



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 4/8/2022

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

I (WE) Big Shine Worldwide, Inc PRESENTLY

RESIDING AT NUMBER 300 Corporate Blvd

TELEPHONE NUMBER 845-444-5255

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-65 (TAX MAP DESIGNATION)

300 Corporate Blvd (STREET ADDRESS)

IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Chapter 185 - Schedule 8

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

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

3/4/2022

4. DESCRIPTION OF VARIANCE SOUGHT: To have a the existing structure

within 320 FT from Route 17K.

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

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

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

It is an existing structure maintaining its current use and the property is located within an Industrial Park.

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

The requirement is based on the existing structure's proximity to Route 17K.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

It is an existing structure that was previously approved.

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

The site was previously designed and approved for this size structure.

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

The structure and warehouse use proximity to Route 17K is existing.

7. ADDITIONAL REASONS (IF PERTINENT):

[Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19TH DAY OF April 2022

[Signature]
NOTARY PUBLIC
[Signature]
NOTARY PUBLIC
On the 19th day of April in the year 2022
State of New York
Orange County, ss.
before me, the undersigned, personally appeared
personally known to me or proved to me on the basis of satisfactory
evidence to be the individual(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the
same in his/her/their capacity(ies), and that by his/her/their signature(s)
individual(s) acted, executed the instrument.



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

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

DONG IL LEE, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 40 Deer Brook DR, New Windsor
IN THE COUNTY OF orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 300 Corporate Blvd.
Newburgh, New York 12550

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

DATED: Apr 19, 22 [Signature]

OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19 DAY OF April 2022

[Signature]
NOTARY PUBLIC



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project: Warehouse Expansion for Big Shine Warehouse				
Project Location (describe, and attach a location map): 300 Corporate Blvd, Newburgh, NY 12550				
Brief Description of Proposed Action: Proposed 10,000 Sq.Ft. +/- addition to the existing Big Shine Energy Warehouse for additional warehouse space due to the expanding LED industry. Additional asphalt parking will be provided including two (2) new concrete loading areas for deliveries. Project will utilize existing water and sewer connections and proposed site disturbance is less than one (1) acre.				
Name of Applicant or Sponsor: Big Shine Energy - Eduard Rodriguez. Executive Director		Telephone: 845-444-5255 E-Mail: r.eduard@bse-hq.com		
Address: 300 Corporate Blvd				
City/PO: Newburgh	State: NY	Zip Code: 12550		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board and Zoning Board of Appeals			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.24 acres b. Total acreage to be physically disturbed? _____ 0.37 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.24 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. 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"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Indiana Bat, Upland Sandpiper	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Runoff will go to the existing storm water catch basins		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Site Remediation - 336088, 336089 - Stewart ANG Base Site and International Airport		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Fellenzer Engineering, LLP</u> Date: <u>4/20/2022</u>		
Signature: <u><i>Ryan D. Fellenzer</i></u> Title: <u>Project Manager</u>		

Security Title Guarantee Corporation of Baltimore

Title Number: **SOL-689-O-2021**
Page 1

Schedule A

Title Number: **SOL-689-O-2021**

Effective Date: **8/31/2021**

Premises: **300 Corporate Boulevard, Newburgh, NY 12550**
County: **Orange**
City: **Newburgh**
Town:
Village:
Tax ID: **Section 95 Block 1 Lot 65**

11/29/21
MSB

ALTA Loan Policy 2006 (with Endorsement Modifications) **\$715,000.00**
Proposed Insured: **Woori America Bank, ISAOA 330 Fifth Avenue, 3rd Floor, New York, NY 10001,**

The estate or interest in the land described or referred to in this Certificate and covered herein is:
Fee Simple

Title to said estate or interest in said land at the effective date hereof is vested in:

BIG SHINE WORLDWIDE, INC.

Source of Title: Deed made by **W.W. GRAINGER, INC.**, an Illinois Corporation dated **09/27/2016** and recorded **02/03/2017** in the office of the Clerk of the County of Orange.

Recertified Date: 11/29/21 *MSB* Title Recertified In: **BIG SHINE WORLDWIDE INC.**

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

**THIS REPORT IS NOT A TITLE INSURANCE POLICY! PLEASE READ IT CAREFULLY.
THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT
LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY.
YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

roads abutting the above described premises to the center lines thereof,

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

To have and to hold the premises herein granted unto the Grantee, its successors and assigns forever. And Grantor covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

Grantor hereby covenants with Grantee that Grantor will forever defend Grantee against claims of all persons claiming by, through or under Grantor. No other covenants or warranties, express or implied, are given by this Deed

IN WITNESS WHEREOF, Grantor has set its hand and seal the day and year first above written.

