



Steven M. Neuhaus
County Executive

Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Referral ID#:
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	FRANK DARRIGO REVOCABLE TRUST
Project Name:	
Location of Project Site	84 LAKESIDE ROAD

Tax Map #:	86-1-96
Tax Map #:	
Tax Map #:	
Local File No.:	2638-17
Size of Parcel*:	59.8 Acres
<small>*If more than one parcel, please include sum of all parcels.</small>	
Current Zoning District (include any overlays):	R-1

Reason for County Review: Within 500ft of I-84

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan

Sq. feet proposed (non-residential only): _____

Subdivision

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Number of lots proposed: _____

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

AREA / USE (circle one) 185-83 SOLAR FARMS PERMITTED ONLY
in the Industrial District

Other

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

 _____ 1/11/18 _____
Signature of local official Date Chairperson Zoning Board of Appeals Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 11 JANUARY 2018

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

DANIEL DARRIGO AS
TRUSTEE OF THE FRANK

I (WE) DARRIGO REVOCABLE TRUST (OWNER) PRESENTLY

RESIDING AT NUMBER 86 LAKESIDE ROAD, NEWBURGH, NY

TELEPHONE NUMBER 845.566.0252 (HOME)
845.564.1733

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

86-1-96 (TAX MAP DESIGNATION)

84 LAKESIDE ROAD (STREET ADDRESS)

R-1 (ZONING DISTRICT)

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

185 - 83



TOWN OF NEWBURGH

Crossroads of the Northeast

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OLD TOWN HALL
308 GARDNERTOWN ROAD
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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 08/04/2017
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: USE VARIANCE
FOR A SOLAR FARM

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
THE PROPERTY IS ENCUMBERED BY AN
INACTIVE HAZARDOUS WASTE DISPOSAL SITE
THAT RESTRICTS USE UNDER THE EXISTING ZONING.
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION) (SEE ADDENDUM ATTACHED)
- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
YES, THE INACTIVE WASTE SITE IS UNIQUE TO THIS
PROPERTY IN THAT IT HAS A SUBSTANTIAL NEGATIVE
IMPACT WHE ANALYZING POTENTIAL ALTERNATIVE USES.
(SEE ATTACHED ADDENDUM.)
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
THE PROPOSED USE VARIANCE MAINTAINS
THE EXISTING CHARACTER MORE SO THAN
DEVELOPING THE SITE UNDER CURRENT ZONING.



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

6. IF AN AREA VARIANCE IS REQUESTED: NOT APPLICABLE

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

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

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

Jeffrey Pease
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF Jan. 2018

[Signature]
NOTARY PUBLIC

TRAMAIN A YOUNG MINOR
Notary Public - State of New York
NO. 01Y06252990
Qualified in Orange County
My Commission Expires Dec 19, 2019

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Addendum to Question 5a.

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

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

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

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

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

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

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

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

Addendum to Paragraph 7.

ADDITIONAL REASONS (IF PERTINENT):

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

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

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

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

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



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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

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

HE/SHE RESIDES AT 86 LAKESIDE ROAD, NEWBURGH

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

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

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

DATED: JANUARY 2018 [Signature]

TRUSTEE'S
OWNER'S SIGNATURE

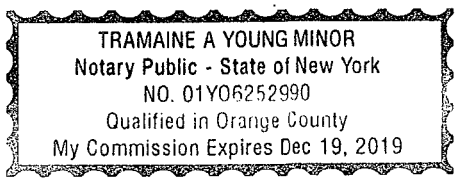
DANIEL DARRIGO
AS TRUSTEE TO
THE FRANK DARRIGO
REVOCABLE TRUST
(OWNER)

[Signature]

WITNESS' SIGNATURE
MARCELLA CLARK

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF Jan. 2018



[Signature]
NOTARY PUBLIC

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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: <p style="text-align: center; font-size: 1.2em;">DARRIGO SOLAR FARM</p>																		
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">84 LAKESIDE ROAD, NEWBURGH, NY 12550</p>																		
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">A SOLAR FARM ON 40 ACRES PORTION OF THE EXISTING DARRIGO BROTHERS FARM.</p>																		
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">JEFFREY LEASE</p>		Telephone: 845.542.0345																
Address: <p style="text-align: center; font-size: 1.2em;">5020 ROUTE 9W, NEWBURGH, NY 12550</p>		E-Mail: jefflease@johnjleaserealtors.com																
City/PO: <p style="text-align: center; font-size: 1.2em;">NEWBURGH</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">12550</p>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		40 acres																
b. Total acreage to be physically disturbed?		20 acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		160 acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input checked="" type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	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? If Yes, identify: _____	NO	YES	
	<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 service(s) 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 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? If the proposed action will exceed requirements, describe design features and technologies: <u>THIS USE IS PART OF NYS GREEN ENERGY INITIATIVE. (SEE ADDENDUM ATTACHED.)</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>NOT APPLICABLE</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: <u>THE PROPERTY IS ENCUMBERED BY AN INACTIVE HAZARDOUS WASTE SITE THAT REQUIRES MONITORING OF TEST WELLS.</u></p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: <u>FROM 1999 TO THE PRESENT REMEDIATION AND TESTING HAS BEEN PERFORMED ON THE SITE WITH A PROGRAM OF ONGOING TESTING.</u></p>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>JEFFREY LEASE</u></p> <p>Signature: <u><i>Jeffrey Lease</i></u></p>	<p>Date: <u>8 JANUARY 2018</u></p>	

