



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802



## APPLICATION

DATED: January 8, 2025

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

I (WE) Gardner Ridge Associates LLC PRESENTLY  
RESIDING AT NUMBER 134 Fairview Road, Rockaway, NJ 07866  
TELEPHONE NUMBER 845-600-4455 Ext 102

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

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

1. LOCATION OF THE PROPERTY:

Section 75 Block 1 Lot 4.12 (TAX MAP DESIGNATION)

Gardnertown Rd (by Gidney Ave) (STREET ADDRESS)

R-3 Residence District (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

(1) Minimum Front Yard (Ch. 185, Attach. 9 (Table of Use and Bulk Requirements R-3 Dist -- Schedule 5)

(2) Accessory Structure in Front Yard (185-15(B))

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:  
Not applicable.
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:  
See Planning Board Resolution granting Conditional Site Plan Approval, Project #2002-29

4. DESCRIPTION OF VARIANCE SOUGHT: \_\_\_\_\_

- (1) Reduce minimum front yard from 50' to 33.9' for a gazebo/bus stop accessory structure (a structure requested by a member(s) of the Planning Board)
- (2) Permit gazebo/bus stop accessory structure in required front yard.

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:  
Not applicable.

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

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

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
Not applicable.

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

The variance sought is for a small accessory structure that is residential in character. The primary structure(s) on this property maintain a 185-foot setback, well beyond the R-3 District's minimum front yard requirements.

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

The School District will not permit its buses to enter the project site. Therefore, for the gazebo/bus stop structure must be located in close proximity to Gardnertown Road.

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

Substantiality must be viewed in the totality of the circumstances. Here, the variance is sought to permit a small accessory structure that is proposed at the request of the Town Planning Board. This structure is residential in character, and will not have a detrimental impact on the neighborhood or the environment.

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

The project will comply with all other R-3 District bulk requirements, and will not impact any environmentally sensitive areas.

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

The proposed bus stop has been added to the Project at the request of the Planning Board. Even if this were self-created, such a finding would not preclude the ZBA's approval of the requested variance.

7. ADDITIONAL REASONS (IF PERTINENT):

See attached letter from Zarin & Steinmetz LLP

6. IF AN AREA VARIANCE IS REQUESTED:

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

The variance sought is for a small accessory structure that is residential in character. The primary structure(s) on this property maintain a 185-foot setback, well beyond the R-3 District's minimum front yard requirements.

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

The School District will not permit its buses to enter the project site. Therefore, for the gazebo/bus stop structure must be located in close proximity to Gardnertown Road.

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

Substantiality must be viewed in the totality of the circumstances. Here, the variance is sought to permit a small accessory structure that is proposed at the request of the Town Planning Board. This structure is residential in character, and will not have a detrimental impact on the neighborhood or the environment.

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

The project will comply with all other R-3 District bulk requirements, and will not impact any environmentally sensitive areas.

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

The proposed bus stop has been added to the Project at the request of the Planning Board. Even if this were self-created, such a finding would not preclude the ZBA's approval of the requested variance.

7. ADDITIONAL REASONS (IF PERTINENT):

See attached letter from Zarin & Steinmetz LLP



TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Joseph Millstein, Managing Member of  
Gardner Ridge Associates LLC \_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 58 Cobble St., Clifton, NJ 07013

IN THE COUNTY OF Passaic AND STATE OF New Jersey

Gardner Ridge Associates LLC  
AND THAT ~~HE/SHE~~ IS THE OWNER IN FEE OF the property located at

Gardnertown Road and identified on the Tax Map as Section 75 Block 1 Lot 4.12

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Zarin & Steinmetz LLP, Darren Doce,  
and Thomas B. Olley P.E., PLLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: December 23, 2024 \_\_\_\_\_ Joseph Millstein

OWNER'S SIGNATURE

Elizabeth M. Baker

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23<sup>rd</sup> DAY OF December 2024

Tricia L. Coulard  
NOTARY PUBLIC

Tricia L. Coulard  
Notary Public, State of New York  
No. 01CO6053033  
Qualified in Orange County  
Commission Expires 9/17/27

ENCLOSURES: **SUBMIT ALL ITEMS TOGETHER**

# 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.

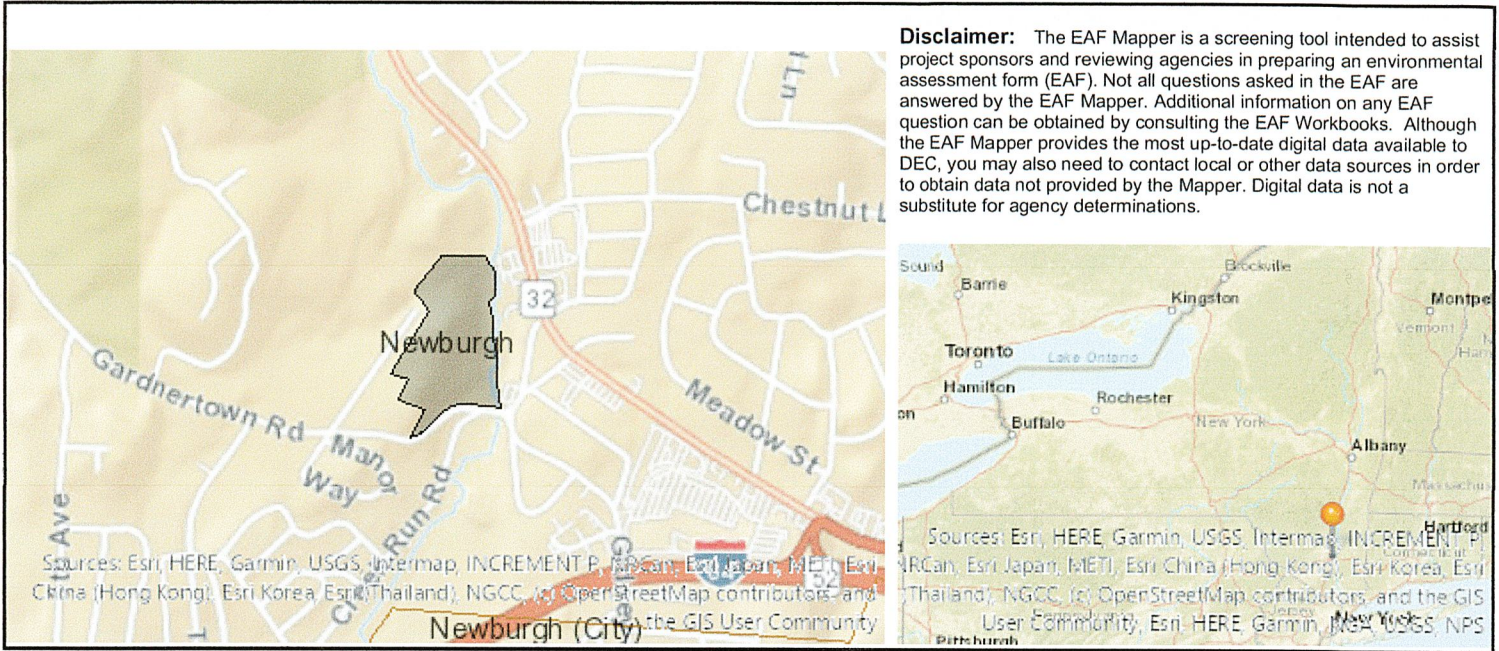
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Site Plan - Gardner Ridge Apartments			
Project Location (describe, and attach a location map): Gardnertown Road, Town of Newburgh, Orange County, NY			
Brief Description of Proposed Action: A proposed 10' diameter gazebo (bus shelter) located in the front yard as an accessory use to a 144-unit apartment project.			
Name of Applicant or Sponsor: Gardner Ridge Associates LLC		Telephone: 973 634-0820 E-Mail: emjm64@gmail.com	
Address: 134 Fairview Road			
City/PO: Rockaway		State: NJ	Zip Code: 07866
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: The project has Town of Newburgh Conditional Final Site Plan approval, OCDOH approval and ACOE approval			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		23.4 acres	
b. Total acreage to be physically disturbed?		12.54 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		23.4 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? 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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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: _____ _____	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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<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: _____ The 144 unit apartment project has been reviewed and approved by the ACOE. The approved apartment project will have a ACOE wetland disturbance of less than 0.1 acres. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" 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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ On-site storm water management basins _____	NO	YES
	<input type="checkbox"/>	<input checked="" 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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____  An adjacent site (the previous Shop Rite Paza located on North Plank Road)- NYSDEC ID No. V00118) was subject to remediation. The remediation is complete.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Darren C. Doce (applicant's representative)</u> Date: <u>1/08/2025</u> Signature: <u><i>Darren C. Doce</i></u> Title: <u>PE</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