GRANTOR:

W.W. GRAINGER, INC., an Illinois corporation

By: Philip M. West

Printed Name: Philip M. West

Title: Vice President and Treasurer

WITNESS:

Printed Name: JOHAN JUAN

STATE OF ILLINOIS

COUNTY OF LAKE

} ss.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that PHILIP M. WEST, personally known to me to be the Vice President and Treasurer of W.W. GRAINGER, INC., an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President and Treasurer, he signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as his free and voluntary act, and as the free and voluntary act and deed of said corporation; for the uses and purposes therein set forth.

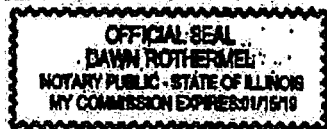
Given under my hand and Official Seal, this 26th day of SEPT, 2016.

Notary Public

Printed Name: DAWN ROTHERMEL

My Commission Expires: 1-15-2019

Send Tax Bills to:



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By: Philip M. West
Printed Name: Philip M. West
Title: Vice President and Treasurer

WITNESS: [Signature]
Printed Name: JOHAN LUHAN

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COUNTY OF LAKE } SS.

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Given under my hand and Official Seal, this 26th day of SEPT, 2016.

Dawn Rothermel
Notary Public
Printed Name: DAWN ROTHERMEL

My Commission Expires: 1-15-2019

Send Tax Bills to:



[Handwritten mark]

Security Title Guarantee Corporation of Baltimore

Title Number: SOL-689-O-2021
Page 1

Schedule A

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MUNICIPAL DATA SERVICES

25 Hyatt Street - Suite 301
Staten Island, NY 10301
Phone - (718) 815-0707
Fax - (718) 815-9101
www.munidata.com

Continued

Set forth below are the unpaid taxes, water rates, assessments which are properly filed and indexed liens as of the date of this search.

County: Orange

Title Number: SOL100 SOL-689-O-2021

COUNTY 845-291-2480
TOWN 845-564-4553
SCHOOL 845-563-3490
WATER/SPRINKLERS/SEWER 845-564-4553

Our policy does not insure against such items which have not become a lien up to the date of the policy or installments due after the date of the policy. Neither our tax search nor our policy covers any part of streets on which the premises to be insured abut. Recent payments of any open items returned on this tax search may not be reflected on the public records. Therefore, please request the seller or borrower to have receipts for bills available at the closing.

MUNICIPAL DATA SERVICES, INC.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Pugliette, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Marfens

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

March 4, 2022

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Big Shine LED Warehouse Expansion / Planning Board Project No. 22-05

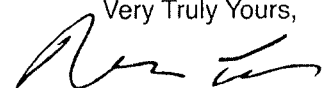
Dear Chairman Scalzo and Board Members:

At the Planning Board's March 3, 2022 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals. This application is for a proposed 9,820 square foot addition to the Big Shine LED warehouse located at 300 Corporate Blvd in the Town of Newburgh. This lot is approximately 2.2 acres and is in the IB – Interchange Business District. This lot currently has a 20,940 sq. ft. structure consisting of warehouse space and offices. The addition would be to the rear of the existing building for a total building footprint of 30,760 sq. ft. It is also noted that the rear and side yard setbacks are shown as compliant, but without a margin for error. The applicant was advised to confirm those setbacks and seek variances for those setbacks if needed.

The existing warehouse structure appears to be located within 500 feet of NYS Route 17K in the IB Zone. Use Group D #9 identifies "warehouse storage and transportation facilities including trucking and bus terminals not within 500 feet of Route 17K". As a result, the project loses its pre-existing grandfathered zoning protection upon application for an Amended Site Plan for the addition. It should be noted that the proposed expansion will not increase the degree of the existing nonconformity, and no new structures are proposed.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer

FELLENZER III

ENGINEERING LLP



Principals:

Mark D. Fellenzer, P.E., LEED AP
John D. Fellenzer, P.E., MBA, LEED Green Associate

Founder:

Archie D. Fellenzer, Jr., P.E.
(1924 - 2014)



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

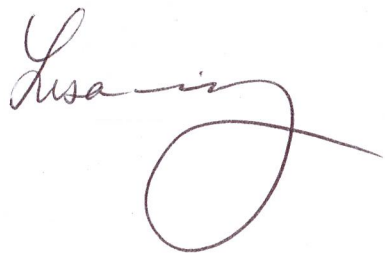
STATE OF NEW YORK: COUNTY OF ORANGE:

I Gabriel Guzman, being duly sworn, depose and say that I did on or before
May 12, 2022, post and will thereafter maintain at
300 Corporate Blvd 95-1-65 IB Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

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



Sworn to before me this 26
day of April, 2022.



FELLENZER III

ENGINEERING LLP



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John D. Fellenzer, P.E., MBA, LEED Green Associate

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