Short Environmental Assessment Form – Part 1

Addendum to Question 9

9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:

This use is part of NYS Green Energy Initiative.

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

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

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

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

Agency Use Only [If applicable]

Project:	
Date:	

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

PT 2 SB BY LEAD AGENCY NOT AN APPLICANT

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

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

Agency Use Only [If applicable]

Project:	
Date:	

**Short Environmental Assessment Form
Part 3 Determination of Significance**

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

COMMENTS ON SHORT FORM ASSESSMENT PART 3

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



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100 Feet



ORANGE COUNTY - STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14031 / 1118
 INSTRUMENT #: 20160020568

Receipt#: 2103176
 Clerk: LM
 Rec Date: 03/30/2016 01:23:54 PM
 Doc Grp: D
 Descrip: RT WY
 Num Pgs: 8
 Rec'd Frm: CARL DARRIGO

Party1: FRANK DARRIGO TRUST
 Party2: DARRISO BROS LANDSCAPE SUPPLIES
 INC
 Town: NEWBURGH (TN)
 86-1-96

Recording:
 Recording Fee 60.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00

Sub Total: 85.00

Transfer Tax
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 85.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 6583
 Transfer Tax
 Consideration: 0.00

Total: 0.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: See Survey Map Unit 1, Drawer 12

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

STATE OF NEW YORK COUNTY OF ORANGE SS:
 I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
 SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
 HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
 THE ORIGINAL THECOP FILED OR RECORDED IN MY OFFICE
 ON March 30, 2016 AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF. WITNESSES MY HAND I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
Ann G. Rabbitt
 COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
 ORANGE COUNTY
 January 10, 2018

Record and Return To:

DANIEL DARRIGO
 84 LAKESIDE RD
 NEWBURGH, NY 12550

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**DECLARATION of COVENANTS and RESTRICTIONS
and
GRANT OF ACCESS**

THIS COVENANT is made the 26 day of March 2016, by Carl Darrigo, as Trustee of the Frank Darrigo Trust dated the 30th day of March 2001, as amended (the "Trust"), a trust under the laws of the State of New York, with an office located 67 South Plank Road, Newburgh, NY 12550.

WHEREAS, the Trust is the owner real property located on Lakeside Road in the Town of Newburgh, County of Orange, State of New York, which is part of lands conveyed by Frank Darrigo in his individual capacity to Frank Darrigo, as Trustee under the Frank Darrigo Revocable Trust by deed dated the 30th day of March 2001 and recorded in the Orange County Clerk's Office on May 10, 2001 in Book 5519 of Deeds at Page 246 and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the F&T Darrigo Site, an approximate 8-acre portion of the Property (the "Site"), is the subject of an Order on Consent executed by Frank T. Darrigo, now deceased, in his capacity as the original Trustee of the Trust, as part of the New York State Department of Environmental Conservation's (the "Department's") State Superfund Program; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Site and such remedy requires that a 3.03-acre portion of the Property where contamination remains be subject to restrictive covenants, hereinafter referred to as the "Restricted Area" and also described in Appendix "A".

WHEREAS, Darrigo Bros Landscape Suppliers, Inc. (the "Lessee"), a New York corporation, with offices located at 84 Lakeside Road, Newburgh, NY, is the long-term leasee of the Property pursuant to an unrecorded lease dated September 1, 2004.

WHEREAS, the Restricted Area is land-locked with no access from a public road.

NOW, THEREFORE, Daniel Darrigo, as President of Darrigo Bros. Landscape Supplies, Inc., the Lessee, for itself, its successors and/or assigns and/or sublessees acknowledges and consents to the grant of ingress and egress access to the Restricted Area as described below; and Carl Darrigo, as the successor Trustee for the Trust, for itself and its successors and/or assigns, covenants the following:

First, the Property and the Restricted Area which is subject to this Declaration of Covenants and Restrictions are as shown on a survey map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Restricted Area subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy at the Restricted Area, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Restricted Area from ever being used for purposes other than for Commercial or Industrial use without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Restricted Area without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

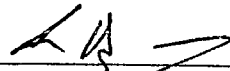
Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

Eight, the owner of the Property shall allow the Department or Relevant Agency ingress and egress to the Restricted Area via the route as described in Appendix "B". However, the owner of the Property with the agreement of the Lessee may reasonably modify the route.

