length</p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____</p>																			
D.2. Project Operations																			
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:</p> <p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____</p> <p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ix. Summarize site reclamation goals and plan: _____</p> <p>_____</p> <p>_____</p>																			
<p>b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p> <p>_____</p> <p>_____</p>																			

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

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

If Yes, describe: _____

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

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

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

If Yes:

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

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

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

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

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

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

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

If Yes:

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

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
The estimated peak electricity demand will meet the state energy code requirements, per NY state building code(s).

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

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

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

i. During Construction:		ii. During Operations:	
• Monday - Friday:	<u>7am to 7pm</u>	• Monday - Friday:	<u>12PM - 12AM</u>
• Saturday:	<u>7am to 7pm</u>	• Saturday:	<u>10PM - 12AM</u>
• Sunday:	<u>7am to 7pm</u>	• Sunday:	<u>10PM - 12AM</u>
• Holidays:	<u>7am to 7pm</u>	• Holidays:	<u>10PM - 12AM</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ TBD tons per _____ (unit of time)
- Operation : _____ TBD tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Private waste management vendor. _____
- Operation: Solid waste and recycling will be collected on site and disposed by private waste management vendor. _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Private waste management vendor _____
- Operation: Private waste management vendor _____

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

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

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

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): Stewart Airport; existing recreation, entertainment, amusement
 ii. If mix of uses, generally describe:
The IB District generally includes and/or is near commercial, business and industry uses, with residential uses in transitional areas. The existing Orange County Choppers facility includes manufacturing operations, with existing bowling lanes, arcades, retail space, and a restaurant/bar.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.27	4.27	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	TBD	TBD	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	TBD	TBD	0
• Other Describe: <u>Other lands designated in IB District are shown on Town of Newburgh Zoning Map.</u>			

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

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

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

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): 336022
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 Closed ("Stewart ANG Base Pesticide Disposal Area")

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ n/a feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ n/a %

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

d. What is the average depth to the water table on the project site? Average: _____ n/a feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

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

h. Surface water features.

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

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

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

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

- Streams: Name 862-223 Classification A
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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

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

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

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

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

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____ _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The proposed action does not include any physical disturbance of the project site, or of any land areas in the Town. The project only includes internal renovations to an existing building.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based:	
NOTE: Lands in the IB District may be generally near certain designated sites (i.e., Orange Mill Historic District, Silas Gardner House)	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): <u>n/a</u>	
ii. Basis for identification: NOTE: The proposed action does not include any physical disturbance of the project site.	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>Stewart State Forest, Newburgh-Beacon Bridge/Hudson River</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Forest Land, State Scenic Road</u>	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name William Diamond, Diamond Properties Date 6/19/17

Signature  Title Co-manager

EAF Mapper Summary Report

Friday, June 16, 2017 11:10 AM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, OpenStreetMap contributors, and the GIS User Community

B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336022
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-223
E.2.h.iv [Surface Water Features - Stream Classification]	A
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No

E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

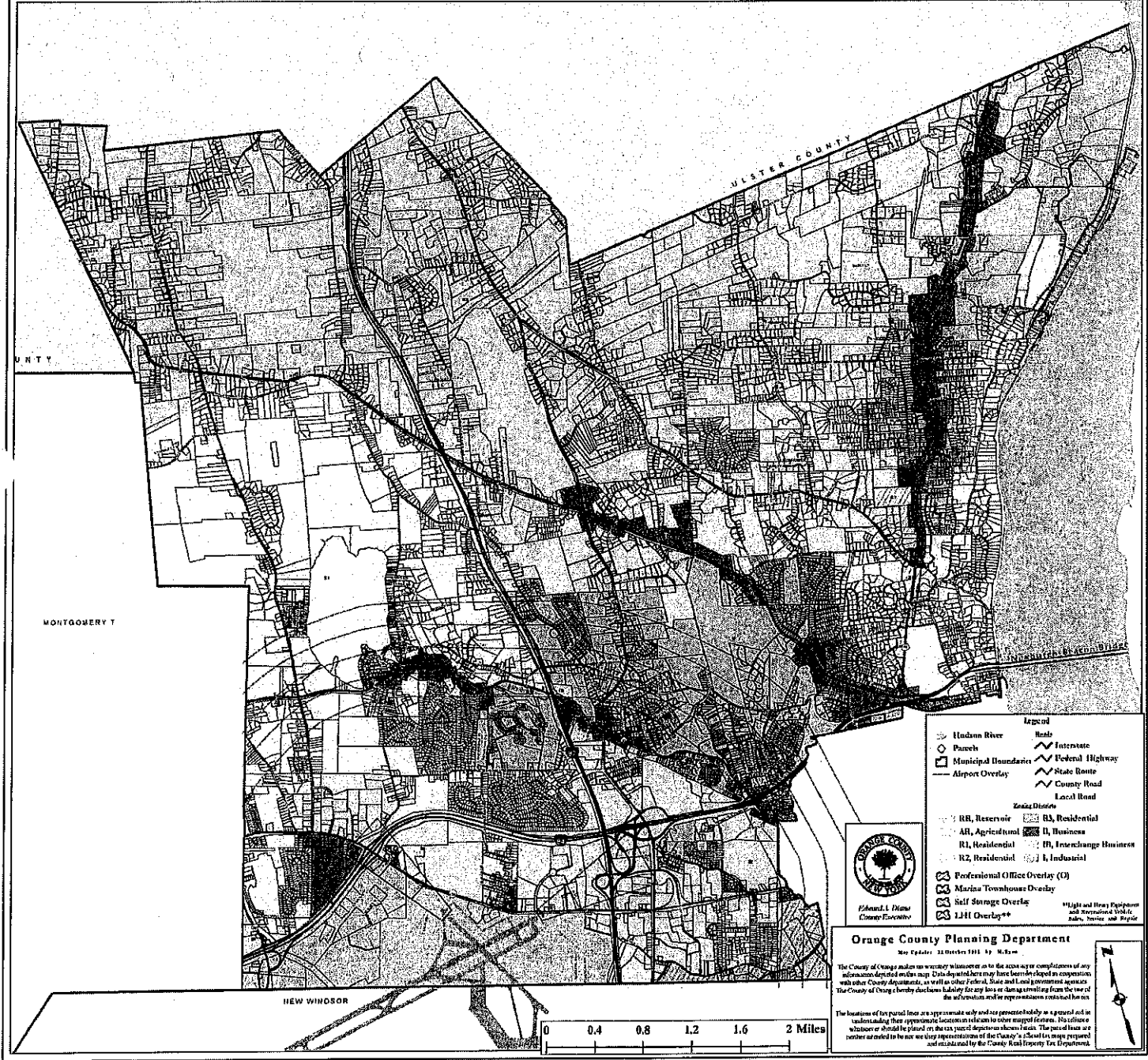
This is the Official Zoning Map of the Town of Newburgh, last amended by Local Law #3 of 2012, adopted 11 June 2012, and certified as accurate on 26 September 2012. Signed copies are on file at the Orange County Department of Planning and at the Municipal Clerk's office.

Town of Newburgh

Orange County, New York

OFFICIAL ZONING MAP

Date of Last Amendment: LL#3 of 2012, adopted 11 June 2012



- Legend**
- Hudson River
 - Roads
 - Parcel boundaries
 - Interstate
 - Municipal Boundaries
 - Federal Highway
 - Airport Overlay
 - State Route
 - County Road
 - Local Road
- Zoning Districts**
- RR, Reservoir
 - R1, Residential
 - AR, Agricultural
 - B, Business
 - RI, Residential
 - IB, Intermediate Business
 - R2, Residential
 - I, Industrial
 - Professional Office Overlay (O)
 - Marina Townhouse Overlay
 - Self Storage Overlay
 - LHM Overlay**
- **High and Heavy Pipelines and Associated Utility, Gas, Sewer and Electric

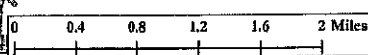


Edward J. Dineo
County Executive

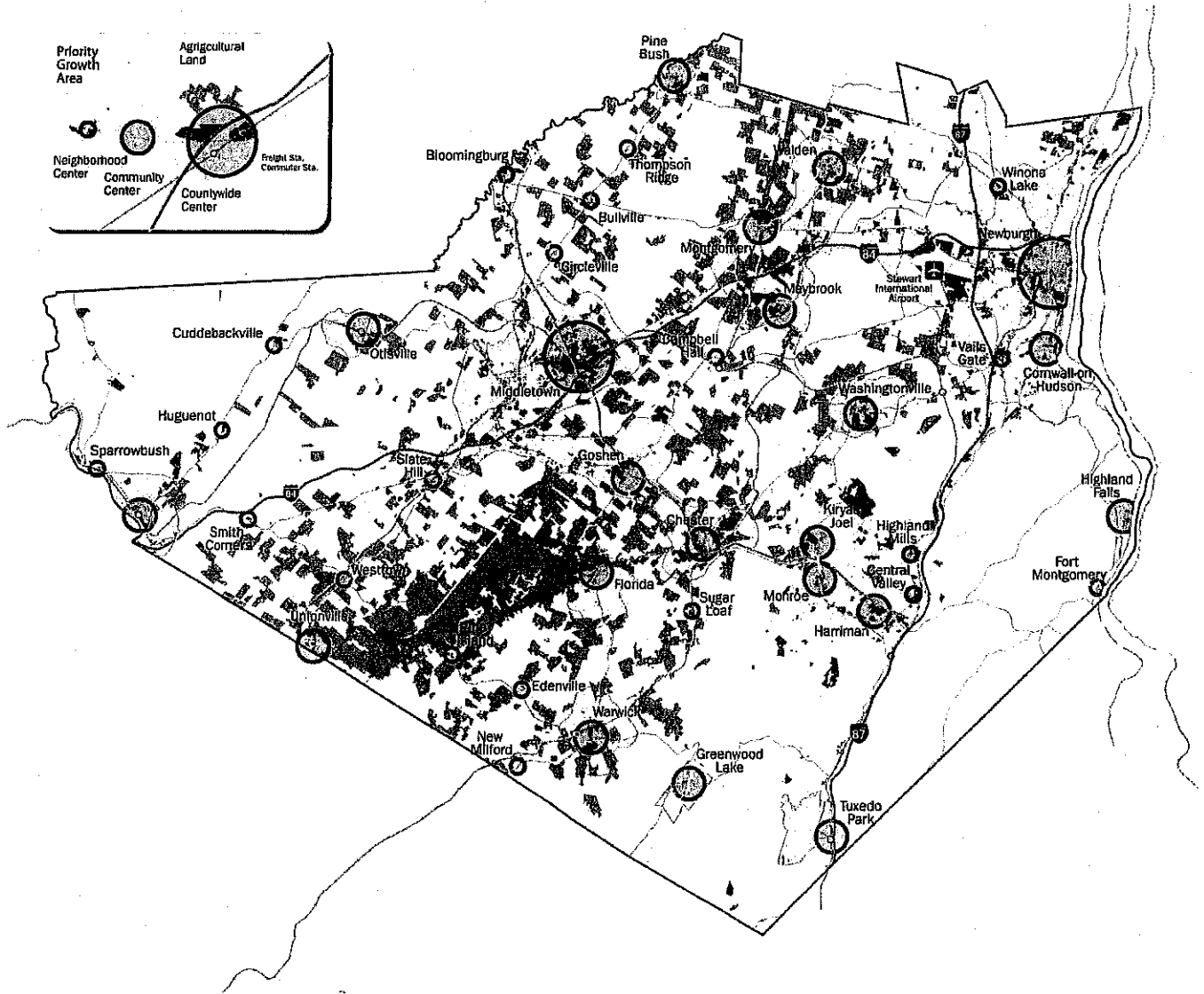
Orange County Planning Department
Newburgh, New York 12550

