



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: 01/13/2021

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

I (WE) JMC Pllc, Attn. Joseph Modafferi, RLA PRESENTLY

RESIDING AT NUMBER 120 Bedford Road, Armonk, NY 10504

TELEPHONE NUMBER 914-273-5225

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:

Section 34, Block 2, Lot 45 (TAX MAP DESIGNATION)

NY Route 300 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Attachment 13.2--Schedule 8-Table of Use and Bulk Requirements, IB District, Column D, Use #9, Maximum Permitted Building Height (feet)



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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: _____
- 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: Requesting a 9-foot building
height area variance from 40 feet permitted to 49 feet proposed.

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

Surrounding properties are zoned IB with commercial/business uses except for single-family R-1 residential to the north, along Berry Lane. An intensively landscaped 100-foot plus buffer will help mitigate visual impact from these homes, as well as the intervening 241-foot distance from the nearest residential property line to the closest proposed building.

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:

This is the industry-standard building height necessary for the internal operation for this type of use.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The approximately 23% height variance requested is in keeping with industry-standard warehouse heights as noted above.

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 buildings will be screened from the neighboring properties, and the distance from the nearest residential property line to the nearest building is 241 feet.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

This is the industry-standard building height necessary for the internal operation for this type of use.



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7. ADDITIONAL REASONS (IF PERTINENT):

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF *Suffolk* ~~ORANGE~~:

SWORN TO THIS *12th* DAY OF *January* 20 *21*

JILLIAN R DEGRENIER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6409831
Qualified in Suffolk County
My Commission Expires: *10/5/2024*

[Handwritten Signature]

NOTARY PUBLIC

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)

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Farrell Industrial Park		
Project Location (describe, and attach a general location map): NYS Route 300 (Plattekill Turnpike), Town of Newburgh, NY		
Brief Description of Proposed Action (include purpose or need): The Applicant proposes the construction of two warehouse buildings on the Site. One is proposed to be 185,000 square feet and the other 105,000 square feet, with a total of 290 employees. The site improvements include a single access driveway off of NY Route 300, as well as parking for cars and loading spaces for trucks. The height of the proposed buildings is 45 feet to the top of the parapet and 49 feet from the average finished grade, where a maximum of 40 feet is permitted. The project will therefore require a building height variance. See Project Narrative for further discussion.		
Name of Applicant/Sponsor: Farrell Building Company Attn. Stephen Zagoren		Telephone: 631-766-0023 E-Mail: zags1413@gmail.com
Address: 2317 Montauk Highway		
City/PO: Bridgehampton	State: NY	Zip Code: 11932
Project Contact (if not same as sponsor; give name and title/role): JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC Attn.: Joseph P. Modafferi, Jr., RLA		Telephone: 914-273-5225 E-Mail: jmodafferi@jmcpllc.com
Address: 120 Bedford Road		
City/PO: Armonk	State: NY	Zip Code: 10504
Property Owner (if not same as sponsor): Chun S. McGlasson		Telephone: E-Mail:
Address: 16 Anna Court		
City/PO: Carmel	State: NY	Zip Code: 10512

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval	12/04/2020
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Height variance	01/14/2021
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Health Dept. septic system approval; private watermain ext. Orange County §239-m General Municipal Law Referral	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES General Permit GP-0-20-001 NYSDOT Highway Work Permit	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
IB "Interchange Business"
- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Newburgh Central School District
- b. What police or other public protection forces serve the project site?
Town of Newburgh Police Department
- c. Which fire protection and emergency medical services serve the project site?
Cronomer Valley Fire District; Town of Newburgh Emergency Medical Services
- d. What parks serve the project site?
Chadwick Lake Park; Cronomer Hill Park; Algonquin Park

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial, residential
- b. a. Total acreage of the site of the proposed action? ±35.21 acres
b. Total acreage to be physically disturbed? ±26.81 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ±35.21 acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____
- e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: 12-18 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures 2
 ii. Dimensions (in feet) of largest proposed structure: 49 height; 250 width; and 740 length
 iii. Approximate extent of building space to be heated or cooled: 279,500 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 3,480 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: Consolidated Water #1
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: 3,480 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
 On-site subsurface septic fields. _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 ±686,063 Square feet or ±15.75 acres (impervious surface)
 ±1,533,600 Square feet or ±35.21 acres (parcel size)
 ii. Describe types of new point sources. New point sources of stormwater runoff include building gutters and driveway curbing.