Ninth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that Paragraph X of the Order requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Tenth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions and access, that said conveyance is subject to this Declaration of Covenants and Restrictions and the Grant of Access.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.



Carl Darrigo, as Trustee of
Frank Darrigo Revocable Trust

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

On the 26TH day of MARCH, in the year 2016, before me, the undersigned, personally appeared Carl Darrigo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

LOUIS P. FORTUNATO
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01F04691528
Term Expires 12/31/2017

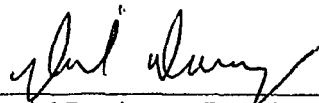


Notary Public State of New York

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Acknowledgement and Consent to of Grant of Access

The Lessee hereby acknowledges and consents to the grant of access by the Trust and binds itself, its successors, assigns and sub-lessees.



Daniel Darrigo, as President of
Darrigo Bros. Landscape, Inc.,
Lessee of Property

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

ss.:

On the 26TH day of MARCH, in the year 2016, before me, the undersigned, personally appeared Daniel Darrigo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public State of New York

LOUIS P. FORTUNATO
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01F04891528
Term Expires 12/31/2017

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Appendix "A"

Property Description

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

Beginning at a point in Lakeside Road, said point being South 18 degrees 17 minutes 58 seconds West 212.28 feet from an iron pipe found at the southwesterly corner of lands reputedly of Darrigo as described on page 67 of liber of deeds 11828; Thence from said point, and along lands reputedly of Darrigo as described on page 71 of liber of deeds 4985 South 82 degrees 31 minutes 18 seconds East 748.79 feet to a point; Thence continuing along lands of Darrigo North 05 degrees 58 minutes 42 seconds East 208.77 feet to a point; Thence along aforementioned lands of Darrigo as described on page 67 of liber of deeds 11828 South 82 degrees 31 minutes 27 seconds East 25.06 feet; Thence continuing along lands of Darrigo and partly along a stone wall North 15 degrees 04 minutes 36 seconds East 548.52 feet to the southeast corner of lands reputedly of Peel as described on page 137 of liber of deeds 6208, said point being 10.8 feet northeast of an iron pipe found in the stone wall; Thence continuing along the stonewall North 14 degrees 12 minutes 20 seconds East 404.00 feet to a point in the southerly line of Patton Road, said point being 0.48 feet from an iron pipe found in the stone wall; Thence along Patton Road and Meadow Hill Road South 79 degrees 18 minutes 42 seconds East 613.34 feet to a point at the northwesterly corner of lands reputedly of Darrigo as described on page 1268 of liber of deeds 12152; Thence along Darrigo South 15 degrees 16 minutes 49 seconds West 292.03 feet, South 74 degrees 43 minutes 11 seconds East 230.00 feet, and North 15 degrees 16 minutes 49 seconds East 106.03 feet; Thence along lands reputedly of Brown as described on page 253 of liber of deeds 5122 and Maxwell as described on page 105 of liber of deeds 5140 South 74 degrees 43 minutes 11 seconds East 221.30 feet to an iron rod found; Thence North 15 degrees 16 minutes 49 seconds East 186.00 feet to an iron rod found on the southerly line of Meadow Hill Road; Thence along Meadow Hill Road South 74 degrees 43 minutes 11 seconds East 50.00 feet to an iron rod found; thence along lands reputedly of Craig as described on page 874 of liber of deeds 11134 South 15 degrees 16 minutes 49 seconds West 227.90 feet to an iron rod found; Thence continuing along lands of Craig, passing over an iron pin found and along lands reputedly of Friedman as described on page 985 of liber of deeds 11721 North 86 degrees 50 minutes 49 seconds East 198.89 feet; Thence along same and passing over two iron rods found at lands reputedly of Tirado as described on page 30 of liber of deeds 5037 and lands reputedly of Viera as described on page 883 of liber of deeds 12954 South 52 degrees 59 minutes 41 seconds East 202.40 feet to a point in a stone wall; Thence along the stone wall and lands reputedly of Moulton as described on page 183 of liber of deeds 2309 South 18 degrees 10 minutes 39 seconds West 92.11 feet; Thence continuing along the stone wall and along reputed lands of Cruz (Li. 12753 Pg. 427), Schoonmaker (Li. 12351 Pg. 46), and Hagan (Li. 3810 Pg. 318) South 18 degrees 11 minutes 48 seconds West 382.07 feet; Thence continuing along the stone wall, passing over four iron rods found, and lands reputedly of Cooper (Li. 3664 Pg. 301), Colley (Li. 3720 Pg. 268), Town of Newburgh (Li. 5639 Pg. 179), Marino (Li. 12762 Pg. 1949), Alexander (Li. 11860 Pg. 374), and Flournoy (Li. 11835 Pg. 85) to a concrete monument found, said monument being 5.96 feet from a granite monument found; Thence along lands reputedly of the People of the State of New York (Interstate 64) the