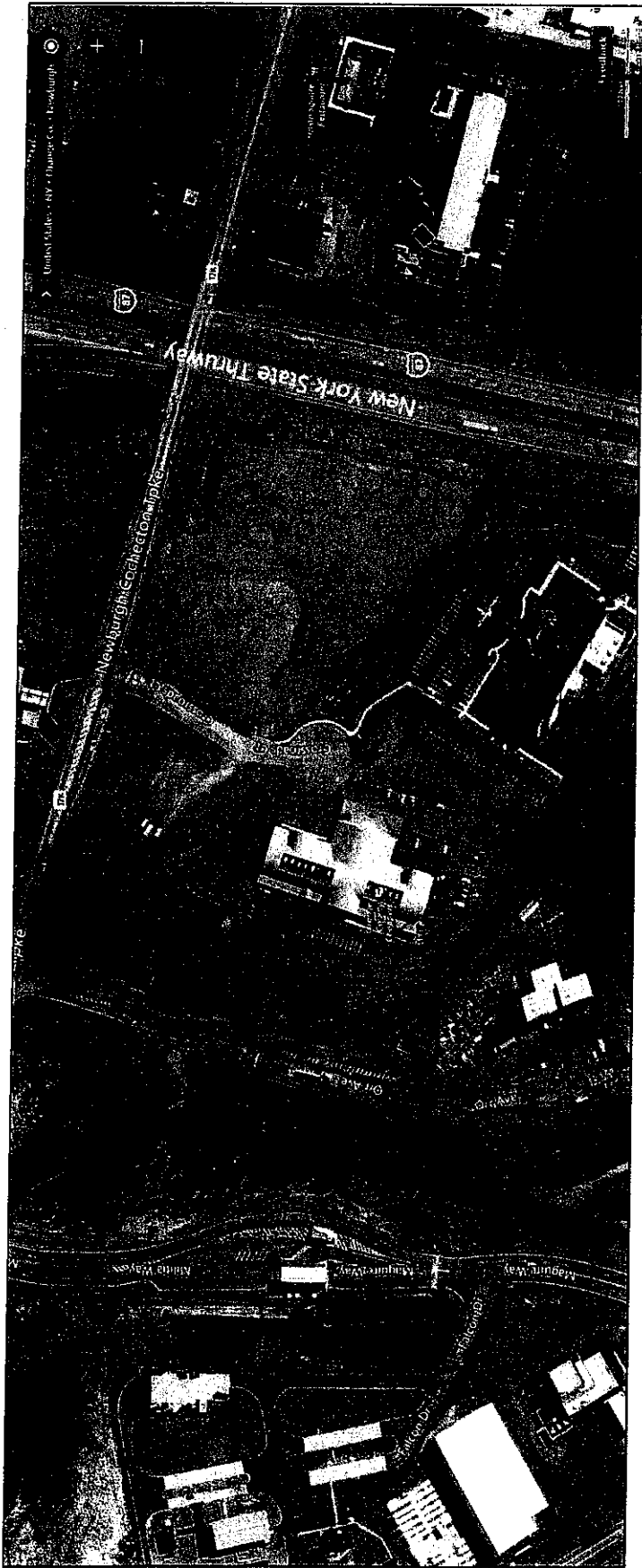
The County of Orange makes no warranty whatsoever as to the accuracy or completeness of any information depicted on this map. Data depicted here may have been developed in cooperation with other County departments, as well as other Federal, State and Local government agencies. The County of Orange hereby disclaims liability for any loss or damage resulting from the use of this information and its representations contained hereon.

The locations of tax parcel lines are approximate only and are presented solely as a guide and in understanding their approximate location in relation to other mapped features. No reliance whatsoever should be placed on the tax parcel depiction shown herein. The parcel lines are neither intended to be nor are they representations of the County's Parcel Tax Map prepared and maintained by the County Real Property Tax Department.



Orange County Economic Development





14 Crossroads Court, Newburgh, New York (SBL: 95-1-74 and 95-1-47.2)



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Stewart ANG Base Pesticide Disposal Area

Site Code: 336022

Program: State Superfund Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 1 Maguire Way

City:Newburgh Zip: 12550

County:Orange

Latitude: 41.49729268

Longitude: -74.08018397

Site Type: STRUCTURE POND

Estimated Size: 1 Acres

Site Owner(s) and Operator(s)

Current Owner Name: NYS Department of Transportation

Current Owner(s) Address: 50 Wolf Road
Albany, NY, 12232

Current On-Site Operator: U.S. DEPARTMENT OF THE AIR FORCE

Stated Operator(s) Address:
, NY

Current On-Site Operator: US Department of the Air Force

Stated Operator(s) Address: NGB/A7OR, Shepperd Hall
Joint Base Andrews, MD 20762

Current On-Site Operator: Stewart International Airport

Stated Operator(s) Address: 1180 First Street
New Windsor, NY 12553

Hazardous Waste Disposal Period

From: 1960 **To:** 1970

Site Description

Location: This site is a former pesticide burial area is a very small portion (less than one acre) of the entire Stewart Air National Guard Base (Base), which is located southeast of the airport complex at the Stewart International Airport (IAP). **Site Features:** The Base is 268 acres in size and is part of the Stewart IAP, which is located 2.5 miles west of the City of Newburgh, New York. The entire airport property occupies approximately 9,800 acres in Orange County, and supports landing strips and taxiways as well as the Air National Guard (ANG) Base facilities. The Base facilities are located in both the Towns of Newburgh and New Windsor, New York. **Current Zoning/Uses:** The airport facilities are zoned for Industrial usage in the Town of Newburgh, and Airport usage in New Windsor. **Historic Uses:** The Site was the subject of several previous investigations and one removal action. The first investigation of the pesticide burial area was performed by NYSDEC in the early 1980's. In 1984, an investigation was carried out by Dames and Moore for the New York Air National Guard (NYANG). An additional investigation was conducted in 1985 and 1986. NYANG completed an interim removal action in 1988. A Remedial Investigation followed in 1997 and a Record of Decision was signed in March of 2000. The NYANG completed a groundwater monitoring program between 2000 and 2005 to determine if residual pesticide contamination is present. Groundwater pesticide levels are below class GA groundwater standards downgradient of the site. **Site Geology and Hydrogeology:** The upper layer consists primarily of a dense, gray, fine sand and silty glacial till, which contain numerous pebbles, cobbles, and boulders. The bedrock beneath Stewart ANGB is predominately a thinly bedded and fractured Shale, occurring at depths between 45 and 50 feet below grade near the base. Groundwater at the site is approximately 30 feet bgs and flows from the northwest to the southeast.

Site Environmental Assessment

Groundwater samples were collected from the three monitoring wells in the vicinity of the pesticide burial area between 2000 and 2005 and analyzed for pesticides. Pesticides were not detected in concentrations exceeding the NYSDEC groundwater standards in the downgradient monitoring wells during any of the sampling events. The third monitoring well is upgradient of the site and had exceedences of pesticides, but these were not associated with the site and will be handled separately in the future. Therefore, no further monitoring or remedial action was required for groundwater. Soil samples were collected during the Remedial Investigation that was performed after the soil excavation of the source area during an interim remedial measure. Only two of 23 soil samples exceeded NYSDEC Part 375 - Protection of Human Health Residential criteria for pesticide contamination. The two soil

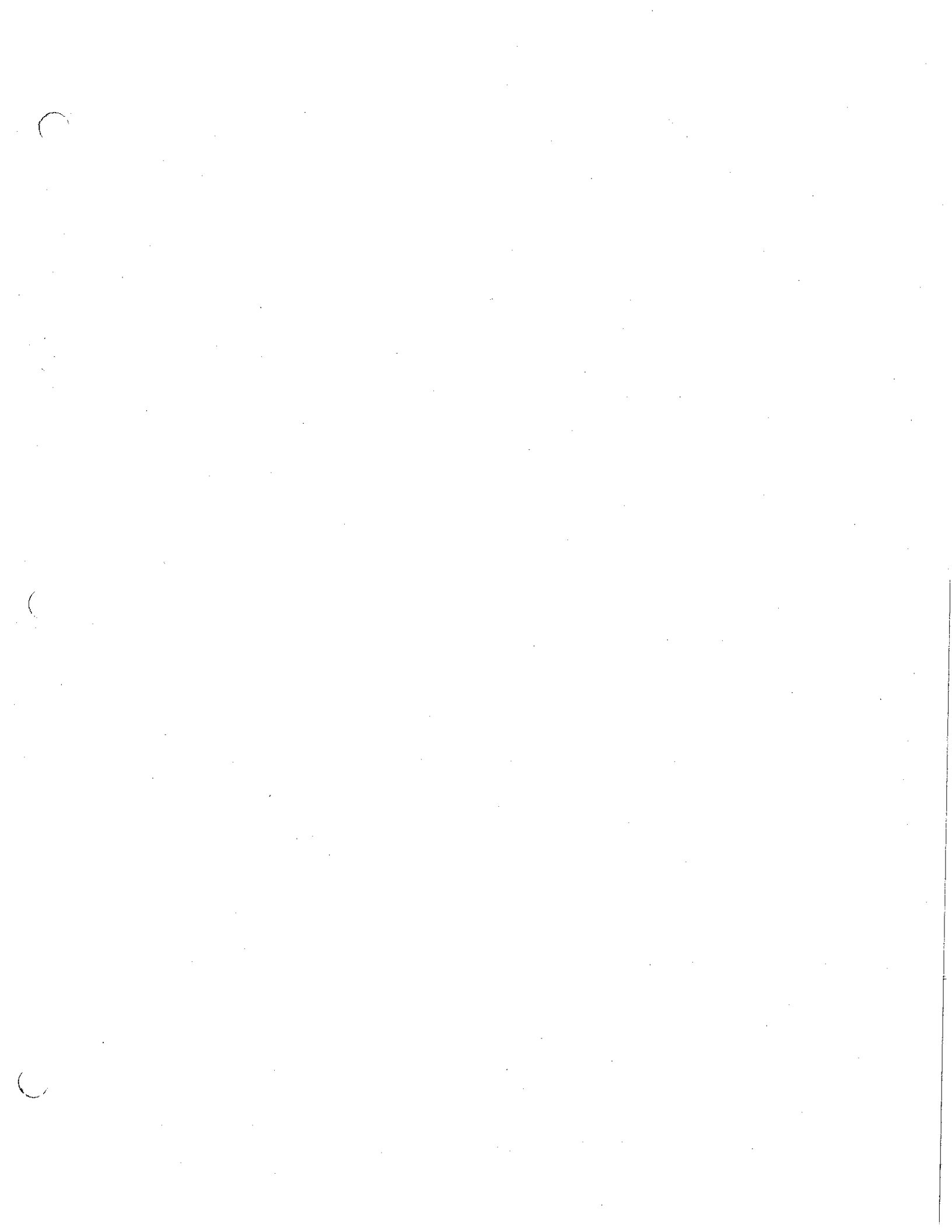
samples were collected at depths of 26.5 feet and 17-feet below ground surface (bgs). The soil sample at 26.5 ft bgs showed 4-4'-DDT at 4.3 mg/kg and the soil sample at 17 ft bgs showed 4-4'-DDT at 9.4 mg/kg and 4-4'DDD at 8.5 mg/kg. Since these soils are at a depth greater than 15-ft, it was determined that no further actions were necessary and the deed restriction is no longer required. All samples were below the Part 375 Protection of Groundwater SCO. Based on the remedial investigation the interim removal measure addressed the disposal of pesticides at the site and remediation of the site is complete. Prior to remediation, the primary contaminants of concern were pesticides in soil. No institutional controls or site management is required.