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
Site runoff will be directed to on-site retention ponds that will control the rate of runoff to pre-developed conditions.

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: TBD

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Grid/local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8:00 AM--10:00 PM
- Saturday: 8:00 AM--10:00 PM
- Sunday: 8:00 AM--10:00 PM
- Holidays: 8:00 AM--10:00 PM

ii. During Operations:

- Monday - Friday: 24/5
- Saturday: As required
- Sunday: As required
- Holidays: As required

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Construction equipment and tools at times permitted by Town Code.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Parking lot and security lighting as permitted by Town Code.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):
Landscape maintenance and pest control as required.

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: TBD tons per TBD (unit of time)
- Operation : 20-25 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Debris recycling will be in accordance with all applicable local requirements.
- Operation: Recycling will be in accordance with County requirements.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Private carter.
- Operation: Private carter.

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.04	15.75	+15.71
• Forested	25.96	1.50	-24.46
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	7.93	7.95	+0.02
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	1.50	+1.50
• Wetlands (freshwater or tidal)	1.28	1.28	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Landscaping _____	0	7.23	+7.23

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 1.2-2.5 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

MdB Mardin gravelly silt loam	_____	35 %
ANC/AND Arnot-Lordstown complex	_____	40 %
SXC Swartswood and Mardin soils	_____	15 %

d. What is the average depth to the water table on the project site? Average: 1.5-6.5+ feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	55	% of site
<input checked="" type="checkbox"/> Moderately Well Drained:	40	% of site
<input checked="" type="checkbox"/> Poorly Drained	5	% of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	67.05	% of site
<input checked="" type="checkbox"/> 10-15%:	14.18	% of site
<input checked="" type="checkbox"/> 15% or greater:	18.77	% of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 862-231 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
 Typical suburban species _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. 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? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. 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? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

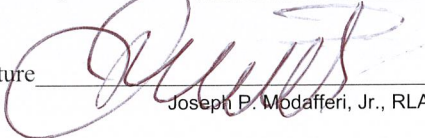
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

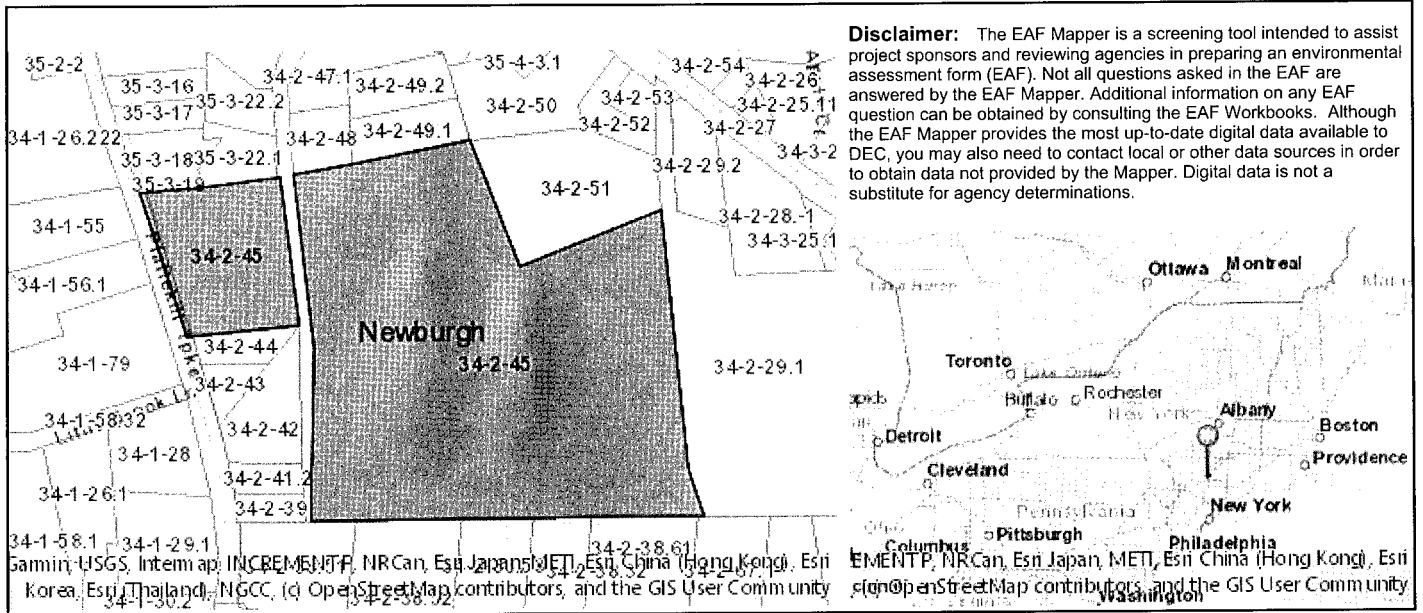
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC Date 1/13/2021