following; North 64 degrees 11 minutes 06 seconds West 156.94 feet to a granite monument; North 75 degrees 03 minutes 15 seconds West 558.61 feet; North 80 degrees 27 minutes 29 seconds West and passing over a granite monument found 868.92 feet; South 80 degrees 10 minutes 48 seconds West and passing over a granite monument found 881.67 feet; South 72 degrees 44 minutes 10 seconds West 421.17 feet to a granite monument found; South 51 degrees 27 minutes 00 seconds West and passing over a granite monument found 139.19 feet to a granite monument found; South 68 degrees 56 minutes 24 seconds West and passing over a granite monument found 208.98 feet to a granite monument found; Thence along lands reputedly of Costubbs LLC as described on page 186 of Liber of deeds 4679 North 19 degrees 28 minutes 36 seconds East 127.42 feet to the southerly line of Lakeside Road; Thence along the southerly line of Lakeside Road North 61 degrees 35 minutes 47 seconds East 144.78 feet, North 51 degrees 04 minutes 05 seconds East 98.92 feet to a granite monument found, North 25 degrees 10 minutes 45 seconds East 123.27 feet to a point in the center of Lakeside Road; Thence generally along the center of Lakeside Road the North 52 degrees 46 minutes 37 seconds East 173.69 feet, North 58 degrees 08 minutes 52 seconds East 304.98 feet, North 64 degrees 05 minutes 27 seconds East 159.81 feet, North 62 degrees 43 minutes 45 seconds East 118.36 feet and along a curve to the left having a radius of 334.70 feet and an arc length of 162.82 feet to the point or place of beginning.

Subject to any easements or agreements of record including but not limited to those which appear on this map.

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Restricted Area Description

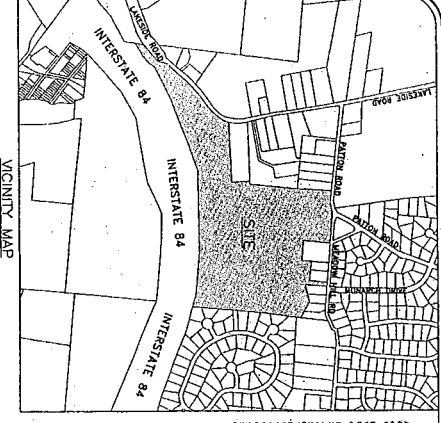
All that certain parcel of land situate, lying, and being in the Town of Newburgh, County of Orange, State of New York, being the restricted area as indicated on a map titled "Survey Prepared for F&T Darrigo" and being more particularly bounded and described as follows: Beginning at the terminus of a 20 foot wide access easement leading from Lakeside Road to the restricted area as depicted on this map; said access easements last course and distance of South 27 degrees 36 minutes 09 seconds East 43.05 feet and passing through the chain link fence gate to a point in the restricted area; Thence through lands reputedly of Darrigo the following courses and distances:

- North 71 degrees 53 minutes 50 seconds East 44.58 feet to a point;
- North 79 degrees 46 minutes 35 seconds East 203.27 feet to a point;
- North 85 degrees 54 minutes 55 seconds East 168.68 feet to a point;
- South 44 degrees 25 minutes 34 seconds East 30.68 feet to a point;
- South 00 degrees 47 minutes 18 seconds East 54.94 feet to a point;
- South 12 degrees 01 minutes 33 seconds West 118.07 feet to a point;
- South 26 degrees 49 minutes 20 seconds West 88.93 feet to a point;
- South 76 degrees 00 minutes 57 seconds West 57.20 feet to a point;
- South 88 degrees 45 minutes 31 seconds West 169.12 feet to a point;
- South 76 degrees 03 minutes 24 seconds West 135.91 feet to a point;
- South 88 degrees 47 minutes 43 seconds West 60.50 feet to a point;
- North 82 degrees 10 minutes 53 seconds West 37.71 feet to a point;
- North 29 degrees 10 minutes 18 seconds West 22.43 feet to a point;
- North 01 degrees 45 minutes 57 seconds West 90.55 feet to a point;
- North 14 degrees 06 minutes 52 seconds East 76.52 feet to a point;
- North 41 degrees 46 minutes 04 seconds East 64.85 feet to a point;
- North 58 degrees 21 minutes 38 seconds East 44.67 feet to the point or place of beginning and containing 3.03 Acres

Appendix "B" [see attached survey map]

RTR
Daniel Darrigo
84 Lakeside Rd
Newburgh, NY 12550

201009028 3 of 10



ACCESS EASEMENT DESCRIPTION

As the project proceeds, it is anticipated that the project will require access to the site from Interstate 84. The project owner has negotiated an access easement with the State of New York, Department of Transportation, for the use of the project. The easement is described as follows:

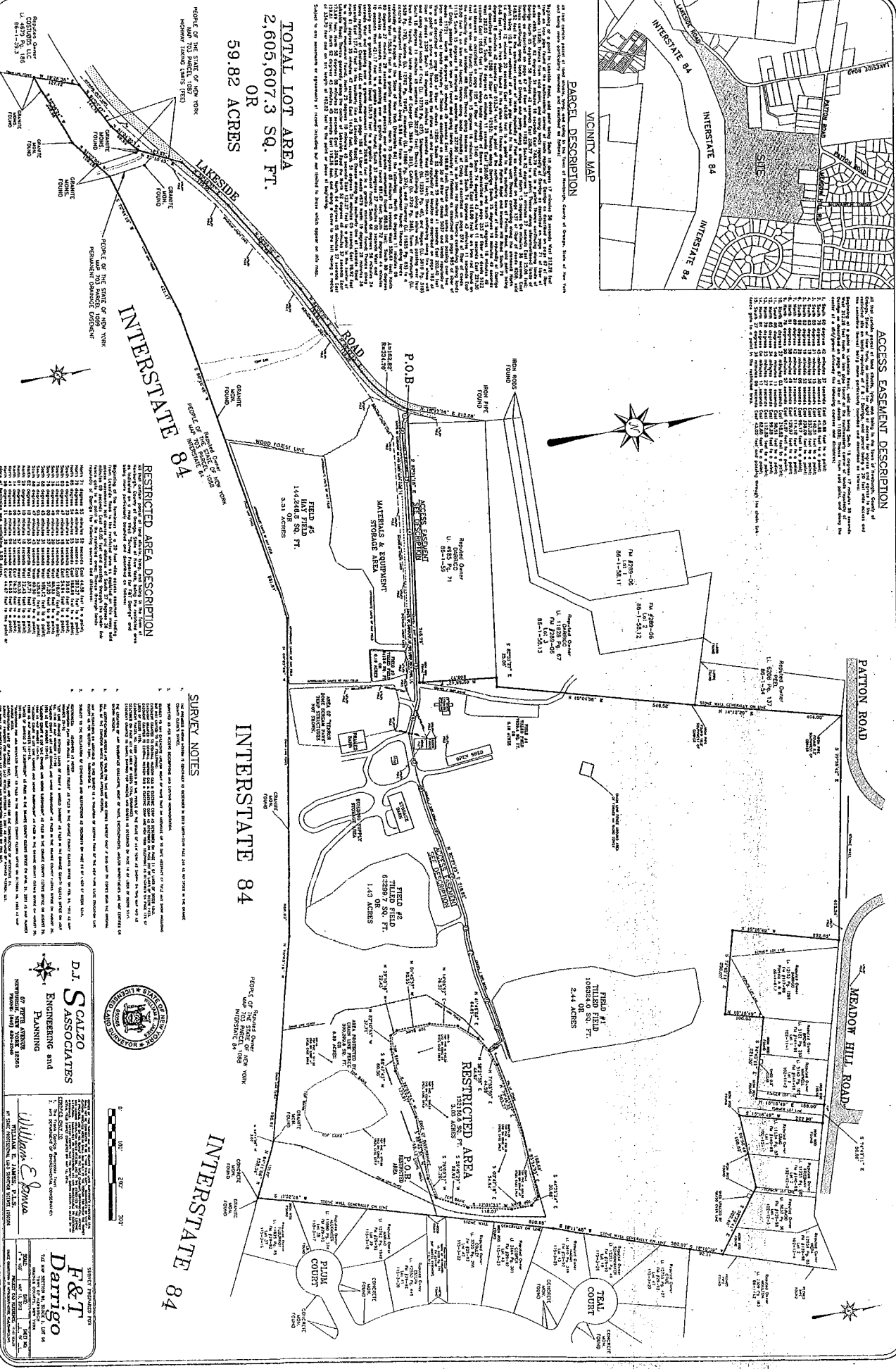
The easement is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84. The easement is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84. The easement is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.

PARCEL DESCRIPTION

Reference is made to the parcel description of the project, as shown on the site plan, and to the parcel description of the project, as shown on the site plan. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.

TOTAL LOT AREA
 2,606,607.3 SQ. FT.
 OR
 59.82 ACRES

RIGHT OF THE STATE OF NEW YORK
 JAMES W. BAKER, 1983
 MICHIGAN TACKLE SALES, 1983



RESTRICTED AREA DESCRIPTION

The restricted area is a portion of the project, for the purpose of providing access to the site from Interstate 84. The restricted area is a portion of the project, for the purpose of providing access to the site from Interstate 84. The restricted area is a portion of the project, for the purpose of providing access to the site from Interstate 84.

SURVEY NOTES

1. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.
2. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.
3. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.
4. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.
5. The project is a right of way for the use of the project, for the purpose of providing access to the site from Interstate 84.