Site Health Assessment

No contact with site-related contaminants is expected.

For more Information: E-mail Us

[Refine This Search](#)



June 19, 2017

Hon. Gil Piaquadio, Town Supervisor
And Members of the Town Board
1496 Route 300
Newburgh, NY 12550

Re: Premises: Orange County Choppers, 14 Crossroads Court, Newburgh NY 12550
Owner: DP 66, LLC

Dear Supervisor Piaquadio and Town Board Members,

We are writing in support of the proposed text amendment to the Newburgh Town Code that would expressly permit "indoor amusement establishments" as a principal use on the above Premises which is currently located in the Interchange Business (IB) Zoning District. While the existing use of the Premises, structures and other improvements located thereon are legally conforming under the current zoning ordinance, the proposed text change will more clearly allow for additional amusement uses, such as laser tag, redemption arcades, bowling, go karting, and other associated entertainment activities that are generally popular at high-end family entertainment centers.

Diamond Properties owns and operates entertainment facilities throughout the Hudson Valley. We pride ourselves on developing properties and projects in communities that help bind families through shared experiences and shared achievements. Activities like go karting, bowling, laser tag, trampoline parks, and escape rooms are growing in popularity now that consumers are more focused on "experiential retail" and focusing less on purchasing products at traditional retailers. In fact, as Amazon and other well-known e-tailers continue their onslaught of traditional retail, an increasing number of big box retailers are downsizing or closing outright. These even include national retailers such as JCPenney, Sears, Macys, and Bed Bath & Beyond, just to name a few. The re-purposing of the existing building space on the Premises to support the above uses is critical for any commercial area that is looking to remain a vibrant and important part of their community. And today, these sorts of entertainment complexes are often considered vital amenities and integral parts of any successful suburban community.

The core business of the existing tenant, "Orange County Choppers", is the design and manufacturing of customized motorcycles. The current layout of the 95,820 +/- SF building is: a combined 20,000± SF for retail store and restaurant on the first floor of the building adjacent to the showroom displaying customized motorcycles; and the industrial portion of the building that includes a manufacturing workshop, with a third floor that includes offices and a combined warehouse space and a print shop. The Premises has a total of 178 parking spots.

Another exciting development is Diamond Properties has formed a joint venture with Orange County Choppers called American Karting Company ("AKC"). AKC's goal is to become the leading manufacturer in North America of electric go karts. The manufacturing of these go karts is planned to take place at 14 Crossroads Court. We believe this will help generate meaningful clean manufacturing jobs for the local community. In addition, we believe the addition of the

entertainment activities will create further service related jobs as well as incremental revenue for the hotels in the area. We also believe the addition of onsite go karting is a critically important aspect of the goal to become a leading go kart manufacturer. The Premises will also host onsite corporate and social events that highlight the leading clean technology of AKC.

We are committed to the future growth and development of the Town of Newburgh and promoting and encouraging the logical use and development of land in such a way that will be enjoyable by residents of all ages. Nearly 25% of all Orange County residents (83,228±) live within a 5-mile radius of the Property with over 25% of all those residents being 17 years or younger which bodes well for the family friendly environment the property offers, and our ability to offer activities such as premier go-kart racing, bowling, redemption arcade and private event spaces. Currently, Town of Newburgh residents must travel out of market to experience these sorts of activities to as far away as Poughkeepsie or even Mount Kisco. The above changes would enable residents to take advantage of these activities only a few miles from their homes.

Thus, the change requested is necessary for the preservation and enjoyment of our substantial property rights, and such change will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof. We look forward to a working with the Town.

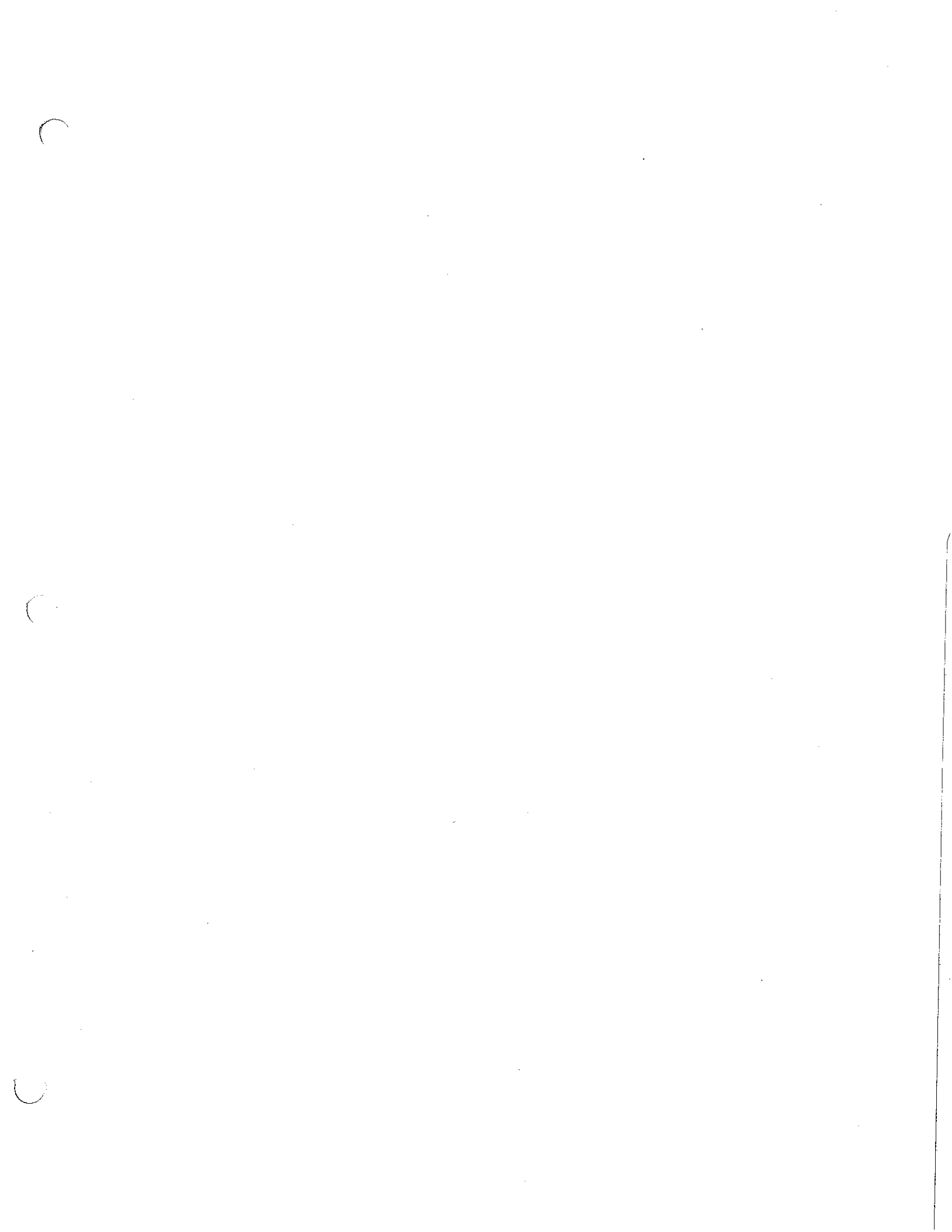
Respectfully,

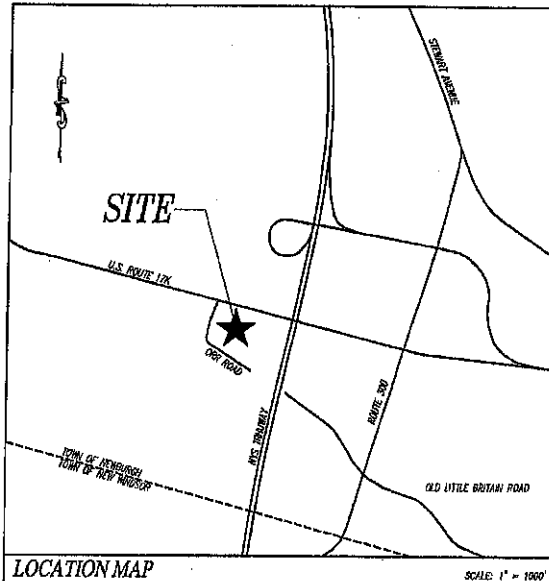
DP 66. LLC

By: Diamond Properties, LLC



William Diamond
Co-Manager





PROJECT SPONSOR
MR. PAUL TEUTUL
ORANGE COUNTY COPPERS CAFE USA, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

APPLICANT
MR. HENRY KROLL
FULL THROTTLE CONSTRUCTION MANAGEMENT, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

ZONING INFORMATION

TAX MAP No.	95-1-74	TAX MAP No.	95-1-17.2
ZONING DISTRICT	F-B	ZONING DISTRICT	F-B
TOPOGRAPHIC DATUM	USGS	TOPOGRAPHIC DATUM	USGS
TOTAL AREA	3.22 ACRES (+/-)	TOTAL AREA	1.0 ACRES (+/-)
WATER & SEWER	TOWN OF NEWBURGH	WATER & SEWER	TOWN OF NEWBURGH