GARDNERTOWN ASSOCIATES, a New York partnership

TO

GARDNER RIDGE ASSOCIATES, LLC

SECTION 75 BLOCK 1 LOT 4.12

LT. 38333

RECORD AND RETURN TO:

(Name and Address)

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF

EACH RECORDED INSTRUMENT ONLY

MELISSA NIGLIO GELADE, ESQ.

STERN, KILCULLEN, LLC

75 LIVINGSTON AVENUE

ROSELAND, NJ 07068

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)
2800 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)
3889 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)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALKKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5800 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

- 0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO. PAGES 4 CROSS REF
CERT. COPY ADDL X-REF
MAP # PGS.
PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE
CONSIDERATION \$ 1,169,456-
TAX EXEMPT

MORTGAGE AMT \$
DATE

MORTGAGE TAX TYPE:

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

Donna L. Benson signature

DONNA L. BENSON
Orange County Clerk

RECEIVED FROM:

River City signature

STATE OF NEW YORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, 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 4/18/2007 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 09/17/2024.

Kelly A. Eskew signature

County Clerk & Clerk of the Supreme County Courts
Orange County

RECORDED/FILED
04/18/2007/ 08:33:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20070042046
DEED C / BK 12417 PG 0266
RECORDING FEES 207.00
TTX# 007565 T TAX 4,678.00
Receipt#722193 dab



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made the 12<sup>TH</sup> day of March, 2007

**BETWEEN GARDNERTOWN ASSOCIATES**, a New York partnership, c/o John J. Lease Realtors, 5020 Rt 9W, Newburgh, New York 12550, party of the first part,

and **GARDNER RIDGE ASSOCIATES, LLC** of 134 Fairview Road, Rockaway, New Jersey 07866, party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, 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 the buildings and improvements thereon erected, situate, lying and being in the Town of NEWBURGH, County of ORANGE, State of New York more particularly described in Schedule A attached hereto; This conveyance is made during the regular course of business of the grantor partnership and does not constitute all or substantially all the assets of the partnership;

**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 and will apply the same first to the payment of 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 the day and year first above written.

Gardnertown Associates

  
JOHN J. MCDERMOTT, III, Partner

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

On the 12<sup>th</sup> day of March, 2007, before me, the undersigned, personally appeared JOHN J. MCDERMOTT, III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

KRISTINA M. DeBERARDINIS  
NOTARY PUBLIC, State of New York  
No. 5010397  
Qualified in Dutchess County  
Commission Expires March 29, 2011

TITLE NO. RCA-LT-38333

REVISED SCHEDULE A

**ALL** that certain lot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York and being more accurately bounded and described as follows:

**BEGINNING** at a point in the approximate centerline of Gardnertown Road marking the southeasterly corner of the herein described parcel and being on the extension of the westerly line of lands now or formerly of 633 Gidney Avenue LLC (TM #75-1-5); thence from said point or beginning and along the approximate centerline of Gardnertown Road on the following four courses and distances; North 81° 03' 51" West 263.36 feet to a point of curvature; thence on a curve to the left having a radius of 277.05 feet an arc distance of 257.81 feet to a point of tangency as defined by the chord South 72° 16' 40" West 248.60 feet; thence South 45° 37' 11" West 225.25 feet to a point of curvature; thence on a curve to the right having a radius of 225.00 feet an arc distance of 159.00 feet to the extension of the southeasterly line of lands now or formerly of Flanagan (TM #75-1-4.2) as defined by the chord South 65° 51' 54" West 155.71 feet; thence leaving Gardnertown Road and passing along the easterly line of the lands of Flanagan North 26° 30' 43" East 302.88 feet to an iron pipe found; thence along the northerly line of the lands of Flanagan North 69° 56' 12" West 249.73 feet to a point in the easterly line of the lands of now or formerly of Nolan (TM #75-1-3); thence along a portion of the easterly line of said lands North 26° 06' 13" East 205.05 feet; thence along a portion of the easterly line of said lands North 26° 06' 13" East 205.50 feet; thence along the northerly line of said lands following along a stone wall on the following two courses or distances; North 76° 30' 47" West 100.30 feet to an X-cut on a stone; thence North 72° 23' 47" West 65.20 feet to a stone wall intersection in the southeasterly line of the lands now or formerly of Smith (TM #74-3-15); thence along the easterly line of the lands of Smith continuing along the easterly line of the lands of Bruno (TM #74-3-14) and a portion of the easterly line of lands now or formerly of Copping (TM #74-3-13) and following along a stone wall North 30° 53' 54" East 444.30 feet; thence continuing along the easterly line of the lands of Copping and along the easterly line of lands of now or formerly Mahlenbrei and Deberry (TM #74-3-12) and continuing along a stone wall North 32° 00' 59" East 207.13 feet to a corner in the stone wall; thence along the northerly line of said lands and continuing along said stone wall and continuing along the lands of now or formerly of R. Lease Trust (TM #74-3-11) North 37° 34' 19" West 231.30 feet to a point on the easterly line of lands of the Town of Newburgh (TM #75-1-2); thence along a portion of the easterly line of lands of the Town of Newburgh North 37° 53' 45" East 397.54 feet to the southwesterly corner of the lands of now or formerly W.P.A. Acquisition Corp. (TM #75-1-29.1); thence along the southerly line of said lands north 89° 18' 17" East 395.27 feet; thence continuing along said lands and along a portion of the westerly line of lands now or formerly of Cirignano Limited Partnership #3 (TM #75-1-30) South 30° 07' 14" East 160.70 feet to a point in the approximate centerline of Gidneytown Creek, said point also being in the lands now or formerly of the Town of Newburgh (TM #75-1-6); thence along the westerly line of the lands of the Town of Newburgh following along the approximate centerline of Gidneytown Creek on the following five courses and distances: South 04° 52' 03" East 192.34 feet; thence South 38° 54' 08" West 91.55 feet; thence South 13° 50' 55" East 234.16 feet; thence South 08° 42' 45" West 143.00 feet; thence South 15° 38' 15" East 178.79 feet; thence continuing along the westerly line of the lands of the Town of Newburgh and a portion of the westerly line of lands now or formerly 633 Gidney Avenue LLC (TM