D.J. SALZIO ASSOCIATES
 ENGINEERING AND PLANNING
 1110 3rd Avenue, Suite 1100
 New York, NY 10017
 Phone: (212) 692-1100
 Fax: (212) 692-1101
 www.djsalzio.com

F&T Darigo
 SURVEY PREPARED FOR
 THE STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION
 1110 3rd Avenue, Suite 1100
 New York, NY 10017
 Phone: (212) 692-1100
 Fax: (212) 692-1101
 www.darigo.com



THE FRANK DARRIGO REVOCABLE TRUST

TRUST AGREEMENT made this 30th day of March, 2001, by and between FRANK DARRIGO, residing at 84 Lakeside Road, Newburgh, New York 12550 (the "Grantor") and FRANK DARRIGO, residing at 84 Lakeside Road, Newburgh, New York 12550 (the "Trustee").

WITNESSETH:

1. TRUST PROPERTY. The Grantor desires to create a trust and has delivered and transferred to the Trustee the property more particularly described and annexed hereto as Exhibit "A", receipt of which by the Trustee is herewith acknowledged. The Trustee in consideration thereof agrees to hold, manage and distribute such property and any other property received in accordance with the provisions of this Agreement (the "trust estate"), on the terms herein set forth.

2. LIFE INCOME AND PRINCIPAL TO GRANTOR. During the lifetime of the Grantor, the Trustee shall pay or apply the net income and principal to or for the benefit of the Grantor as the Trustee in his sole and absolute discretion shall determine is necessary for the Grantor's health, support and maintenance.

3. INCAPACITY OF GRANTOR. If at any time the Grantor is under a legal disability, or if by reason of illness or mental or physical disability, is in the opinion of the Trustee unable to make or communicate responsible decisions concerning her affairs, the Trustee shall use the income and principal of the trust estate for the care, support and comfort of the Grantor or for any other purpose the Trustee, in his sole and absolute discretion, deems to be in the best interests of the Grantor.

4. DISPOSITION AT GRANTOR'S DEATH. Upon the Grantor's death, after the payment of all debts and expenses of last illness of Grantor, the Trustee shall distribute all of the principal and accumulated and undistributed income constituting the trust estate as follows:

(a) All of the real property located south of U.S. Interstate Route 84, known as Sec. 86 Block 1 Lot 60.42, together with any improvements thereon, shall be distributed to the Grantor's nieces and nephews, JAMES J. RUSSO, JOSEPHINE RUSSO ARNOLD, THOMAS DARRIGO, LEA MOSHER, BONNIE DARRIGO and DEBRA DARRIGO, in equal shares, per stirpes.

(b) All of the remaining trust estate including the real property located North of U.S. Interstate Route 84, known as Sec. 86 Block 1 Lot 60.42, together with any improvements thereon, shall be distributed to the Grantor's nieces and nephews, DANIEL DARRIGO, JAMES DARRIGO and KENNETH DARRIGO, in equal shares, per stirpes.

5. APPORTIONMENT OF TAXES. If any executor, personal representative, administrator, or other person acting in a fiduciary capacity has paid death taxes levied or assessed under the provisions of any federal or state inheritance or succession tax or estate tax laws now existing or hereinafter enacted, and under the provisions of any such law any or all of the trust property is required to be included in the gross estate of the Grantor, the Trustee is directed to reimburse such executor, personal representative, administrator, or other person acting in a fiduciary capacity for that proportionate share of the death taxes paid by reason of the inclusion of such trust property in the gross estate of the Grantor.

6. AMENDMENT AND REVOCATION. The Grantor reserves the right at any time, without the consent of any person and without notice to any person other than the Trustee, to revoke or modify the trust in whole or in part, to remove, replace and appoint Trustees, to change the beneficiaries or to withdraw the whole or any part of the trust estate by filing notice of such revocation, modification, change or withdrawal with the Trustee.

7. MINORITY TRUST. Notwithstanding any provision of this Agreement to the contrary, whenever under this Agreement all or any part of the corpus of the trust shall vest in absolute ownership of a beneficiary under the age of twenty-one (21) years of age, the Trustee is authorized and empowered, in his discretion, to hold property so vested, or any part of it, in a separate fund for the benefit of the beneficiary, even though the property may consist of investments not authorized by law for trust funds; to invest and reinvest the same, collect the income and, until the beneficiary attains the age of twenty-one (21) years, to apply so much of the principal and so much of the net income for the support, education and maintenance of the beneficiary as the Trustee in his sole and absolute discretion shall determine; to accumulate, invest, and reinvest the balance of the income until the person shall attain the age of twenty-one (21) years; and thereupon to pay over the principal, together with any undistributed income, to the beneficiary, and if the beneficiary shall die before attaining the age of twenty-one (21) years, the principal, together with any accumulated and undistributed income shall be paid over to the estate of the beneficiary.