BULK REQUIREMENTS	REQUIRED	EXISTING	BULK REQUIREMENTS	REQUIRED	PROPOSED
MIN. LOT AREA (ACRES)	40,000 S.F.	142,387 S.F.	MIN. LOT AREA (ACRES)	40,000 S.F.	45,000 S.F.
MIN. WIDTH (FEET)	180'	610' (+/-)	MIN. WIDTH (FEET)	120'	223' (+/-)
MIN. LOT DEPTH (FEET)	150'	283' (+/-)	MIN. LOT DEPTH (FEET)	150'	188' (+/-)
MIN. STREET FRONTAGE (FEET)	NONE	151.58'	MIN. STREET FRONTAGE (FEET)	NONE	221.30'
MIN. FRONT YARD-RETAL (FEET)	50'	140.2'	MIN. FRONT YARD-RETAL (FEET)	50'	N/A
MIN. SIDE YARD-RETAL (FEET)	50'	145.1'	MIN. SIDE YARD-RETAL (FEET)	50'	N/A
MIN. REAR YARD (FEET)	60'	60'	MIN. REAR YARD (FEET)	60'	N/A
MAX. BUILDING HEIGHT STORIES/FT.	NONE	35'	MAX. BUILDING HEIGHT STORIES/FT.	NONE	N/A
MAX. LOT COVERAGE-BLDG (%)	40%	27%	MAX. LOT COVERAGE-BLDG (%)	40%	N/A
MAX. LOT SURFACE COVERAGE (%)	80%	89%	MAX. LOT SURFACE COVERAGE (%)	80%	70%

SOURCE: TOWN OF NEWBURGH ZONING CODE
TABLE OF BULK REGULATIONS DATED 3-15-05
*PER VARIANCE GRANTED BY THE TOWN OF NEWBURGH ZBA 8/29/07

PARKING CALCULATIONS

PER SECTION 182-13 "OFF-STREET PARKING AND LOADING FACILITIES"
MANUFACTURING OR INDUSTRIAL 15 PER S.F.

15 SPACES PER 1,000 S.F.
15 SPACES PER 1,000 S.F.
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15 SPACES PER 1,000 S.F.

ENGINEER
MARK A. DAY, PE
M.A. DAY ENGINEERING, PC
3 VAN WYCK LANE
WAPPINGERS FALLS, N.Y.
12590

OWNER
MR. PAUL TEUTUL
ORANGE COUNTY CHOPPERS REALTY, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

OWNER
MR. PAUL TEUTUL
GEOMETECH, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

OWNER'S CONSENT NOTE
THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND ITS LEGAL AND FINANCIAL CONSEQUENCES, AND HE HAS REVIEWED AND APPROVED THE SAME.
DATE: _____
MR. PAUL TEUTUL OR AGENT

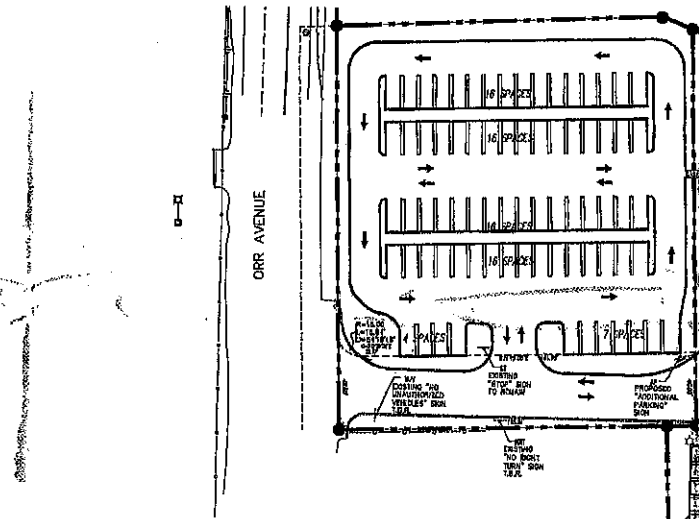
OWNER'S CONSENT NOTE
THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND ITS LEGAL AND FINANCIAL CONSEQUENCES, AND HE HAS REVIEWED AND APPROVED THE SAME.
DATE: _____
MR. PAUL TEUTUL OR AGENT

Town of Newburgh Planning Board

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NEWBURGH, NEW YORK ON THE _____ DAY OF _____, 2011
SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED SHALL VOID THIS APPROVAL.

TOWN OF NEWBURGH PLANNING BOARD
SIGNED THIS _____ DAY OF _____, 2011

TOWN OF NEWBURGH PLANNING BOARD CHAIRMAN



SIGNAGE CALCULATIONS

PER SECTION 182-11 "SIGN REGULATIONS"

MIN. STREET FRONTAGE	151.58'
MIN. SIGNAGE ALLOWED	15.79 S.F.
TOTAL SIGNAGE PROPOSED	70 S.F.

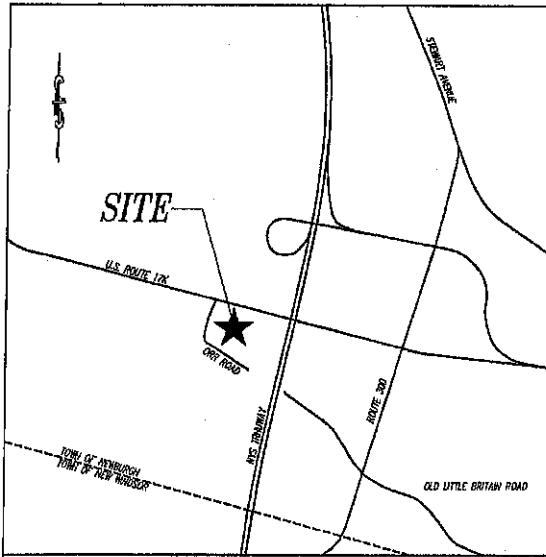
SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY THAT THE SURVEY INFORMATION SHOWN HEREBON WAS TAKEN FROM A SURVEY CONDUCTED BY BAKER TECHNICAL LAND SERVICES, FOR ORANGE COUNTY CHOPPERS, ON MAY 14, 2008.

DATE: _____
MR. PAUL TEUTUL OR AGENT

THE SURVEY INFORMATION SHOWN HEREBON WAS TAKEN FROM A SURVEY CONDUCTED BY BAKER TECHNICAL LAND SERVICES, FOR ORANGE COUNTY CHOPPERS, ON MAY 14, 2008.

Town of Newburgh



LOCATION MAP SCALE: 1" = 1000'

PROJECT SPONSOR
 MR. PAUL TEUTJ
 ORANGE COUNTY COPPERS CAFE USA, LLC
 14 CROSSROADS COURT
 NEWBURGH, NY 12550

APPLICANT
 MR. HENRY KROLL
 FULL THROTTLE CONSTRUCTION MANAGEMENT, LLC
 14 CROSSROADS COURT
 NEWBURGH, NY 12550

ZONING INFORMATION

BULK REQUIREMENTS	REQUIRED	EXISTING	BULK REQUIREMENTS	REQUIRED	PROPOSED
MIN. LOT AREA (ACRES)	40,000 S.F.	142,387 S.F.	MIN. LOT AREA (ACRES)	40,000 S.F.	42,389 S.F.
MIN. WIDTH (FEET)	150'	510' (+/-)	MIN. WIDTH (FEET)	150'	223' (+/-)
MIN. LOT DEPTH (FEET)	150'	203' (+/-)	MIN. LOT DEPTH (FEET)	150'	155' (+/-)
MIN. STREET FRONTAGE (FEET)	NONE	151.58'	MIN. STREET FRONTAGE (FEET)	NONE	221.30'
MIN. FRONT YARD-RETAL (FEET)	50'	148.2'	MIN. FRONT YARD-RETAL (FEET)	50'	N/A
MIN. SIDE YARD-RETAL (FEET)	50'	145.1'	MIN. SIDE YARD-RETAL (FEET)	50'	N/A
MIN. REAR YARD (FEET)	60'	60'	MIN. REAR YARD (FEET)	60'	N/A
MAX. BUILDING HEIGHT STORES/FT.	NONE	35'	MAX. BUILDING HEIGHT STORES/FT.	NONE	N/A
MAX. LOT COVERAGE-BLDG (%)	40%	27%	MAX. LOT COVERAGE-BLDG (%)	40%	N/A
MAX. LOT SURFACE COVERAGE (%)	60%	60%	MAX. LOT SURFACE COVERAGE (%)	60%	75%

SOURCE: TOWN OF NEWBURGH ZONING CODE
 TABLE OF BULK REGULATIONS DATED 3-15-05
 *PER VARIANCE GRANTED BY THE TOWN OF NEWBURGH ZBA 8/28/07

PARKING CALCULATIONS

PER SECTION 105-11 "OFF-STREET PARKING AND LOADING TABLES"
 MINIMUM OF 15 SPACES PER 10,000 S.F.
 4 SPACES PER 3 GARAGES
 15 FULL SIZE SPACES
 11 SPACES PER 100 SQUARE FEET
 123 PARKING SPACES
 15.4 SQUARE FEET
 17 SQUARE FEET OF SEATING AREA
 2000 SQUARE FEET OF RESTAURANT SEATING =
 25 PARKING SPACES
 TOTAL SPACES REQUIRED =
 248 PARKING SPACES

PARKING GARAGE SPACES PROVIDED =
 64 PARKING SPACES
 PARKING SPACES PROVIDED =
 184 PARKING SPACES
 200 MIN. LOT SPACES PROVIDED =
 213 PARKING SPACES
 TOTAL SPACES PROVIDED =
 213 PARKING SPACES

ENGINEER
 MARK A. DAY, PE
 M.A. DAY ENGINEERING, PC
 3 VAN WYCK LANE
 WAPPINGERS FALLS, N.Y.
 12590

OWNER
 MR. PAUL TEUTJ
 ORANGE COUNTY CHOPPERS REALTY, LLC
 14 CROSSROADS COURT
 NEWBURGH, NY 12550

OWNER
 MR. PAUL TEUTJ
 GEOMETECH, LLC
 14 CROSSROADS COURT
 NEWBURGH, NY 12550

OWNER'S CONSENT NOTE
 THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THE MAP, ITS CONTENTS AND ITS LOCAL AND COUNTY COVENANTS, AND HAS SAID TERMS AND CONDITIONS AS STATED HEREOF.
 [Signature] DATE

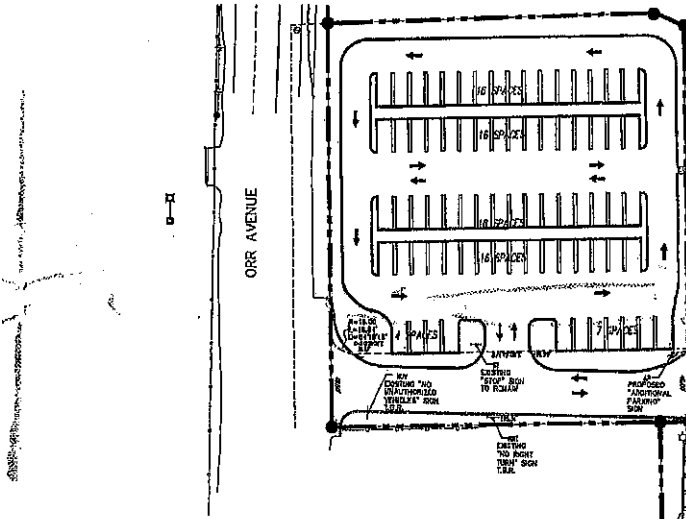
OWNER'S CONSENT NOTE
 THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THE MAP, ITS CONTENTS AND ITS LOCAL AND COUNTY COVENANTS, AND HAS SAID TERMS AND CONDITIONS AS STATED HEREOF.
 [Signature] DATE

Town of Newburgh Planning Board

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NEWBURGH, NEW YORK ON THE _____ DAY OF _____, 2011
 SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED SHALL VOID THIS APPROVAL.