TITLE NO. RCA-LT-38333

REVISED SCHEDULE A

Page 2

#75-1-5) South 06° 07' 10" West 161.86 feet; thence continuing along the westerly line of the lands of 633 Gidney Avenue LLC on the remaining two courses and distances: South 08° 37' 49" East 249.40 feet and South 15° 01' 47" West 38.08 feet to the point or place of **BEGINNING**.

**TOGETHER WITH** an easement but subject to the terms as contained therein pursuant to a certain Easement Agreement between WPA Acquisition Corp. and Gardnertown Associates and Gardner Ridge Associates, LLC, dated 6/14/05 and recorded 9/20/05 in Liber 11944 cp 622.

For conveyancing only,  
to be conveyed

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

Certificate and Report of Title - New York  
FORM 2215-5

James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley\*\*  
Aaron C. Fitch

Sarah N. Wilson  
Michael J. Barfield \*\*  
Adam M. Tack  
Ivan M. Bonet

Jennifer L. Schneider  
*Managing Attorney*

\*L.L.M. in Taxation

\*\*Member NY & NJ Bar

September 23, 2024

BY EMAIL ONLY

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

Re: Gardner Ridge// ZBA referral  
Planning Board Project No. 2002-29

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's September 19, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variance required for the proposed bus stop gazebo, which would be an accessory building located in a front yard, which is prohibited under Zoning Code § 185-15 (Accessory Buildings).

The project consists of a 108-unit market rate and 36-unit senior housing apartments within six structures on the property with access to Gardnertown Road. The project has received a SEQRA negative declaration from the Planning Board, as well as both preliminary and conditional final site plan approval. The bus stop gazebo was a late addition to the plans.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

January 8, 2025

Hon. Darrin J. Scalzo  
Chairman of the Town of Newburgh Zoning Board of Appeals  
and Members of the Board  
21 Hudson Balley Professional Plaza  
Newburgh, New York 12550

***Re: Gardner Ridge Associates LLC  
Gardertown Rd (Rt 32) (SBL75-1-4.12)***

Dear Chairman Scalzo and Members of the ZBA:

This firm represents Gardner Ridge Associates LLC, the Applicant in the enclosed area variance application in connection with the above-referenced Property. On September 5, 2024, the Planning Board granted the Applicant Conditional Final Site Plan Approval for the construction of a multi-family development on the Property. As a condition of approval, the Applicant is required to obtain ZBA approval for a proposed school bus shelter that must be located within the required front yard. This application seeks to satisfy that condition.

This variance is requested in connection with the proposed 144-unit multifamily development with access to and from Gardnertown Road, consisting of 108 market-rate units and 36 senior housing units (the "Project"). The Project was previously before the Town Planning Board who granted Conditional Final Site Plan Approval on September 5, 2024. Prior to granting its approval, the Planning Board requested that the Applicant provide a bus shelter along Gardnertown Road.

By adding the bus shelter, the Applicant now requires an area variance from (i) the R-3 Resident District's 50-foot front yard setback requirement as set forth in Town Code Chapter 185 Attachment 9 (Table of Use and Bulk Requirements R-3 District - Schedule 5), and (ii) Town Code Section 185-15(B)'s prohibition against locating accessory buildings in the required front yard, to permit the structure to be located 33.9 feet from the Property's southerly boundary abutting Gardnertown Road. The Property is located in the City of Newburgh School District who has confirmed that school buses for the District will *not* access the proposed development. Because buses will not access the site, and in response to requests by Members of the Planning Board, the Applicant has added a gazebo/bus shelter near the development entrance and Gardnertown Road.

We respectfully submit that the requested area variances easily pass the applicable analysis. As your Board is aware, in considering area variance request, the Town of Newburgh Code requires your Board to "take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or



community by such grant.” (See N.Y. Town Law 267-b(3)(b)). In making this determination, your Board is required to consider the following factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(See N.Y. N.Y. Town Law 267-b(3)(b)).

As discussed in detail below, the Applicant respectfully submits that the benefit of granting the requested variance far outweighs the detriment, if any, to the health, safety and welfare of the neighborhood or community by such grant. As such, we respectfully request that the ZBA grant the proposed application.

### **No Undesirable Change In Neighborhood Character**

First, there is no reasonable argument that the variance would produce an undesirable change in the character of the neighborhood. See, e.g., *Quintana v. B.Z.A. of Muttontown*, 120 A.D.3d 1248, 992 N.Y.S.2d 332, 334 (2d Dept. 2014) (affirming annulment of ZBA denial of area variances because “although there was some support in the record for the conclusions of the [subject ZBA] that the petitioners’ difficulty was self-created, and that the requested lot-depth variance was substantial, there was no evidence that granting the variance would produce an undesirable change in the character of the neighborhood, adversely impact on physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community”); *Schumacher v. Town of East Hampton Z.B.A.*, 46 A.D.3d 691, 849 N.Y.S.2d 72, 74–75 (2d Dept. 2007) (holding that ZBA “improperly succumbed to community pressure” in denying area variances “since there was no evidence that granting the proposed variances would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community”); *Filipowski, v. Z.B.A. of Greenwood Lake*, 38 A.D.3d 545, 547, 832 N.Y.S.2d 578, 581 (2d Dept. 2007) (holding that denial of variance was arbitrary and capricious because “although the evidence established that the variance sought was substantial, there was little, if any, evidence presented to demonstrate that granting the variance would have

an undesirable effect on the character of the neighborhood, adversely impact on physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.”).