Signature  Title Senior Project Manager
 Joseph P. Modafferi, Jr., RLA

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-231
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

E.2.i. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

January 13, 2021

Chairman Darrin J. Scalzo and Members of the Zoning Board of Appeals
Town of Newburgh Building Department
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

RE: JMC Project 18156
Farrell Industrial Park
NY Route 300
Town of Newburgh, NY
Town of Newburgh Project No. 2020-16

Dear Chairman Scalzo and Members of the Zoning Board of Appeals:

We (JMC), along with Stan Schutzman, Esq., represent the Applicant for the above referenced project, Farrell Building Company. Farrell Building Company is the contract vendee for the subject property and is proposing to construct an Industrial Park development consisting of two warehouse buildings totaling 290,000 SF and the associated site improvements. The subject property is located on the east side of NY Route 300, just north of Little Brook Lane (private road) and opposite The Storage Stop Self Storage Facility. Since the property is undeveloped at this time, it is only identified by the Town of Newburgh Tax Designation of Section 34, Block 2, Lot 45. It is within the IB Interchange Business Zoning District, within which the warehouse use is permitted. The property abuts the R1 Single Family Residence Zoning District to the north and is therefore subject to certain buffer and setback requirements, which the proposed design has considered. However, the height of the proposed buildings will exceed the maximum building height permitted by the Town Code. Hence this request for a height variance is due to a number of factors including loading docks and marketability as described below.

The Town Code defines building height as “the vertical distance measured from the average elevation of the finished grade along the side of the structure facing the street to the highest point of such structure.” Based upon this definition and when considering the proposed grades, the height of Buildings A and B are 45.8 and 48.8 feet respectively, where 40 feet is the maximum permitted. Accordingly, as confirmed by the Planning Board on December 17, 2020, a variance or variances is/are required. It is noted that the actual height of both buildings from the finished floor to the top of the 3-foot parapet will be 45 feet. The 42-foot roof elevation is proposed in an effort to provide the preferred interior ceiling height of 38 feet, which is an industry standard for warehouse uses.

An emergency access drive is provided along the façade of Building A which faces the street. The finished grade along the façade will match the finished floor elevation, maintaining a height of 45 feet, with the exception of minor adjustments at each end of the building, which are required to

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

120 BEDFORD ROAD | ARMONK, NY 10504 | 914.273.5225 | MAIL@JMCPLLC.COM | JMCPLLC.COM

allows the emergency access drive to meet grades at the truck parking area to the south and the site access drive to the north.