TOWN OF NEWBURGH PLANNING BOARD
 SIGNED THIS _____ DAY OF _____, 2011

TOWN OF NEWBURGH PLANNING BOARD CHAIRMAN



SIGNAGE CALCULATIONS

PER SECTION 105-14 "SIGN REGULATIONS"

TOTAL STREET FRONTAGE 151.58'
 TOTAL SIGNAGE ALLOWED 75.79 SF.
 TOTAL SIGNAGE PROPOSED 70 SF.

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY THAT THE SURVEY INFORMATION SHOWN HEREON WAS COMPLETED BY US ON MAY 13, 2011, AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE EPTA AND THE PROFESSIONAL LAND SURVEYORS ACT.

DANIEL S. BAKER, LS - LICENSE NO. _____ SEAL

THIS SURVEY INFORMATION SHOWN HEREON WAS TAKEN FROM A SURVEY CONDUCTED BY BAKER TECHNICAL LAND SERVICES, FOR ORANGE COUNTY CHOPPERS, ON MAY 13, 2011.

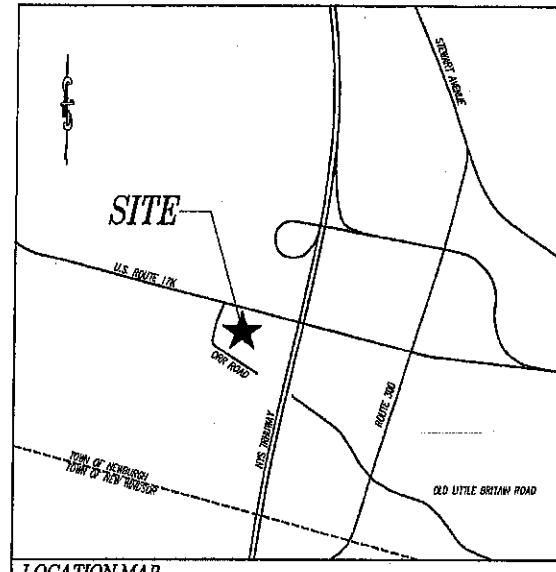
Orange County Choppers Cafe USA, LLC



OCC Cafe USA

Town of Newburgh

Orange County, New York



LOCATION MAP SCALE: 1" = 1000'

PROJECT SPONSOR	APPLICANT
MR. PAUL TEUTUL ORANGE COUNTY CHOPPERS CAFE USA, LLC 14 CROSSROADS COURT NEWBURGH, NY 12550	MR. HENRY KROLL FULL THROTTLE CONSTRUCTION MANAGEMENT, LLC 14 CROSSROADS COURT NEWBURGH, NY 12550

ZONING INFORMATION					
TAX MAP No.	05-1-74	TAX MAP No.	05-1-472		
ZONING DISTRICT	I-B	ZONING DISTRICT	I-B		
TOPOGRAPHIC DATUM	USGS	TOPOGRAPHIC DATUM	USGS		
TOTAL ACRES	3.57 ACRES (+/-)	TOTAL ACRES	1.0 ACRES (+/-)		
WATER & SEWER	TOWN OF NEWBURGH	WATER & SEWER	TOWN OF NEWBURGH		
DEVELOPER REQUIREMENTS	REQUIRED	EXISTING	DEVELOPER REQUIREMENTS	REQUIRED	PROPOSED
MIN. LOT AREA (ACRES)	40,000 S.F.	142,387 S.F.	MIN. LOT AREA (ACRES)	40,000 S.F.	43,369 S.F.
MIN. WIDTH (FEET)	150'	310' (+/-)	MIN. WIDTH (FEET)	150'	222' (+/-)
MIN. LOT DEPTH (FEET)	150'	263' (+/-)	MIN. LOT DEPTH (FEET)	150'	185' (+/-)
MIN. STREET FRONTAGE (FEET)	NONE	181.58'	MIN. STREET FRONTAGE (FEET)	NONE	221.50'
MIN. FRONT YARD-RETAL. (FEET)	50'	48.2'	MIN. FRONT YARD-RETAL. (FEET)	50'	N/A
MIN. SIDE YARD-RETAL. (FEET)	50'	45.1'	MIN. SIDE YARD-RETAL. (FEET)	50'	N/A
MIN. REAR YARD (FEET)	60'	60'	MIN. REAR YARD (FEET)	60'	N/A
MAX. BUILDING HEIGHT STORES/FT.	NONE	35'	MAX. BUILDING HEIGHT STORES/FT.	NONE	N/A
MAX. LOT COVERAGE-BLDG (%)	40%	27%	MAX. LOT COVERAGE-BLDG (%)	40%	N/A
MAX. LOT SURFACE COVERAGE (%)	50%	69%	MAX. LOT SURFACE COVERAGE (%)	60%	75%

SOURCE: TOWN OF NEWBURGH ZONING CODE TABLE OF BULK REGULATIONS DATED 3-15-08. *PER VARIANCE GRANTED BY THE TOWN OF NEWBURGH ZEA 8/28/07.

PARKING CALCULATIONS	
PER SECTION 160-11 "OFF-STREET PARKING AND LOADING FACILITIES"	
1 SPACES PER 100 SQUARE FEET OF RESTAURANT SEATING	11 PARKING SPACES
1 SPACES PER 100 SQUARE FEET OF SEATING AREA	123 PARKING SPACES
2 SPACES PER 100 SQUARE FEET OF RESTAURANT SEATING	206 PARKING SPACES
TOTAL SPACES PROVIDED =	340 PARKING SPACES
TOTAL SPACES REQUIRED =	240 PARKING SPACES

ENGINEER
MARK A. DAY, PE
M.A. DAY ENGINEERING, PC
3 VAN WYCK LANE
WAPPINGERS FALLS, N.Y.
12590

OWNER
MR. PAUL TEUTUL
ORANGE COUNTY CHOPPERS REALTY, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

OWNER
MR. PAUL TEUTUL
GEOMETECH, LLC
14 CROSSROADS COURT
NEWBURGH, NY 12550

OWNER'S CONSENT NOTE
THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGAL AND PROPERTY CONSEQUENCES AND CONSENTS AS STATED HEREON.

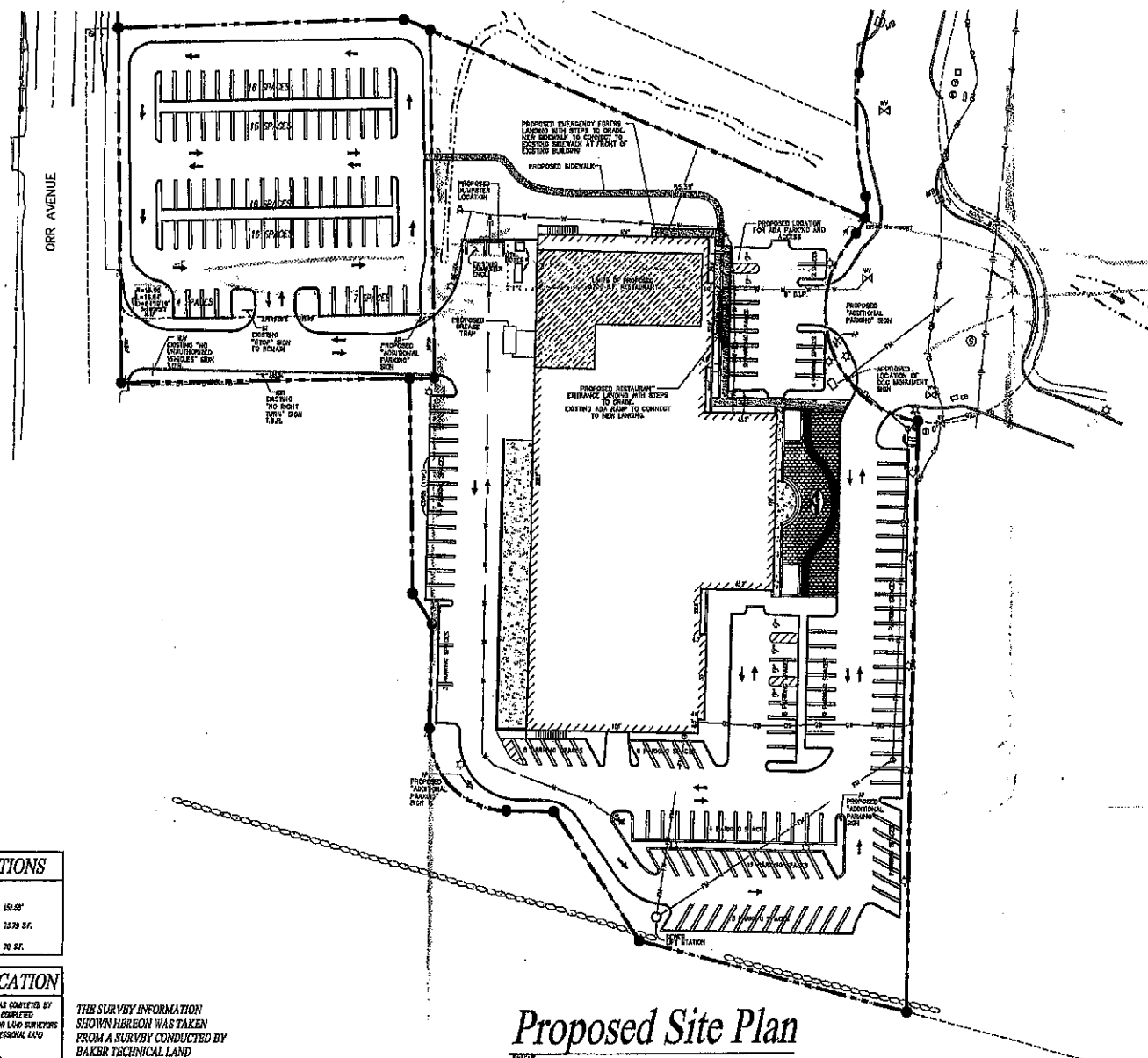
OWNER'S CONSENT NOTE
THE UNDERSIGNED OWNER OF THIS PROPERTY HEREBY STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGAL AND PROPERTY CONSEQUENCES AND CONSENTS AS STATED HEREON.