8. ADDITIONAL PROPERTY. The Grantor may at any time, transfer and deliver to the Trustee cash, securities and other property, in addition to the property presently transferred and

delivered, which shall be held, administered, and disposed of by the Trustee in accordance with the provisions of this Agreement.

9. TRUSTEE'S POWERS. In the administration of any property, real or personal, at any time forming a part of the trust estate, including any accumulated income thereof, the Trustee, in addition to and not by way of limitation of the powers provided by law, shall, except as otherwise provided in this Agreement, have the following powers to be exercised in his absolute discretion:

(a) To retain such property for any period, whether or not the same be of the character permissible for investments by fiduciaries under any applicable law, and without regard to any effect the retention may have upon the diversification of the investments.

(b) To sell, transfer, exchange, convert or otherwise dispose of, or grant options with respect to, such property, at public or private sale, with or without security, in such manner, at such time or times, for such purposes, for such prices and upon such terms, credits and conditions as the Trustee may deem advisable.

(c) To invest and reinvest in common stocks, preferred stocks, investments trusts, bonds, securities and other property, real or personal, foreign or domestic, including any undivided interest in any one or more common trust funds, whether or not such investments be of the character permissible for investments by fiduciaries under any applicable law, and without regard to the effect any such investment or reinvestment may have upon the diversification of the investments.

(d) To render liquid the trust estate or any trust created hereunder, in whole or in part, at any time or from time to time and to hold cash or readily marketable securities of little or no yield for such period as the Trustee may deem advisable.

(e) To lease any such property beyond the period fixed by statute for leases made by the Trustee and beyond the duration of the trust estate or any trust created hereunder.

(f) To join or become a party to, or to oppose, any reorganization, readjustment, recapitalization, foreclosure, merger, voting trust, dissolution, consolidation or exchange, and to deposit any securities with any committee, depository or trustee, and to pay any and all fees, expenses and assessments incurred in connection therewith, and to charge the same to principal; to exercise conversion, subscription or other rights, and to make any necessary payments in connection therewith, or to sell any such privileges.

(g) To vote in person at meetings of stock or security holders or any adjournment of such meetings or to vote by general or limited proxy with respect to any such shares of stock or other securities held by the Trustee.

(h) To hold securities in the name of a nominee without indicating the trust character of such holding, or unregistered or in such form as will pass by delivery; or to use a central depository, such as The Depository Trust Company or The Federal Reserve Bank of New York, and to permit the registration securities in the name of its nominee.

(i) To pay, compromise, compound, adjust, submit to arbitration, sell or release any claims or demands of the trust estate or any trust created hereunder against others or of others against the same as the Trustee may deem advisable, including the acceptance of deeds of real property in satisfaction of bonds and mortgages, to make any payments in connection therewith which the Trustee may deem advisable.

(j) To borrow money for any purpose from any source, or any other fiduciary at any time acting hereunder, and to secure the payment of any and all amounts so borrowed by mortgage or pledge of any property.

(k) To make distribution of the trust estate or of the principal of any trust created hereunder in kind and to cause any distribution to be composed of cash, property or undivided fractional shares in property different in kind from any other distribution without regard to the income tax basis of the property distributed to any beneficiary or any trust.

(l) To invest in any money market deposit or similar account or securities or mutual funds or similar investments.

(m) To execute and deliver any and all instruments in writing which it may deem advisable to carry out any of the foregoing powers. No party to any such instrument in writing signed by the Trustee shall be obliged to inquire its validity.

(n) To employ such agents and counsel, including attorneys, accountants and investment counsel, and to create such agency, custodian and investment accounts, as the Trustee deems necessary or desirable to manage or protect the trusts and trust assets, and to pay compensation therefore without diminishing the compensation otherwise payable to the Trustee; and the Trustee shall be fully protected in acting pursuant to the advice of investment counsel pertaining to the retention, sale, purchase, investment or reinvestment of any securities or other assets, and shall be relieved of all liability and responsibility and of any loss sustained by the trusts by reason of anything done or omitted pursuant to the advice of such investment counsel or by reason of not following such advice, if the Trustee deems it preferable not to do so.

(o) Any Trustee may, from time to time, delegate to any other Trustee by written instrument, any or all of such Trustee's powers. Such delegation may be temporary or permanent, and if temporary, may be for any duration of time or until any event specified by the delegating Trustee. Any person dealing in good faith with any Trustee may rely without inquiry upon the Trustee's certificate with respect to any delegation.

10. TRANSACTIONS WITH THIRD PARTIES. No person, firm, or corporation dealing with the Trustee with reference to any property constituting the trust estate shall be required to ascertain the authority of the Trustee to create any security interest in or to make any sale, transfer, pledge, assignment, or other transfer or disposal of or transactions concerning the trust estate, nor shall any such persons, firms or corporations be permitted or required to inquire into the expediency, propriety, validity, or necessity of any sale made by the Trustee, nor shall they be in any way responsible for the proper use or application of funds paid by any of them to the Trustee under the terms of this trust. Such persons, firms or corporations so dealing with the Trustee shall be entitled to rely upon the delivery, transfer, assignment or other instrument or act so disposing of or pledging

or creating the security interest in such property by the Trustee as having been duly authorized in all particulars; and the receipt of the Trustee for any payment made by it for any assets added under this Agreement shall be a complete discharge and acquittance to the extent specified in such receipt.