Here, the variance is requested in connection with a proposed bus shelter for an approved multifamily development in the Town’s R-3 Residential District.<sup>1</sup> The multifamily development use is permitted as-of-right in the R-3 Residential District.<sup>2</sup> The Town Planning Board has already adopted a Negative Declaration under SEQRA in which the “Planning Board found that the Project is acceptable and in harmony with the surrounding land uses in the R-3 Residential Zone.”<sup>3</sup> For the bus stop to provide proper shelter and best function with the School bus routes, the structure must be located in the required front yard of the Property and in close proximity to Gardnertown Road.

Such a use is a typical accessory use to a multifamily development and will not result in an undesirable change in the neighborhood character.

**No Reasonable Alternative to Requested Variances**

Second, the Applicant has no viable alternative and, in the absence of this variance, a bus shelter would need to be constructed more than 50 feet from Gardnertown Road, which cannot be effectively used to serve its purpose. *See Krueger v. Z.B.A. of Niskayuna*, 48 A.D.2d 734, 735, 368 N.Y.S.2d 63 (3d Dep’t 1975) (holding that denial of variance for construction of a home where owners, who owned a vacant lot 150 feet deep and 87 feet wide in a district where minimum lot size was 100 feet in width and 150 feet in depth and had sold an adjoining lot on which their home was constructed, was improper, because such denial operated to effectively deprive owners of use of their land); *see also Khan v. Z.B.A. of Irvington*, 87 N.Y.2d 344, 350, 639 N.Y.S.2d 302 (1996) (where a municipality does not exempt existing owners of substandard lots from changes in a new zoning ordinance and a variance is not granted, “an owner who perceives himself or herself aggrieved can bring a judicial proceeding alleging an unconstitutional taking or some governmental arbitrariness in the denial of a variance”).

The bus shelter will benefit the residents of the development by providing a safe location for school children to congregate while waiting for their bus to arrive. Further, by granting the variance to permit the proposed bus shelter in the 50-foot front yard setback, the community will benefit from the reduced loading time during pickup, which requires vehicles to stop in both directions. If the bus shelter is constructed in accordance with the Town Code, vehicles traversing

---

<sup>1</sup> The Town of Newburgh Planning Board granted conditional Final Site Plan approval at the September 5, 2024 Planning Board meeting.

<sup>2</sup> See Town of Newburgh Code Ch. 185 Attachment 9 (Table of Use and Bulk Requirements - R-3 District -- Schedule 5).

<sup>3</sup> See Negative Declaration in PB #2002-29, dated Dec. 21, 2023, attached as **Schedule “A”**.

Gardnertown Road would be forced to wait until all school children walk more than 50 feet and fully load the school bus, resulting in greater traffic delays. In addition, to require compliance with Town Code Section 185-15(B), which permits accessory structures in only the side and rear yards, would prevent any reasonable location of a bus shelter, which must be located along road frontage. Therefore, to deny the variance would require the bus shelter to be located more than 50 feet from Gardnertown Road, which is not a viable alternative as it would result in adverse impacts to traffic, the District's bus scheduling, as well as the health and safety of the school children who would reside at the proposed development.

Thus, in the absence of the requested variance, a bus shelter could not be reasonably located on the Property.

### **Variances Not Substantial, Particularly When Appropriately Viewed in Context**

Third, even if the variances were deemed substantial, it is settled law that “[s]ubstantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.” *Lodge Hotel, Inc. v. Town of Erwin Z.B.A.*, 21 Misc. 3d 1120(A), 873 N.Y.S.2d 512 (Sup. Ct. Steuben Cnty. 2007), *aff’d*, 43 A.D.3d 1447, 843 N.Y.S.2d 744 (4th Dep’t 2007); *see also Sasso v. Osgood*, 86 N.Y.2d 374, 385, 633 N.Y.S.2d 259, 264–65, (1995) (holding that even where “the variances sought [are] substantial” variances are appropriately granted where “granting the variances would merely permit [a party] to use his property for a permitted use equal to all other neighboring lots”); *Wambold v. Southampton Z.B.A.*, 140 A.D.3d 891, 32 N.Y.S.3d 628, 630 (2d Dep’t 2016) (“While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.”); *Baker v. Brownlie*, 248 A.D.2d 527, 529–30, 670 N.Y.S.2d 216, 218 (2d Dep. 1998) (holding that it was arbitrary and capricious to deny area variances where the resulting project “will not have any appreciable impact on physical or environmental conditions in the area, notwithstanding that a substantial variance may be technically necessary”).

Here, regardless of the substantiality of the requested variance, the requested variance would not have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community, but, rather, again, will permit a bus shelter to be located in the area of the Property most beneficial to the residents of the proposed development and most beneficial to the community by reducing the time the bus will need to be stopped on Gardnertown Road during the school year.

### **No Adverse Environmental Impacts**

Fourth, there can be no reasonable argument that this variance would cause adverse environmental impacts. Courts uniformly reject such speculative and unverified assertions about environmental considerations related to variances. *See, e.g., Quintana*, 120 A.D.3d at 1249, 992 N.Y.S.2d at 334 (affirming annulment of ZBA denial of area variances because, *inter alia*, there was no evidence that variance grant would adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community; *Schumacher*, 46 A.D.3d at 693, 849 N.Y.S.2d at 74-75 (same); *Wambold*, 140 A.D.3d at 893, 32 N.Y.S.3d at 630 (affirming area variances grant because, *inter alia*, there was no evidence that the variance grant would adversely impact physical and environmental conditions).

As confirmed by the Negative Declaration issued by the Planning Board, the Project as a whole, has no potential for adverse environmental impacts. The addition of bus shelter on the 23.4-acre Property will not result in an adverse environmental impact.

#### **Self-Created Hardship Not Determinative**

Fifth, and finally, even if the hardship were self-created, this factor is not dispositive to its analysis, and certainly should not be in this case, where the totality of the circumstances show the merit of the requested variances. *See* N.Y. Town Law § 267-b(3)(b) (“whether the alleged difficulty was self-created . . . shall not necessarily preclude the granting of the area variance.”); *De Sena v. Bd. of Zoning Appeals of Inc. Vill. of Hempstead*, 45 N.Y.2d 105, 408 N.Y.S.2d 14, 15 (1978) (“A finding of self-created hardship normally should not in and of itself justify denial of an application for an area variance”); *Sasso v. Osgood*, 86 N.Y.2d 374, 633 N.Y.S.2d 259, 265 (1995) (holding the granting of an area variance was proper even when a parcel with a substandard lot size was purchased by an applicant who knew variances would be required).

Here, the Planning Board suggested that Project include a bus shelter. As the School District will not access the Project site, there is no other practical location for the bus shelter on the Project site.

[ REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK ]

Accordingly, as discussed above, the Applicant respectfully submits that the benefit of granting the requested variance far outweighs the detriment, if any, to the health, safety and welfare of the neighborhood or community by such grant. As such, we respectfully request that this application be added to the ZBA's January 23, 2025 meeting agenda and that the ZBA grant the proposed application.

Should you have any questions or wish to discuss, please contact our office.