Town of Newburgh Planning Board
APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NEWBURGH, NEW YORK ON THE _____ DAY OF _____, 2011
SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ENLARGEMENT, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED SHALL VOID THIS APPROVAL.
TOWN OF NEWBURGH PLANNING BOARD
SIGNED THIS _____ DAY OF _____, 2011
TOWN OF NEWBURGH PLANNING BOARD CHAIRMAN

SIGNAGE CALCULATIONS	
PER SECTION 160-11 "SIGN REGULATIONS"	
MIN. SIGNAGE HEIGHT	151.42"
MIN. SIGNAGE WIDTH	167.90 S.F.
MIN. SIGNAGE AREA	70 S.F.

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED BY ME OR BY A PERSON UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW YORK.
DATE: MAY 15, 2008

THIS SURVEY INFORMATION SHOWN HEREON WAS TAKEN FROM A SURVEY CONDUCTED BY BAKER TECHNICAL LAND SERVICES FOR ORANGE COUNTY CHOPPERS, ON MAY 15, 2008.



Proposed Site Plan

INDEX OF SHEETS		
SHEET No.	TITLE OF SHEET	DATE
1-1	SITE SHEET	10-10-11
2-1	SITE PLAN	10-10-11
3-1	DECKS	10-10-11
15-1	LANDSCAPE PLAN	10-10-11
16-1	SITE DESIGN PLAN	10-10-11

Mark A. Day PE
Professional Engineer
No. 00711937
Expires 06/30/2012

M.A. DAY Engineering, PC
Geotechnical Engineers
3 Van Wyck Lane
Suite 1
Wappingers Falls, New York
(845) 233-1150

Amended Site Plan for
Orange County Choppers Cafe USA, LLC
Town of Newburgh

Title Sheet
1" = 20'
10'-0" = 1" = 120'

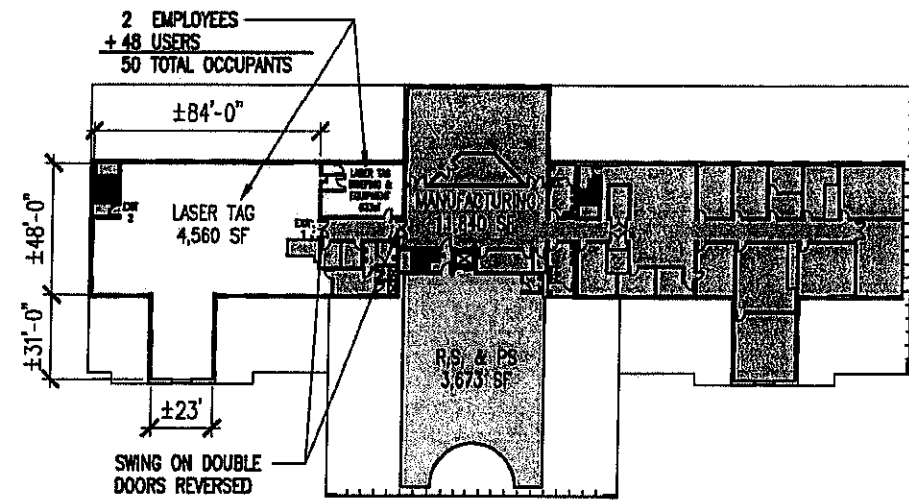
T-1

GPNY

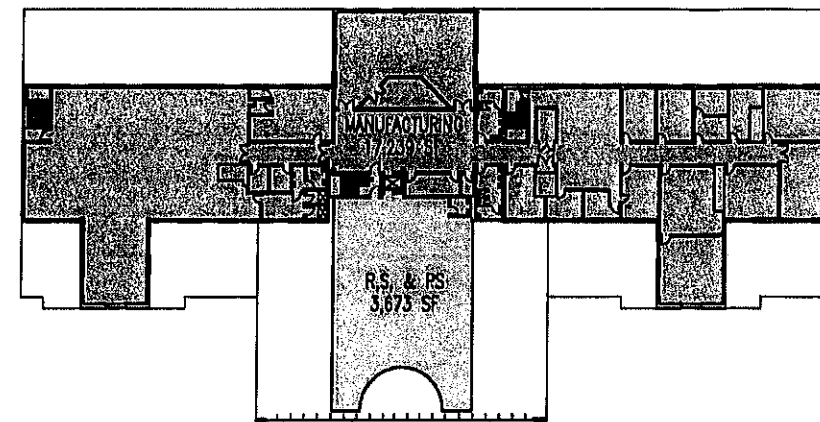
ORANGE COUNTY
14 Crossroads Ct, Newburgh, NY 12550

Owner
DP (Diamond Properties)
333 North Bedford Road
Mt. Kisco, NY 10549

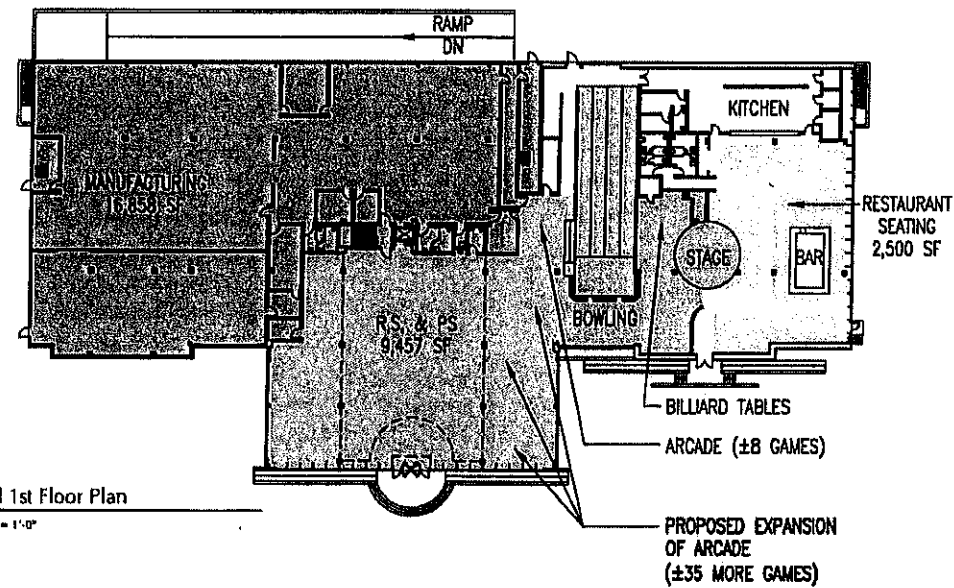
Architect
Gallin Beeler Design Studio, LLC
23 Washington Avenue
Pleasantville, NY 10570



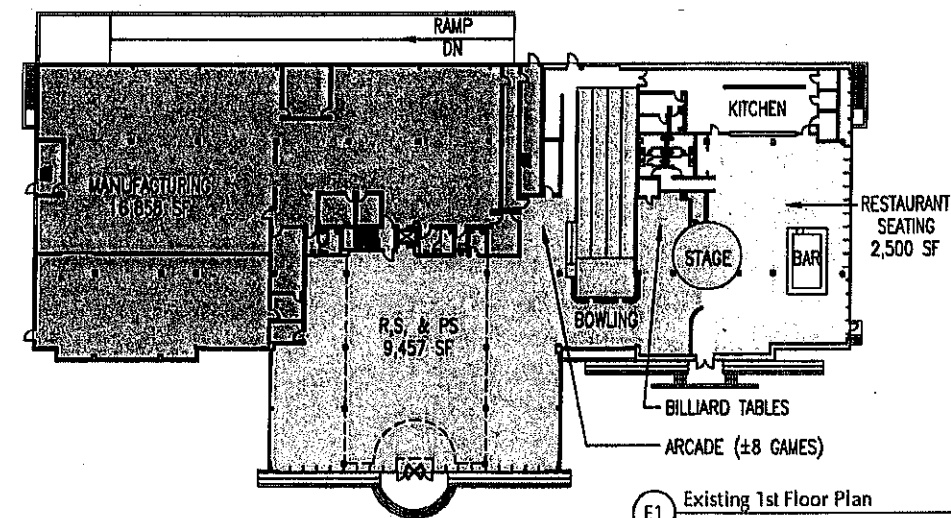
P2 Proposed 2nd Floor Plan
SCALE 1/32" = 1'-0"



E2 Existing 2nd Floor Plan
SCALE 1/32" = 1'-0" 20,912 G.S.F.

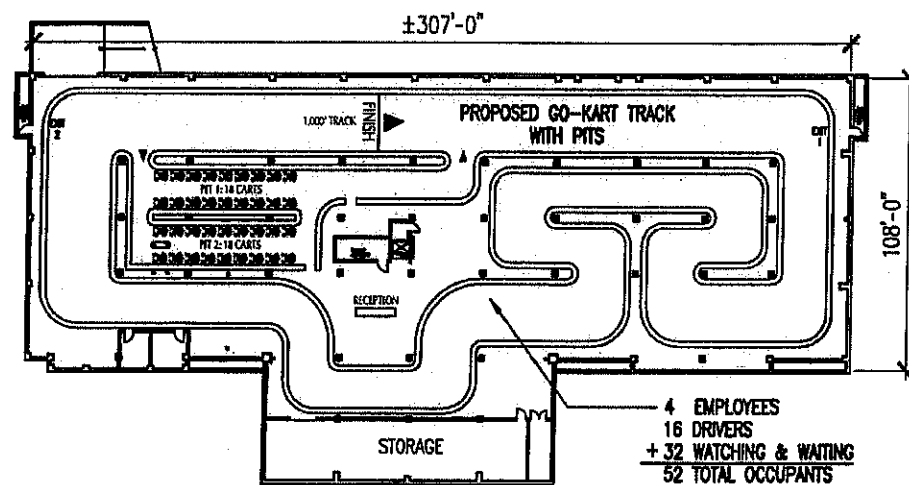


P1 Proposed 1st Floor Plan
SCALE 1/32" = 1'-0"

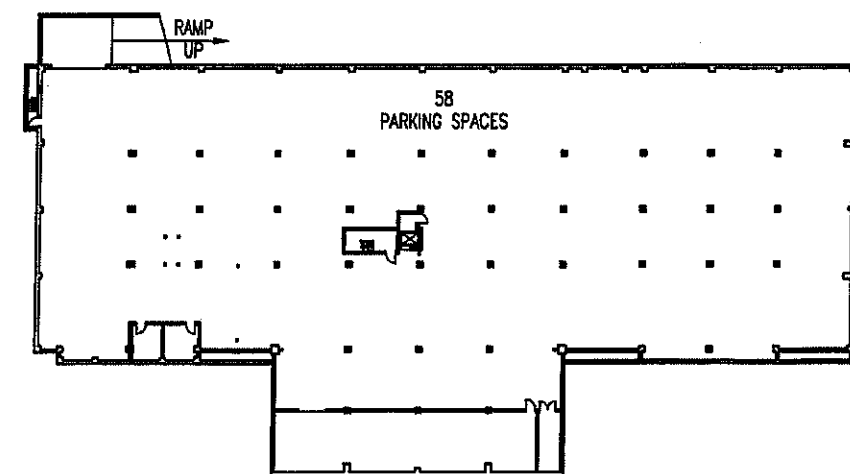


E1 Existing 1st Floor Plan
SCALE 1/32" = 1'-0" 37,370 G.S.F.

