

# Rehearings



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 JARRISO 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  
\*If more than one parcel, please include sum of all parcels.

Current Zoning District (include any overlays): R-1

Reason for County Review: Within 500 FT 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)

Special Use Permit Number of lots proposed: \_\_\_\_\_

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

Variance AREA / USE (circle one) Rehearing of Use Variance

Other 185-83 must be in "I" zone

Is this an update to a previously submitted referral? YES / NO (circle one) Not Permitted in Residential Zone

Local board comments or elaboration:

[Signature] 5/9/18 Chairperson,  
Signature of local official Date 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](mailto:planning@orangecountygov.com)



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

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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
*If more than one parcel, please include sum of all parcels.	
Current Zoning District (include any overlays):	R-1

Reason for County Review: Within SDOT 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

Subdivision

Special Use Permit

Lot Line Change

Variance

Other

Sq. feet proposed (non-residential only): \_\_\_\_\_

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)

AREA / USE (circle one) 185-83 SOLAR FARMS PERM. HED. DISTRICT  
IN THE INDUSTRIAL DISTRICT

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

Local board comments or elaboration:

Signature of local official: [Signature] Date: 1/11/18 Chairperson Title: Zoning Board of Appeals

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](mailto: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: 7 MAY 2018

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

DANIEL PARRICO AS TRUSTEE OF THE FRANK

I (WE) PARRICO REVOCABLE TRUST (OWNER) PRESENTLY

RESIDING AT NUMBER 86 LAKESIDE ROAD, NEWBURGH, NY

TELEPHONE NUMBER 845.566.0252 (HOME)  
845.564.1733 (WORK)

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

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

1. LOCATION OF THE PROPERTY:

86-1-96 (TAX MAP DESIGNATION)

84 LAKESIDE ROAD (STREET ADDRESS)

R-1 (ZONING DISTRICT)

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

185-83



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

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

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:  
THE PROPERTY IS ENCUMBERED BY AN  
INACTIVE HAZARDOUS WASTE DISPOSAL SITE  
THAT RESTRICTS USE UNDER THE EXISTING ZONING.  
(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 WHEN ANALYZING POTENTIAL ALTERNATIVE USES.  
(SEE ATTACHED ADDENDUM.)
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
THE PROPOSED USE VARIANCE MAINTAINS  
THE EXISTING CHARACTER MORE SO THAN  
DEVELOPING THE SITE UNDER CURRENT ZONING.

Addendum to Question 5a.

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

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

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

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED: NOT APPLICABLE

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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308 GARDNERTOWN ROAD  
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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 Lease*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17<sup>th</sup> DAY OF May 2018

*[Signature]*  
NOTARY PUBLIC

TRAMAINA 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 Paragraph 7.

ADDITIONAL REASONS (IF PERTINENT):

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

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

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

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

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





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

DANIAL 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, NEW YORK 12550

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

DATED: 5/2/18 \_\_\_\_\_  
*Jeffrey Lease*

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 7<sup>th</sup> DAY OF May 2018

\_\_\_\_\_  
*[Signature]*  
NOTARY PUBLIC

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

DANIAL 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, NEW YORK 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED GREG LANGER

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/7/18 \_\_\_\_\_  
*Greg Langer*

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7<sup>th</sup> DAY OF May 2018

*Tramaine A Young Minor*  
\_\_\_\_\_  
NOTARY PUBLIC

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

# Short Environmental Assessment Form

## Part I - Project Information

### Instructions for Completing

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

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

<b>Part I - Project and Sponsor Information</b>							
Name of Action or Project: <b>DARRIGO SOLAR FARM</b>							
Project Location (describe, and attach a location map): <b>84 LAKESIDE ROAD, NEWBURGH, NY 12550</b>							
Brief Description of Proposed Action: <b>A SOLAR FARM ON 40 ACRES PORTION OF THE EXISTING DARRIGO BROTHERS FARM.</b>							
Name of Applicant or Sponsor: <b>JEFFREY LEASE</b>		Telephone: <b>845.542.0345</b>	E-Mail: <b>jefflease@johnjleasercollectors.com</b>				
Address: <b>5020 ROUTE 9W, NEWBURGH, NY 12550</b>							
City/PO: <b>NEWBURGH</b>		State: <b>NY</b>	Zip Code: <b>12550</b>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1"> <tr> <td>NO</td> <td>YES</td> </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?		<b>40</b> acres					
b. Total acreage to be physically disturbed?		<b>20</b> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<b>600</b> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		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 APPENDUM 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?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<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		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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				

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.