Very truly yours,

ZARIN & STEINMETZ LLP

By:



Daniel M. Richmond  
Brian T. Sinsabaugh

Encls.

cc: Gardner Ridge Associates LLC  
Darren Doce  
Thomas B. Olley, PE, PLLC  
Philip Grealey, Colliers Engineering & Design

## SCHEDULE “A”

**RESOLUTION OF**  
**CONDITIONAL FINAL SITE PLAN APPROVAL**  
**FOR**  
**GARDNER RIDGE**  
*PROJECT # 2002-29*

---

**Nature of Application**

Gardner Ridge Associates, LLC (the "Applicant") proposes a 108-unit market rate and 36-unit senior housing apartment project within six structures on the property with access to Gardnertown Road (the "Project"). The Project will be served by connections to municipal water and sewer services. The Project will include a recreation building, pool, parking areas and stormwater management facilities. Access to the site will be via an entrance and emergency access road from Gardnertown Road.

The Project previously received preliminary site plan approval from the Planning Board on December 21, 2023. The Applicant now requests that the Planning Board grant conditional final site plan approval. The Project will also require Architectural Review Board approval, which as of the time of this resolution has been deferred.

**Property Involved**

The property affected by this resolution is a +/- 23.3 acre parcel shown on the Tax Maps of the Town of Newburgh as parcel 75-1-4.12 located on Gardnertown Road (the "Property").

## Zoning District

The Property affected by this resolution is located in the R-3 (Residence) zoning district of the Town of Newburgh.

## Plans & Materials

The Site Plan materials considered consist of the following:

1. Completed application forms and related materials.
2. A completed long form Environmental Review Form and supplemental materials.
3. Plans prepared for the Project as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Thomas P. Olley, P.E., PLLC	Cover Sheet	August 13, 2024
Thomas P. Olley, P.E., PLLC	Existing Conditions	August 13, 2024
Thomas P. Olley, P.E., PLLC	Overall Site Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Layout & Dimension Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Grading Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Rock Removal Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Utility Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Erosion & Sediment Control Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Road Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Road Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Site Details	August 13, 2024



Thomas P. Olley, P.E., PLLC	Water Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Sanitary Sewer Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Site Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Water Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Sewer Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Drainage Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Erosion Control Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Tree Survey	August 13, 2024
Thomas P. Olley, P.E., PLLC	Emergency Access Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Lighting Plan	August 13, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-1	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-2	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-3	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-4	August 16, 2024
Berg & Moss Architects, P.C.	Exterior Renderings	December 1, 2023
Berg & Moss Architects, P.C.	Exterior Renderings	December 1, 2023
Colliers Engineering & Design	Concept Plan (Layout)	December 1, 2023
Colliers Engineering & Design	Emergency Access Sight Distance Plan	December 1, 2023
Colliers Engineering & Design	Concept Plan (Striping)	December 1, 2023

Colliers Engineering & Design	Concept Plan (Grading)	December 1, 2023
-------------------------------	------------------------	------------------

## **History**

### ***Prior Approvals for the Site***

A variation of this project with access directly to New York State Route 32 has been pending since 2002, with prior public hearings, reviews and approvals issued by the Planning Board. The current version of the project, proposing a mix of market rate and senior housing with access directly to Gardnertown Road, is the subject of this approval.

### ***Public Hearing***

A public hearing on this application was convened and closed on December 21, 2023.

### **SEQRA**

#### **Type of Action:**

This matter constitutes a Type I action under the State Environmental Quality Review Act ("SEQRA").

#### **Lead Agency:**

The Town of Newburgh Planning Board is the lead agency conducting a coordinated review in regard to this action.

#### **Declaration of Significance:**

The Planning Board of the Town of Newburgh, serving as SEQRA Lead Agency in a coordinated review, determined that the Proposed Action is a Type I Action under SEQRA. The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, and concluded that the proposed action will not create any significant adverse environmental impacts and an environmental impact statement will not be prepared. The Planning Board adopted a negative declaration on December 21, 2023.

## **GML 239 Referral**

This application was referred to the Orange County Planning Department for review and report pursuant to New York General Municipal Law §§ 239 l, m, and n. The Planning Department reported that this matter is one for local determination.

## **Findings**

The Planning Board has determined that, in accordance with Town of Newburgh Zoning Law § 185-57(C), conditional final approval of the site plan is warranted. will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance with conditions hereinafter imposed pursuant to Section 185-57 (H) and Article XVII of the Town of Newburgh Zoning Law.

## **Resolution of Conditional Final Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant conditional final site plan and authorizes the chairman to sign the site plan upon satisfaction of the conditions noted below.

## **Special Conditions**

### **Engineering Compliance Required**

1. The final site plan set, including the Stormwater Pollution Prevention Plan, must address all of the outstanding comments of the Town Engineer.

### **Outside Agency Approvals**

2. The Applicant shall obtain all outside agency approvals required for the Project, including but not limited to all permits and approvals identified in the EAF for the Project and as outlined herein.
3. The Applicant shall obtain approval from the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers

(ACOE) for the wetland disturbances required by the Project.

4. Prior to the stamping of plans, the Applicant shall obtain approval and authorization from the Town Highway Superintendent and the Town Board for the access and improvements proposed to Gardnertown Road. The Applicant shall obtain the Road Opening Permit for such work prior to the issuance of any building permits for the Project.
5. The Applicant shall comply with the approval from the Town Board for the senior housing units and maintain compliance with the requirements of Town of Newburgh Zoning Code § 185-48.
6. The Applicant has proposed a gazebo / bus shelter to be constructed at the entrance road to the Project near Gardnertown Road. That proposed gazebo / bus shelter would constitute an accessory structure, which is prohibited in the front yard of the Project without receiving a variance from the Zoning Board of Appeals. The Applicant shall apply for and receive the necessary area variances for the gazebo / bus shelter prior to its construction, or, in the alternative, shall prepare a proposed amended site plan with an alternative location in compliance with the requirements of the Town Code.

#### Stormwater

7. The Applicant shall obtain coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage (the "SPDES General Permit"), and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.
8. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon their approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.
9. Prior to the signing of plans, the Applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A

separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the Applicant.

Private Road Security & Inspection Fee

10. Prior to the signing of the plat or issuance of a building permit, the applicant shall deliver a performance and maintenance security to the Town Clerk, pursuant to Sections 161-20 and 161-22 of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the subdivider will faithfully cause to be constructed and completed within a reasonable term the private roads proposed to be constructed (together with all related improvements). The security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.

Landscape Security & Inspection Fee

11. Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the Applicant posting, with the Town Clerk, a performance security, in an amount recommended by the Town's Landscape Architect in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Planning Board Consulting Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The Applicant shall be required to pay the required landscaping security and inspection fee to the town before the plans are signed.

Sewer

12. The Project is not located within an existing Town sewer district. The Applicant shall enter into an Outside Sewer District User Agreement with the Town Board, and pay all fees due as part of that Agreement prior to the signing of the plans.
13. Prior to the issuance of a building permit, the Applicant shall pay an

inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.