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P0 Proposed Basement Plan
SCALE 1/32" = 1'-0" 37,538 G.S.F.



E0 Existing Basement Plan
SCALE 1/32" = 1'-0" 37,538 G.S.F.

NORTH	
Rev.	Date
2	10.17
	Permit Set

Master Plan:
Existing & Proposed

Project #: 1540
Drawn: FS
Checked: MIG
Print Date: 2.10.17

Sheet No.:
MP1

Owner
 DP (Diamond Properties)
 333 North Bedford Road
 Mt. Kisco, NY 10549

Architect
 Callin Beeler Design Studio, LLC
 23 Washington Avenue
 Pleasantville, NY 10570

Existing Off-Street Parking Analysis

Use	Use Area and/or Employees	Parking Space Requirements	Required Parking Spaces
Manufacturing / Office Use	29,079 sf / 16 employees	0.66 spaces per employee	10.56
Retail, Shopping, & Personal Service	13,130 sf	1 space per 150 sf	87.53
Restaurant	2,500 sf (seating area)	1 space per 40 sf of seating area	62.50
Bowling	4 lanes	3 spaces per alley	12
TOTAL PARKING SPACES REQUIRED			173
TOTAL PARKING SPACES PROVIDED			262
PARKING SURPLUS			89

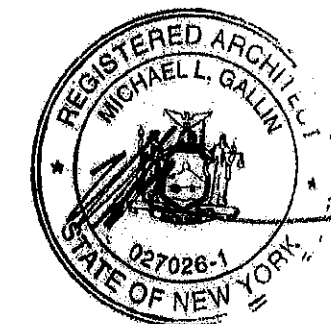
Proposed Off-Street Parking Analysis

Use	Use Area and/or Employees / Users	Parking Space Requirements	Required Parking Spaces
Manufacturing / Office Use	29,079 sf / 16 employees	0.66 spaces per employee	10.56
Retail, Shopping, & Personal Service	13,130 sf	1 space per 150 sf	87.53
Restaurant	2,500 sf (seating area)	1 space per 40 sf of seating area	62.50
Bowling	4 lanes	3 spaces per alley	12
Laser Tag	5,183 sf / 48 users	1 space per 4 users**	12
Go Kart Track	34,289 sf / 48 users	1 space per 4 users**	12
TOTAL PARKING SPACES REQUIRED			197
TOTAL PARKING SPACES PROVIDED			204*
PARKING SURPLUS			7

* 58 Off-Street Parking Spaces lost to Go Kart Track

** Proposed Off-Street Parking Space Requirements for Laser Tag & Go Kart Track assume the majority of users are going to the facility for multiple entertainment uses and therefore have shared parking requirements. Additionally, employee parking requirements do not increase since manufacturing and entertainment employees typically do not work the same days and hours.

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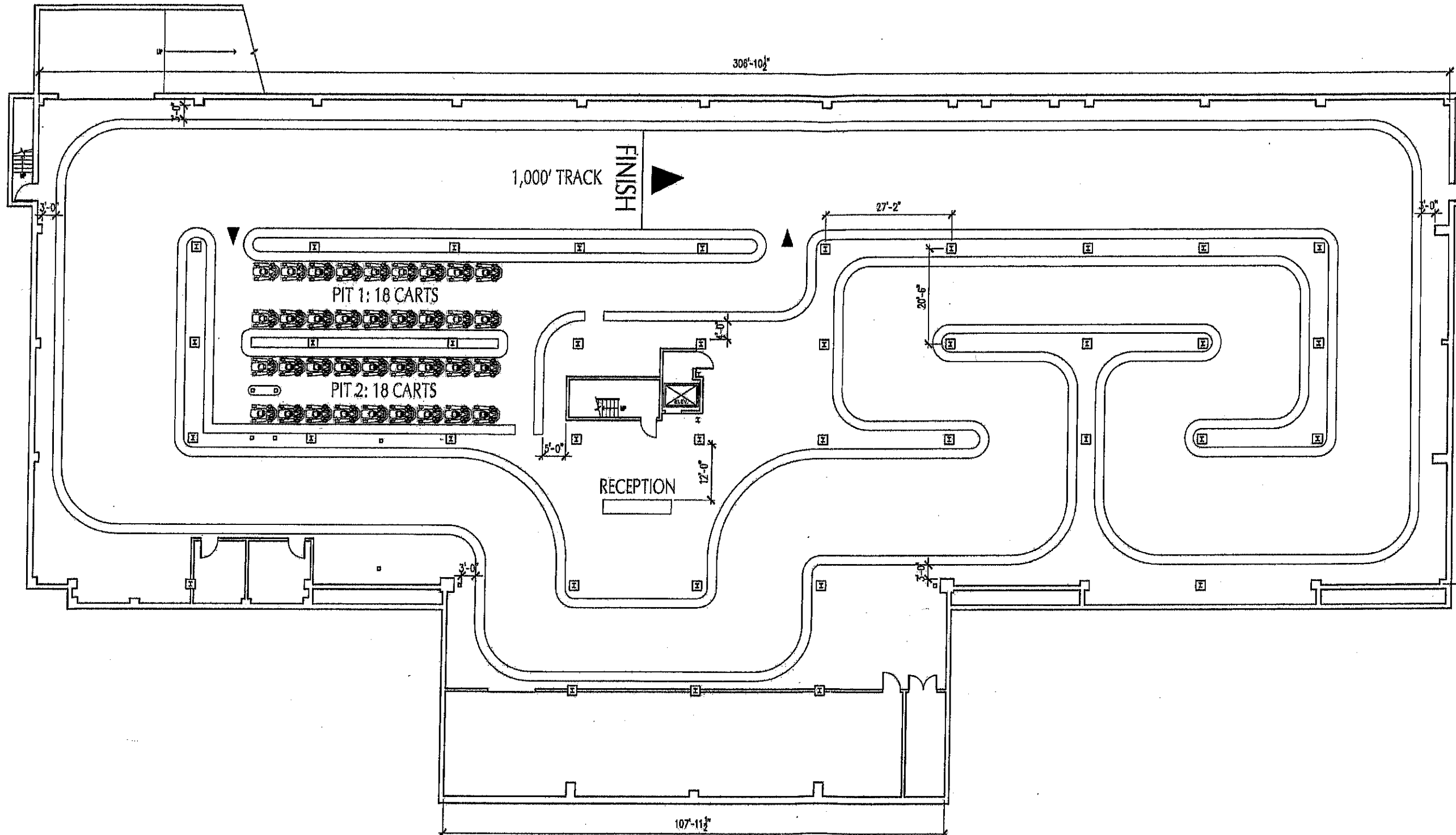
Rev.	Date	Description
2	10.17	Permit Set

Sheet Title:
**Master Plan:
 Parking Analysis**

Project #: 1540 Sheet No.:
 Drawn: FS **MP2**
 Checked: MLC
 Print Date: 2.10.17

Owner
 DP (Diamond Properties)
 333 North Bedford Road
 Mt. Kisco, NY 10549

Architect
 Callin Beeler Design Studio, LLC
 23 Washington Avenue
 Pleasantville, NY 10570



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NORTH

Rev.	Date	Permit Set	Description
1	2.10.17	Permit Set	

0 Proposed Basement Track Plan
 SCALE: 3/32" = 1'-0"

Basement Track Plan

Project #: 1540
 Drawn: FS
 Checked: MITG
 Print Date: 2.10.17

Sheet No.:
MP3

1 TITLE DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Town of Newburgh, County of Orange and State of New York, being shown and designated as Lot #4 (3,250 +/- square feet) shown on a subdivision map entitled "Subdivision & Lot Line Change Between Lands of the County of Orange and Lands of Hufferd & Patzold" dated (Drawn by date 6/1/03) last revised 9/19/06 and filed in the Orange County Clerk's Office on March 8, 2006 as Map #180-06.

2 TITLE INFORMATION

The Title Description and Schedule B items herein are from First American Title Insurance Company, Title Commitment # NLT-25715-O-15, Dated February 13, 2015.

4 SURVEYOR CERTIFICATION

To: BRE East Mixed Asset Owner LLC, Chicago Title Insurance Company, Fidelity National Title Insurance Company, First American Title Insurance Company, National Land Tenure LLC, as agent for First American Title Insurance Company and Commercial Due Diligence Services.

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 2, 3, 4, 6(a), 7(a), 7(b), 7(c), 8, 9, 10, 11(a), 13, 14, 15, 17, 18, 19, 20(a) (if applicable, client to obtain the necessary permission) and 21 of Table A thereof. The field work was completed on May 15, 2015.