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<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? If Yes, describe: <u>THE PROPERTY IS ENCLUMBERED BY AN INACTIVE HAZARDOUS WASTE SITE THAT REQUIRES MONITORING OF TEST WELLS.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" 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? If Yes, describe: <u>FROM 1999 TO THE PRESENT, REMEDIATION AND TESTING WAS PERFORMED ON THE SITE WITH A PROGRAM OF ONGOING TESTING.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>JEFFREY LEASE</u>	Date: <u>7 MAY 2018</u>	
Signature: <u>Jeffrey Lease</u>		

Agency Use Only [If applicable]

Project:	
Date:	

*Short Environmental Assessment Form  
Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<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**

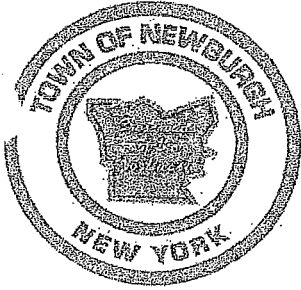
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify 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 COMFORTS AND EXCEEDS EXISTING ZONING SETBACKS FOR SOLAR FARMS AS WRITTEN IN CURRENT TOWN OF NEWBURGH ZONING. THIS PROPOSED USE WILL ALLOW THE SITE TO FUNCTION AS A BUFFER BETWEEN EXISTING RESIDENTIAL USES AND INTERSTATE 84 AND STEWART AIRPORT. THE PROPOSAL WILL USE EXISTING FIELDS AND MAINTAIN A GREEN SWARD THE PARRICO FARM HAS BEEN SINCE 1931.

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





**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  
Residential 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

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

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

SECTION 86 BLOCK 1 LOT 60.42



RECORD AND RETURN TO: (name and address)

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

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED / MORTGAGE / SATISFACTION / ASSIGNMENT / OTHER

PROPERTY LOCATION

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

NOPAGES 5 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK [checked]
CASH
CHARGE
NO FEE

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

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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: C. Darrigo P.C.
LIBER 5519 PAGE 246

Handwritten notes: 5/19/18, [Signature]

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 5/19/01 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Handwritten signature: Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY 4/19/12

LIBER 5519 PAGE 246

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

FEES 50.00 EDUCATION FUND 5.00
SERIAL NUMBER: 009148
OFFD CNTL NO 56264 RE TAX .00

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

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

BETWEEN

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

party of the first part, and

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

party of the second part,

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

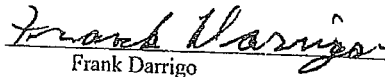
ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

  
Frank Darrigo

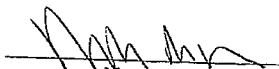
LIBER 5519 PAGE 247

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

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

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

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

  
Notary Public

**LIBER 5519 PAGE 248**

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

SCHEDULE A

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

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

CONTAINING about one hundred ten (110) acres.

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

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

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

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

CONTINUED

PAGE 2

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

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

Subject to the following:

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

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

LIBER 5519 PAGE 250

THE FRANK DARRIGO REVOCABLE TRUST

COPY

TRUST AGREEMENT made this 30<sup>th</sup> 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,

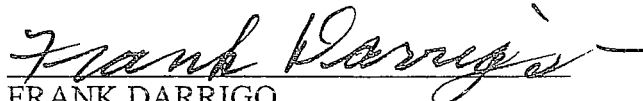
for the Trustee's acts or failure to act, except for willful misconduct or gross negligence. Every action taken by the Trustee shall be deemed to have been made with reasonable care and diligence, unless the contrary is proved by affirmative evidence. No Trustee shall be liable or responsible for any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

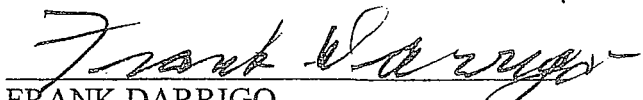
15. CONSTRUCTION AND GOVERNING LAW. The Grantor declares that this Agreement shall be construed under and regulated by the laws of the State of New York.