11. COMPENSATION OF TRUSTEE. The Trustee shall be entitled to receive a fair and just compensation for his services and shall be reimbursed for all reasonable expenses incurred in the management and protection of the trust estate.

12. RESIGNATION AND DESIGNATION OF SUCCESSOR TRUSTEES. In the event the Trustee resigns or otherwise ceases to act, the Grantor hereby appoints his nephew, CARL DARRIGO, to act as the First Alternate Successor Trustee. In the event that CARL DARRIGO fails to qualify or ceases to act, the Grantor appoints his nephew, JAMES J. RUSSO, to act as the Second Alternate Successor Trustee. In the event JAMES J. RUSSO fails to qualify or ceases to act, the Grantor hereby appoints his nephew, DANIEL DARRIGO, to act as the Third Alternate Successor Trustee. The Trustees named herein shall have the right to resign at any time, without the approval of any court by written instrument. The Grantor and the Successor Trustees named herein reserve the right to designate any individual, bank or trust company to act as a Co-Trustee or as a Successor Trustee of the Trustee. Any Co-Trustee or successor Trustee may, without liability, accept said designation without examination or review of the accounts rendered and the property delivered by a predecessor Trustee. Each successor Trustee shall have the same title, powers and duties as the Trustee named herein.

13. EXCULPATION. The Trustee shall not be liable to any beneficiary or to the Grantor, or to the heirs of either, or to any creditor of the trust or trust estate,

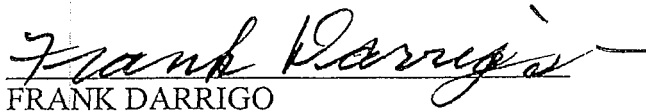
for the Trustee's acts or failure to act, except for willful misconduct or gross negligence. Every action taken by the Trustee shall be deemed to have been made with reasonable care and diligence, unless the contrary is proved by affirmative evidence. No Trustee shall be liable or responsible for any act, omission or default of any other Trustee.

14. ACCOUNTING AND BOND. The Trustee shall not be required to qualify in, make reports or accounting to, or obtain authority for or approval or confirmation of the exercise of any power from, any court or regulatory body. Further, the Trustee shall not be required to give security or bond for the faithful performance of his duties.

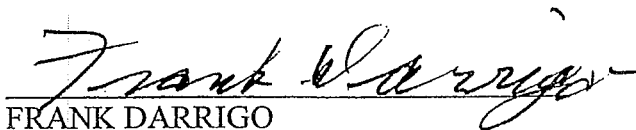
15. CONSTRUCTION AND GOVERNING LAW. The Grantor declares that this Agreement shall be construed under and regulated by the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

GRANTOR:


FRANK DARRIGO

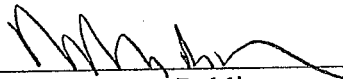
TRUSTEE:


FRANK DARRIGO

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

On the 30th day of March in the year 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Frank Darrigo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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



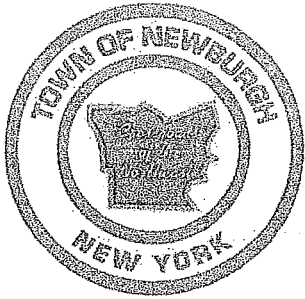
Notary Public

SCHEDULE A

THE FRANK DARRIGO REVOCABLE TRUST

Property located in the Town of Newburgh, County of Orange and State of New York

known as Section 86 Block 1 Lot 60.42



TOWN OF NEWBURGH

~Crossroads of the Northeast~

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

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

2638-17

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/04/2017

Application No. 17-0702

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

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

ZONE: R1

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

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


Gerald Canfield

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: Frank Darrigo Building Application # 17-0702

ADDRESS: 84 Lakeside Rd. Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: Solar Farm

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

TOWN WATER: YES / NO

TOWN SEWER: YES / NO

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

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

ACCESSORY STRUCTURE:

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

NOTES:

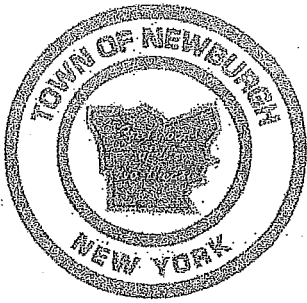
Solar Farms not permitted in an R-1 zone

VARIANCE(S) REQUIRED:

- 1 185-83 Solar farms shall be permitted in the I district.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Gerald Canfield

DATE: 4-Aug-17



TOWN OF NEWBURGH

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