14. The Applicant shall obtain approval from the Sewer Department for the sewer main connections prior to the issuance of any building permits for the Project.
15. The Applicant shall submit a cost estimate for the sewer main extension to the Sewer Department with the sewer permit application.

#### Water

16. The Applicant shall obtain approval from the Town of Newburgh Sewer and Water Department for the water main connection for the Project, including the payment of all fees, including inspection fees, prior to the issuance of any building permit for the Project.

#### Tree Preservation Compliance & Security

17. The Applicant shall comply with the requirements of the Town's Tree Preservation and Protect Law, Chapter 172 of the Town Code.
18. The Applicant shall provide a performance security in the form of a bond or letter of credit acceptable to the Town as to form or cash to guarantee performance in accordance with the tree preservation plan and the reforestation plan.
19. The Applicant shall pay the tree ordinance restoration fee, which has been calculated in the amount of \$3,227.50.

#### Bayswater Findings

20. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town [as calculated from projected population growth to which this development will contribute], that parklands should be created as a condition of approval of this subdivision. However, because parks of size adequate to meet the Town's requirements cannot be properly located on the site plan, the Planning Board, pursuant to Section 277(4) of the Town Law of the State of New York, requires that the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Newburgh in the amount set forth in Chapter 104, Fees [§104-2 (9)], for each of the 144 residential units created by the project in lieu of dedication of such required parklands to the Town before the Site Plan is signed. The amount due pursuant to the fee schedule in effect as of the adoption of this resolution is \$288,000 (144 units at \$2,000 per unit/residence), provided, however, that should the fee schedule change prior to this fee being tendered, then the Applicant shall

owe a fee based on the schedule in effect at the time such payment is tendered.

#### Architectural Review Board

21. The Project shall require Architectural Review Board approval of the final renderings of the Project, and no building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to ensure compliance with the approved architectural renderings. Karen Arent, the Town's Landscape Architect, shall also inspect the work before a certificate of occupancy is issued to ensure compliance with the approved architectural renderings.

#### Outdoor Fixtures & Amenities

22. This site plan approval allows construction of only that which is shown on the plans identified above. No amenities or accessory structures or outdoor fixtures—including but not limited to walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

#### SEQRA Mitigation Measures

23. Each and every mitigation measure identified in the Negative Declaration previously adopted for this Project shall be undertaken by the Applicant and are conditions of this approval as though set forth fully herein.

#### Narrative as Limit of Use

24. This approval is for the construction and operation a new 108-unit market rate and 36 units of senior housing apartment project within six structures on the site together with related amenities as shown on the site plans. This conditional final site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses are proposed then the Applicant shall be required, pursuant to Section 185-57 (B), to return to the Planning Board for amended site plan approval.

**General Conditions**

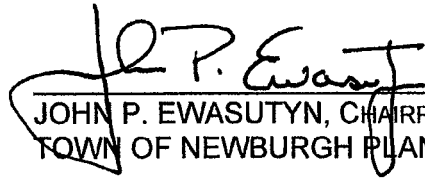
In accordance with Town of Newburgh Zoning Law § 185-57(C), the Planning Board's granting of conditional final approval shall expire six (6) months from the date of approval if no request for final approval is submitted within such period, except where such time limit is extended by the Planning Board.

Any request for an extension of this Resolution of Conditional Final Site Plan Approval provided herein must be submitted in writing no later than the deadline date for submission for the Planning Board meeting preceding the date of expiration of this approval so that the request can be considered by the Planning Board prior to the expiration of the approval.

ANY FAILURE to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   7   Against        Abstain        Absent       

Dated: September 5, 2024

  
\_\_\_\_\_  
JOHN P. EWASUTYN, CHAIRPERSON  
TOWN OF NEWBURGH PLANNING BOARD

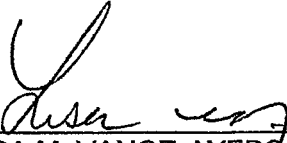
---

I, LISA M. VANCE-AYERS, Clerk of the Town of Newburgh, do hereby



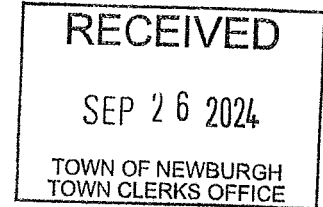
certify that the foregoing Resolution was filed in the Office of the Town Clerk on

September 25, 2024

  
\_\_\_\_\_  
LISA M. VANCE-AYERS, CLERK  
TOWN OF NEWBURGH

**RESOLUTION OF  
CONDITIONAL FINAL SITE PLAN APPROVAL**

**FOR**  
**GARDNER RIDGE**  
*PROJECT # 2002-29*



---

**Nature of Application**

Gardner Ridge Associates, LLC (the "Applicant") proposes a 108-unit market rate and 36-unit senior housing apartment project within six structures on the property with access to Gardnertown Road (the "Project"). The Project will be served by connections to municipal water and sewer services. The Project will include a recreation building, pool, parking areas and stormwater management facilities. Access to the site will be via an entrance and emergency access road from Gardnertown Road.

The Project previously received preliminary site plan approval from the Planning Board on December 21, 2023. The Applicant now requests that the Planning Board grant conditional final site plan approval. The Project will also require Architectural Review Board approval, which as of the time of this resolution has been deferred.

**Property Involved**

The property affected by this resolution is a +/- 23.3 acre parcel shown on the Tax Maps of the Town of Newburgh as parcel 75-1-4.12 located on Gardnertown Road (the "Property").

## Zoning District

The Property affected by this resolution is located in the R-3 (Residence) zoning district of the Town of Newburgh.

## Plans & Materials

The Site Plan materials considered consist of the following:

1. Completed application forms and related materials.
2. A completed long form Environmental Review Form and supplemental materials.
3. Plans prepared for the Project as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Thomas P. Olley, P.E., PLLC	Cover Sheet	August 13, 2024
Thomas P. Olley, P.E., PLLC	Existing Conditions	August 13, 2024
Thomas P. Olley, P.E., PLLC	Overall Site Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Layout & Dimension Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Grading Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Rock Removal Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Utility Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Erosion & Sediment Control Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Road Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Road Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Site Details	August 13, 2024

Thomas P. Olley, P.E., PLLC	Water Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Sanitary Sewer Profiles	August 13, 2024
Thomas P. Olley, P.E., PLLC	Site Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Water Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Sewer Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Drainage Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Erosion Control Details	August 13, 2024
Thomas P. Olley, P.E., PLLC	Tree Survey	August 13, 2024
Thomas P. Olley, P.E., PLLC	Emergency Access Plan	August 13, 2024
Thomas P. Olley, P.E., PLLC	Lighting Plan	August 13, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-1	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-2	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-3	August 16, 2024
Ronald A. Haelen, RLA	Landscape Plan LA-4	August 16, 2024
Berg & Moss Architects, P.C.	Exterior Renderings	December 1, 2023
Berg & Moss Architects, P.C.	Exterior Renderings	December 1, 2023
Colliers Engineering & Design	Concept Plan (Layout)	December 1, 2023
Colliers Engineering & Design	Emergency Access Sight Distance Plan	December 1, 2023
Colliers Engineering & Design	Concept Plan (Striping)	December 1, 2023

Colliers Engineering & Design	Concept Plan (Grading)	December 1, 2023
-------------------------------	------------------------	------------------

## **History**

### ***Prior Approvals for the Site***

A variation of this project with access directly to New York State Route 32 has been pending since 2002, with prior public hearings, reviews and approvals issued by the Planning Board. The current version of the project, proposing a mix of market rate and senior housing with access directly to Gardnertown Road, is the subject of this approval.