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

GRANTOR:

  
FRANK DARRIGO

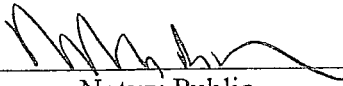
TRUSTEE:

  
FRANK DARRIGO

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

On the 30<sup>th</sup> 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**

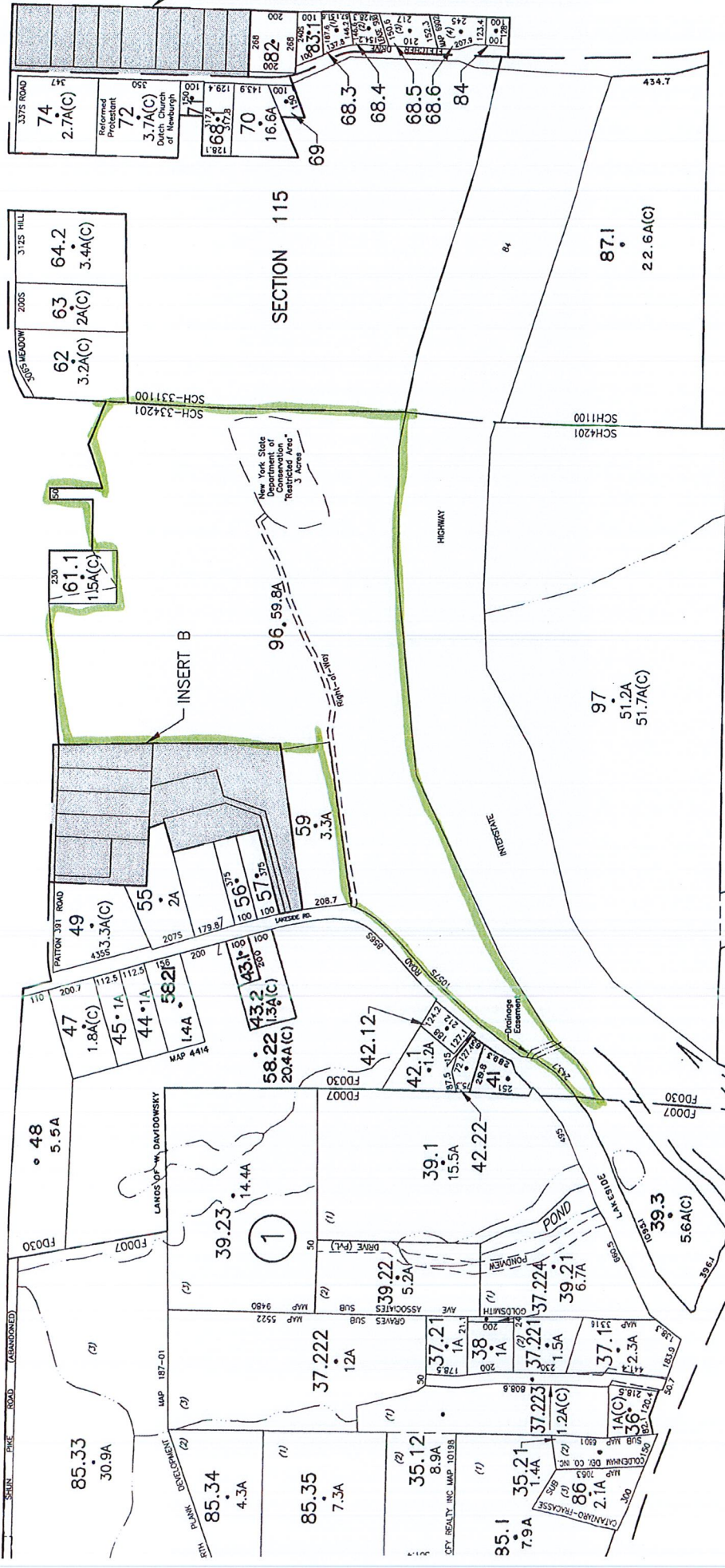
Property located in the Town of Newburgh, County of Orange and State of New York

known as Section 86 Block 1 Lot 60.42

SECTION 102

SECTION 102

SECTION 102



**FRANK D'ARRIGO REVOCABLE TRUST**  
**84 LAKESIDE RD**  
**(86-1-96)**

SECTIK

E 603,000

1" = N 977,500

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