Date: June 2, 2015

Douglas R. Lehr
Registration No. 49223



5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" and Zone "X" shaded of the Flood Insurance Rate Map, Community Panel No. 36571C 0139 E, which bears an effective date of August 3, 2009 and is not in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Approved CDS Surveyor
LEHR LAND SURVEYORS
116 BALWA STREET - SUITE 6
LIVERPOOL, NEW YORK 13090
Phone: 315-451-3333
Fax: 315-451-3362
lehrs@lehrs.com

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- 13- Easement Agreement made by Margaret E. Copeland to Hudson River Telephone Company in Liber 481 cp 311. Affects subject property, blanket in nature.
14- Easement Agreement made by Mary Breitenbach to Central Hudson Gas and Electric Corporation in Liber 693 cp 329. Affects subject property, blanket in nature.
15- Easement Agreement made by Mary Breitenbach and Henry Breitenbach to Central Hudson Gas and Electric Corporation in Liber 720 cp 208. Affects subject property, blanket in nature.
16- Declaration of Taking in Liber 928 pg 508. May affect subject property, location unknown.
17- Declaration of Taking in Liber 961 pg 377. May affect subject property, location unknown.
18- Easement Agreement in Liber 1533 cp 410 made by Henry J. Breitenbach, deceased, by Louis H. Breitenbach, as Administrator to C.T.A. to the United States of America in Liber 1533 pg 410. Does not affect subject property, as shown on survey.
19- Covenant and Restrictions and Road Easement and Maintenance Agreement in Liber 5254 cp 307 made by James Z. Patzold and Trevor L. Hufferd and Martin J. Milano. Affects subject property, as shown on survey.
20- Declaration of Easement in Liber 13311 cp 919 made by GeoRemTech LLC and Orange County Choppers Cafe Headquarters, LLC. Affects subject property, as shown on survey.
21- Notes and Easements in Filed Maps 180-06, 4-00 and 9642. 15' wide water line easement between dated 3/21/07 by PPDMC, LLC and recorded in the Orange County Clerk's Office on 3/26/07 in Liber 12396 at Page 974. May affect subject property, document requested.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

7 POSSIBLE ENCROACHMENTS

- A- SIGN "ORANGE COUNTY CHOPPERS" PROTRUDES 254.8' ONTO ADJACENT PROPERTY.
B- BUILDING PROTRUDES 0.6' OVER REAR BUILDING SETBACK LINE.

8 ZONING INFORMATION

Jurisdiction: Town of Newburgh
Zoning Verification: Gerald Cienfield, Code Compliance Department (845) 564-7801
Zoning District: "I-B" Interchange Business District
Front Setback: 50 feet
Side Setback: 30 feet each or 60 feet both
Rear Setback: 80 feet
Maximum Building Height: 40 feet
Minimum Lot Area: 40,000 sq. ft.
Minimum Lot Width: 150 feet
Minimum Lot Depth: 150 feet
Maximum Building Coverage: 40%
Maximum Lot Surface Coverage: 80%
Parking: 1 per 200 sq. ft. of floor area for the first 20,000 sq. ft. of floor area, and then 1 per 300 sq. ft. of any additional floor area.
Zoning information and source has been provided by a report by The Planning & Zoning Resource Company PZR File No. 64102-115.

13 LAND AREA

142,386 square feet or 3.2687 Acres

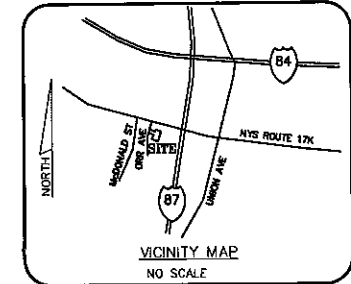
14 BUILDING AREA

38,179 square feet

15 BUILDING HEIGHT

33.8' feet

16 VICINITY MAP



12 PARKING INFORMATION

194 Standard Spaces
6 Handicap Spaces
202 Total Parking Spaces

10 BASIS OF BEARINGS

The bearing S 36° 09' 09" E being the northerly line of Lot 4 and the southerly line of Lot 3 per Filed Map #180-06 was used as the basis of bearings.

11 SURVEYOR'S NOTES

- 1. No observable evidence of earth moving work, building construction or building additions within recent months.
2. No observable evidence of changes in street right of way lines completed, and available from the controlling jurisdiction and no observable evidence of recent street or sidewalk construction or repairs.
3. No observable evidence of the use as a solid waste dump, sump or sanitary landfill.
4. Property has physical access to N.Y.S. Route 17K per access easement @ Bk. 5254 Pg. 307 and Orr Avenue per ingress & egress easement @ Bk. 13284 Pg. 1503, both duly dedicated public right of ways.
5. All statements within the certification, and other references located elsewhere hereon, related to utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
6. According to the U.S. Fish & Wildlife Service - National Wetlands Inventory Website, the subject property does not contain wetland areas.
7. Professional Liability Insurance policy obtained by the surveyor to be in effect throughout the contract term. Certificate of Insurance to be furnished upon request.

Key to CDS ALTA Survey

- 1 TITLE DESCRIPTION
2 TITLE INFORMATION
3 SCHEDULE 'B' ITEMS
4 SURVEYOR CERTIFICATION
5 FLOOD INFORMATION
6 CEMETERY
7 POSSIBLE ENCROACHMENTS
8 ZONING INFORMATION
9 LEGEND
10 BASIS OF BEARING
11 SURVEYOR'S NOTES
12 PARKING INFORMATION
13 LAND AREA
14 BUILDING AREA
15 BUILDING HEIGHT
16 VICINITY MAP
17 NORTH ARROW / SCALE
18 CLIENT INFORMATION BOX
19 SURVEY DRAWING
20 PROJECT ADDRESS

18 ALTA/ACSM Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" (Effective February 23, 2011)

COMMERCIAL DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405.253.2444
Toll Free: 888.457.7878

Table with 2 columns: Field/Action and Date/Revision. Includes entries for Drawn By, Surveyor Ref. No., Approved By, Field Date, and Scale.

Prepared For:
Title Commitment No. NLT-25715-O-15
Client Ref. No.

20 PROJECT ADDRESS
14 CROSSROADS COURT
NEWBURGH, NEW YORK
Project Name:
PROJECT KENSINGTON
CDS Project Number:
15-04-00650/073





9 LEGEND

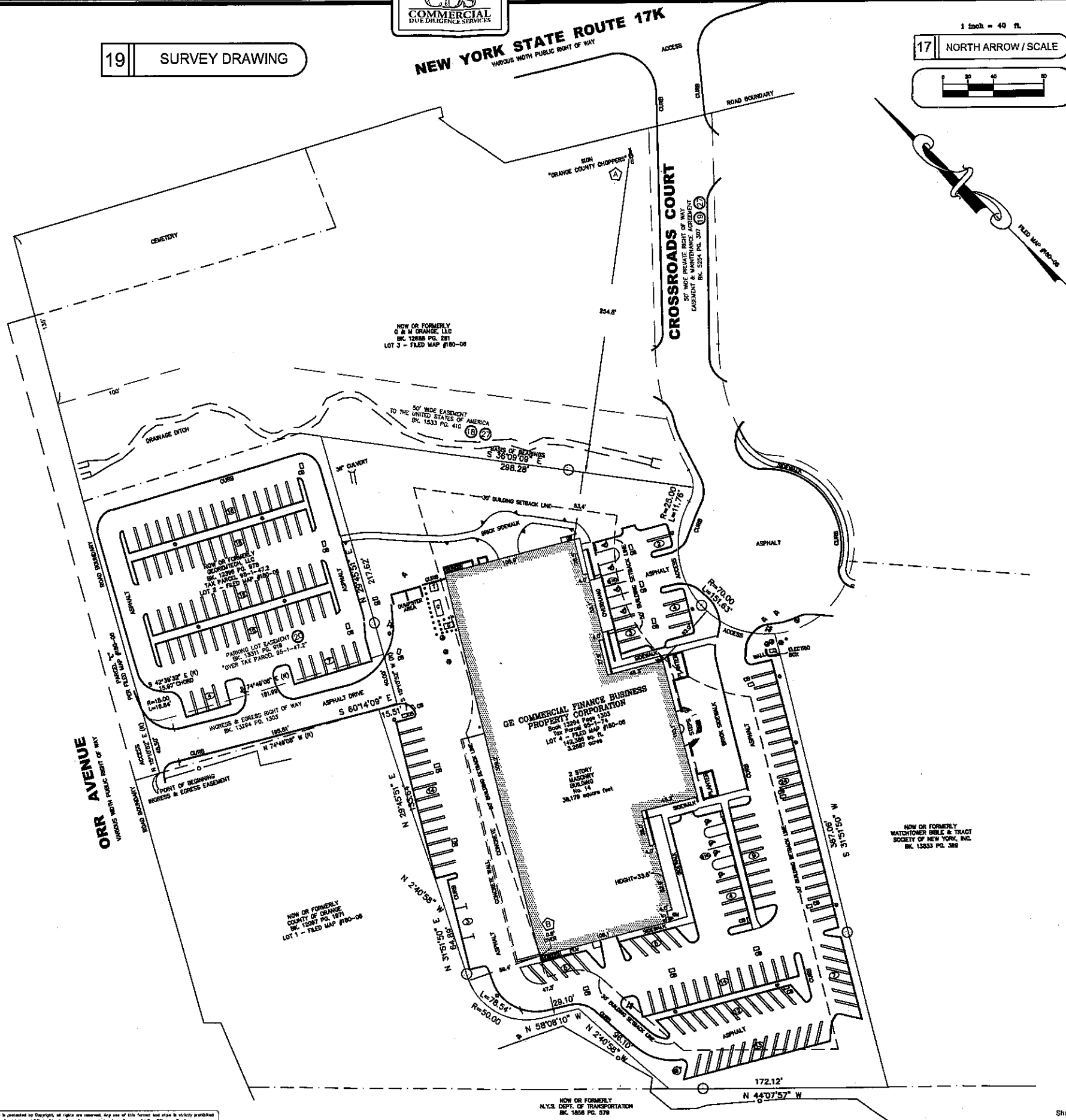
U - UTILITY POLE	S - SIGN
L - LIGHT POLE	EM - ELECTRIC METER
LP - LIGHT PEDESTAL	GM - GAS METER
H - HYDRANT	B - BOLLARD
F - FIRE DEPT. CONNECTION	HS - HANDICAP SPACE
WV - WATER VALVE	FP - FLAG POLE
CB - CATCH BASIN	M - MONUMENT
DM - DRAINAGE MANHOLE	IR - IRON ROD
M - MANHOLE	PL - PROPERTY LINE
SM - SANITARY MANHOLE	R - RECORD
T - TRANSFORMER	CL - CHAIN LINK FENCE
G - GENERATOR	ST - STOCKADE FENCE
	AD - ADJACENT PROPERTY LINE

19 SURVEY DRAWING

17 NORTH ARROW / SCALE

1 inch = 40 ft.

16 VICINITY MAP



18 ALTA/ACSM Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" (Effective February 23, 2011).

This Work Coordinated By:

COMMERCIAL
DUE DILIGENCE SERVICES

3650 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405.263.2444
Toll Free: 888.457.7878

Prepared For:
Commitment No. NLT-25715-O-15

Client Ref. No:

20 PROJECT ADDRESS

14 CROSSROADS COURT
NEWBURGH, NEW YORK

Project Name:
PROJECT KENSINGTON

CDS Project Number:
15-04-00650/073

Approved CDS Surveyor

LEHR
LAND SURVEYORS

110 SALINA STREET - SUITE #1
LIVERPOOL, NEW YORK 13088
Phone: 315-451-3333
Fax: 315-451-3392
lehrsurveyors@aol.com