### ***Public Hearing***

A public hearing on this application was convened and closed on December 21, 2023.

### ***SEQRA***

#### **Type of Action:**

This matter constitutes a Type I action under the State Environmental Quality Review Act ("SEQRA").

#### **Lead Agency:**

The Town of Newburgh Planning Board is the lead agency conducting a coordinated review in regard to this action.

#### **Declaration of Significance:**

The Planning Board of the Town of Newburgh, serving as SEQRA Lead Agency in a coordinated review, determined that the Proposed Action is a Type I Action under SEQRA. The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, and concluded that the proposed action will not create any significant adverse environmental impacts and an environmental impact statement will not be prepared. The Planning Board adopted a negative declaration on December 21, 2023.

## **GML 239 Referral**

This application was referred to the Orange County Planning Department for review and report pursuant to New York General Municipal Law §§ 239 l, m, and n. The Planning Department reported that this matter is one for local determination.

## **Findings**

The Planning Board has determined that, in accordance with Town of Newburgh Zoning Law § 185-57(C), conditional final approval of the site plan is warranted. will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance with conditions hereinafter imposed pursuant to Section 185-57 (H) and Article XVII of the Town of Newburgh Zoning Law.

## **Resolution of Conditional Final Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant conditional final site plan and authorizes the chairman to sign the site plan upon satisfaction of the conditions noted below.

## **Special Conditions**

### **Engineering Compliance Required**

1. The final site plan set, including the Stormwater Pollution Prevention Plan, must address all of the outstanding comments of the Town Engineer. 1

### **Outside Agency Approvals**

2. The Applicant shall obtain all outside agency approvals required for the Project, including but not limited to all permits and approvals identified in the EAF for the Project and as outlined herein.
3. The Applicant shall obtain approval from the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE) for the wetland disturbances required by the Project.

4. Prior to the stamping of plans, the Applicant shall obtain approval and authorization from the Town Highway Superintendent and the Town Board for the access and improvements proposed to Gardnertown Road. The Applicant shall obtain the Road Opening Permit for such work prior to the issuance of any building permits for the Project.
5. The Applicant shall comply with the approval from the Town Board for the senior housing units and maintain compliance with the requirements of Town of Newburgh Zoning Code § 185-48.
6. The Applicant has proposed a gazebo / bus shelter to be constructed at the entrance road to the Project near Gardnertown Road. That proposed gazebo / bus shelter would constitute an accessory structure, which is prohibited in the front yard of the Project without receiving a variance from the Zoning Board of Appeals. The Applicant shall apply for and receive the necessary area variances for the gazebo / bus shelter prior to its construction, or, in the alternative, shall prepare a proposed amended site plan with an alternative location in compliance with the requirements of the Town Code.

#### Stormwater

7. The Applicant shall obtain coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage (the "SPDES General Permit"), and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.
8. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon their approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.
9. Prior to the signing of plans, the Applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control

measures to be implemented by the Applicant.

Road Improvements Security & Inspection Fee

10. Prior to the signing of the plat or issuance of a building permit, the Applicant shall deliver a performance and maintenance security to the Town Clerk, pursuant to Sections 161-41 of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed within a reasonable term the public road improvements proposed to be constructed (together with all related improvements). The security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.

Landscape Security & Inspection Fee

11. Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the Applicant posting, with the Town Clerk, a performance security, in an amount recommended by the Town's Landscape Architect in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Planning Board Consulting Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The Applicant shall be required to pay the required landscaping security and inspection fee to the town before the plans are signed.

Sewer

12. The Project is not located within an existing Town sewer district. The Applicant shall enter into an Outside Sewer District User Agreement with the Town Board, and pay all fees due as part of that Agreement prior to the signing of the plans.
13. Prior to the issuance of a building permit, the Applicant shall pay an inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.
14. The Applicant shall obtain approval from the Sewer Department for the



sewer main connections prior to the issuance of any building permits for the Project.

15. The Applicant shall submit a cost estimate for the sewer main extension to the Sewer Department with the sewer permit application.

#### Water

16. The Applicant shall obtain approval from the Town of Newburgh Sewer and Water Department for the water main connection for the Project, including the payment of all fees, including inspection fees, prior to the issuance of any building permit for the Project.

#### Tree Preservation Compliance & Security

17. The Applicant shall comply with the requirements of the Town's Tree Preservation and Protect Law, Chapter 172 of the Town Code.
18. The Applicant shall provide a performance security in the form of a bond or letter of credit acceptable to the Town as to form or cash to guarantee performance in accordance with the tree preservation plan and the reforestation plan.
19. The Applicant shall pay the tree ordinance restoration fee, which has been calculated in the amount of \$3,227.50.

#### Bayswater Findings

20. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town [as calculated from projected population growth to which this development will contribute], that parklands should be created as a condition of approval of this subdivision. However, because parks of size adequate to meet the Town's requirements cannot be properly located on the site plan, the Planning Board, pursuant to Section 277(4) of the Town Law of the State of New York, requires that the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Newburgh in the amount set forth in Chapter 104, Fees [§104-2 (9)], for each of the 144 residential units created by the project in lieu of dedication of such required parklands to the Town before the Site Plan is signed. The amount due pursuant to the fee schedule in effect as of the adoption of this resolution is \$288,000 (144 units at \$2,000 per unit/residence), provided, however, that should the fee schedule change prior to this fee being tendered, then the Applicant shall owe a fee based on the schedule in effect at the time such payment is tendered.

### Architectural Review Board

21. The Project shall require Architectural Review Board approval of the final renderings of the Project, and no building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to ensure compliance with the approved architectural renderings. Karen Arent, the Town's Landscape Architect, shall also inspect the work before a certificate of occupancy is issued to ensure compliance with the approved architectural renderings.

### Outdoor Fixtures & Amenities

22. This site plan approval allows construction of only that which is shown on the plans identified above. No amenities or accessory structures or outdoor fixtures—including but not limited to walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

### SEQRA Mitigation Measures

23. Each and every mitigation measure identified in the Negative Declaration previously adopted for this Project shall be undertaken by the Applicant and are conditions of this approval as though set forth fully herein.

