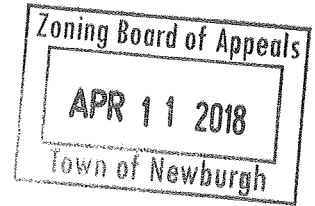


JEFFREY LEASE

597 Grand Avenue
Newburgh, New York 12550



April 11, 2018

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

RE: Use Variance Request
F&T Darrigo Site - 84 Lakeside Road (SBL: 86-1-96)
Orange County, Newburgh, New York 12550

Dear Mr. Scalzo,

On March 22, 2018, the Town of Newburgh Zoning Board of Appeals denied my request for a Use Variance relating to the above premises. I submit that the Board based its Decision upon a mistake of fact and now write to respectfully request that the Board reconsider the application pursuant to Section 267-a(12) of the Town Law, based upon the information set forth in the enclosed Affidavits.

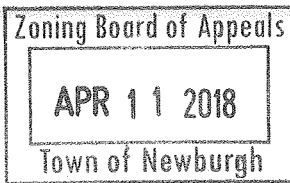
Thank you for your continuing consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Lease".

Jeffrey Lease

cc: Frank Darrigo Irrevocable Trust
c/o Daniel Darrigo
84 Lakeside Road
Newburgh, New York 12550




write a proposed amendment to the existing Zoning Ordinance which would permit the construction of a Solar Farm at the subject site.

- c. Thereafter, I attended a “Workshop Meeting” at the Town Hall in July of 2017. During the course of my presentation at that workshop meeting, I was stopped by Scott Manley who explained that the Members of the Town Council had decided that it would be best if I went to the Zoning Board of Appeals with my Application instead of seeking a change in the Zoning. I was led to believe that the reason for this request was that there was pending litigation against the Town which could be complicated by my Application to the Town Council.
- d. Although I was severely disappointed that all of my preparation and work had been ineffective, I obviously wished to comply with the suggestions of the Council Members and proceeded to submit my Application to the Zoning Board of Appeals instead.
- e. I knew a Use Variance was going to cost time and money, but I wanted to proceed in good faith based upon guidance from the Council.
- f. At the January meeting of the Zoning Board of Appeals, Mr. Scott Manley indicated that “I never got back to the Board” (Town Council) following the meeting in July of 2017, where I discussed a proposed change in the code. (See page “12” of the Minutes of the January 25, 2018, Zoning Board of Appeals Minutes on this Application).
- g. Following the denial of my Application, I spoke to Scott Manley regarding the Council’s July 2017 Workshop Meeting and he confirmed that the “Minutes of the


Council's July, 2017, meeting are correct to the extent that the Members directed me to submit an Application to the Zoning Board of Appeals.

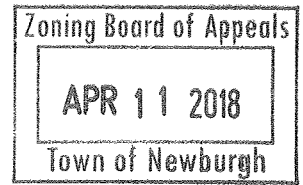
- 5.) Based upon the aforesaid apparent miscommunications / misunderstandings, I respectfully submit that this Board's Decision denying my request for a Use Variance at the March 23, 2018, Zoning Board of Appeals meeting warrants reconsideration by this Board in its sound discretion.

Dated: April 11, 2018
Newburgh, New York


Jeffrey Lease

Sworn to before me this 11th
day of April, 2018.


Notary Public
JENNIFER PRZYKUTA
NOTARY PUBLIC - STATE OF NY
Qualified in Orange County
#01PR6283698
My Commission Expires June 3, 2021

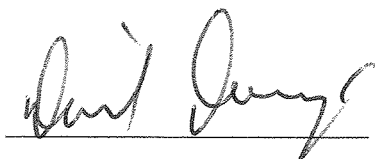


STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

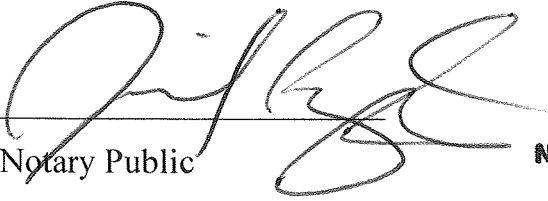
DANIEL DARRIGO, being duly sworn, deposes and says:

- 1.) That I am the representative of the Frank Darrigo Revocable Trust.
- 2.) I have read the attached Affidavit of Jeffrey Lease in which he seeks a reconsideration by this Board of its denial of a Use Variance for the premises owned by the Trust located at 84 Lakeside Road, Newburgh, New York 12550 (SBL: 86-1-96).
- 3.) I was present at the Town Council Workshop Meeting with Jeffrey Lease in July 2017.
- 4.) I recall the conversations between Jeffrey Lease and Scott Manley as well as others relating to the direction of the Council that the Application for use of the property as a Solar Farm be directed to the Zoning Board of Appeals instead of the Council.
- 5.) I also agree with and confirm all of the statements set forth by Jeffrey Lease in his Affidavit in this regard.
- 6.) I respectfully request that this Board reconsider the Application in the interests of justice.

Dated: April 11th, 2018
Newburgh, New York


Daniel Darrigo

Sworn to before me this 11
day of April, 2018.


Notary Public

JENNIFER PRZYKUTA
NOTARY PUBLIC - STATE OF NY
Qualified in Orange County
#01PR6283698
My Commission Expires June 3, 2021

New York Consolidated Laws, Town Law - TWN § 267-a.

Board of appeals procedure

12. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.