### Narrative as Limit of Use

24. This approval is for the construction and operation a new 108-unit market rate and 36 units of senior housing apartment project within six structures on the site together with related amenities as shown on the site plans. This conditional final site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses are proposed then the Applicant shall be required, pursuant to Section 185-57 (B), to return to the Planning Board for amended site plan approval.

**General Conditions**

In accordance with Town of Newburgh Zoning Law § 185-57(C), the Planning Board's granting of conditional final approval shall expire six (6) months from the date of approval if no request for final approval is submitted within such period, except where such time limit is extended by the Planning Board.

Any request for an extension of this Resolution of Conditional Final Site Plan Approval provided herein must be submitted in writing no later than the deadline date for submission for the Planning Board meeting preceding the date of expiration of this approval so that the request can be considered by the Planning Board prior to the expiration of the approval.

ANY FAILURE to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

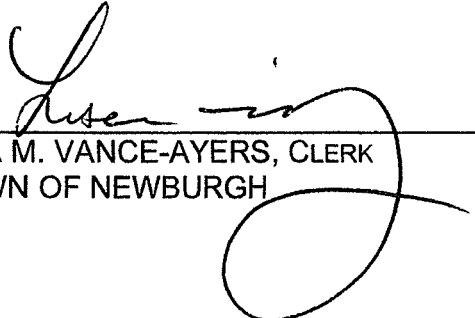
In Favor   7     Against          Abstain          Absent       

Dated: September 5, 2024

  
\_\_\_\_\_  
JOHN P. EWASUTYN, CHAIRPERSON  
TOWN OF NEWBURGH PLANNING BOARD

I, LISA M. VANCE-AYERS, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on

September 26, 2024

  
\_\_\_\_\_  
LISA M. VANCE-AYERS, CLERK  
TOWN OF NEWBURGH











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

STATE OF NEW YORK: COUNTY OF ORANGE:

I DARREN C DOLE, being duly sworn, depose and say that I did on or before

February 13, 2025, post and will thereafter maintain at

Gardnertown Rd 75-1-4.12 R3 Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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

*Darren C Dole*

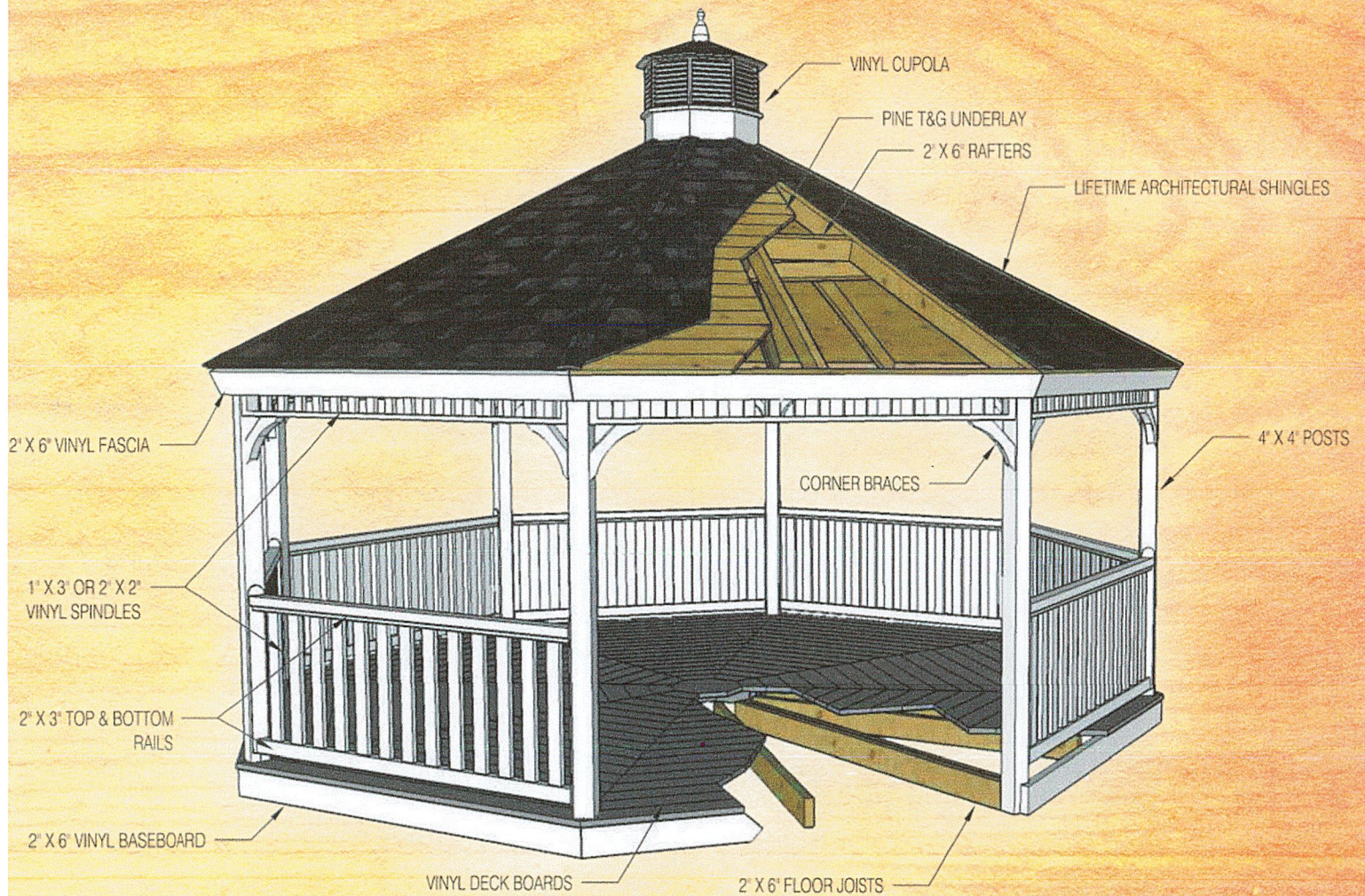
Sworn to before me this 10

day of January, 2025.

*[Signature]*







## S T A N D A R D F E A T U R E S

### STRUCTURAL POSTS:

We fabricate special structural components by creating a vinyl sleeve to cover the treated lumber support posts. The treated lumber is never exposed to the elements. The vinyl sleeve means no splinters and no maintenance.

### HIGH QUALITY VINYL:

Vinyl has been used in construction for a long time, especially in structures such as fences. But there is a big difference in the quality of vinyl used for outdoor applications. We use only vinyl with the highest grade ingredients and added thickness for extended service life and attractive appearance. Select from White, Ivory or Clay.

### CEILING:

Engineered drawings and floor plans are available for building permit purposes. We call the boards that form the ceiling and roof deck "underlay." The underlay consists of tongue and groove boards to make construction as durable as it is beautiful.

### STANDARD ROOF:

Pressure-treated T&G underlay with 30-year architectural shingles.