The façade of Building B which faces the street is mostly encumbered by the loading docks required to operate the warehouse facility. The grade outside the loading dock must be 4 feet below the finished floor of the warehouse in order to allow for smooth transfer of the product between the trailer and the warehouse, with trailer bed and warehouse floor at the same elevation. This results in a greater building height, as defined by the Town Code, than is provided on other facades of the building.

In accordance with the requirements of your Board, we are pleased to submit this letter, along with eleven copies of the following documents, as our Application to your Board and in support of our request for approval of the above noted building height variance(s):

1. "SEQRA Environmental Assessment Form (Long Form)", signed and dated January 13, 2021.
2. "Town of Newburgh Zoning Board of Appeals Application", signed and dated January 13, 2021.
3. "Town of Newburgh Zoning Board of Appeals Checklist".
4. "Town of Newburgh Zoning Board of Appeals Proxy", signed and dated November 25, 2020.
5. JMC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Revision No. / Date</u>
C-000	"Cover Sheet"	12/03/2020
C-010	"Existing Conditions Map and Site Removals Plan"	12/03/2020
C-100	"Layout Plan"	12/03/2020
C-200	"Grading Plan"	12/03/2020
C-300	"Utilities Plan"	12/03/2020
L-100	"Landscape Plan"	12/03/2020

6. Claris Design Build Architectural Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Revision No. / Date</u>
A101	"Floor Plans Buildings A & B"	12/03/2020
A102	"Sign Details"	12/03/2020
A201	"Building A Elevations"	12/03/2020
A202	"Building B Elevations"	12/03/2020
A203	"Renderings"	12/03/2020

7. "Town of Newburgh Town Clerk Receipt for Farrell Building Company Check No. 60245 in the amount of \$500 (ZBA Application & Advertising Fee), dated January 7, 2021.

8. "Town of Newburgh Town Clerk Receipt for Farrell Building Company Check No. 60246 in the amount of \$50 (Public Hearing Fee), dated January 7, 2021.
9. "Orange County Clerk Certified Copy of Deed for Parcel Section 34, Block 2, Lot 45".
10. "Letter from Drake Loeb PLLC (Planning Board Attorney) to the Zoning Board of Appeals, re: Planning Board Referral", dated December 18, 2020.
11. "Town of Newburgh Tax Assessor's List of Properties with 500 Feet of Parcel Section 34, Block 2, Lot 45", dated January 11, 2021.
12. "Site Photographs".

As you review this Application, it is important to note the following regarding the building height:

- A. The finished floor of each building are proposed at the same elevation, which makes the roofline elevation of each building the same as well. Therefore, the buildings will appear to be the same height when viewed from the property perimeter.
- B. The project has been designed so that the loading docks are situated internal to the site and not oriented out towards the property perimeter. This, along with limiting the use of the perimeter roadways for emergency access only, will keep the bulk of the operations of the facility internal to the site. Further, each building will act as a screen/buffer to the loading docks for the other building. This is especially important for Building B, where the façade that faces the street is encumbered by loading docks, which will not be visible from the street.
- C. Both buildings are several hundred feet from the roadway and, due to the shape of the property, are tucked behind other parcels that have frontage on the street.
- D. Both buildings are several hundred feet from the adjacent residential zone, at a distance that exceeds the required setback, and the landscape buffer required along the residential zone has been incorporated into the plan.

We trust that the above, along with the enclosed documents, are sufficient for your review and determination that the application is complete. We also note that the project has been identified by the Planning Board as a Type I Action under SEQRA. Therefore, a coordinated review is required, and no Board can act on an application until a SEQRA Determination has been made. We note that, based upon the outcome of the December Planning Board meeting at which this project was presented, you will be receiving a Notice of Intent to be Lead Agency from the Planning Board under SEQRA.

We understand that your next meeting is scheduled for January 28, 2021 and we look forward to seeing you at that time. It would be our intention to give an initial presentation of the project and initiate discussions with your Board regarding the required building height variances.

We look forward to seeing you in the near future. In the interim, should you have any questions regarding the application or require additional information, please do not hesitate to contact our office at (914) 273-5225.

Sincerely,

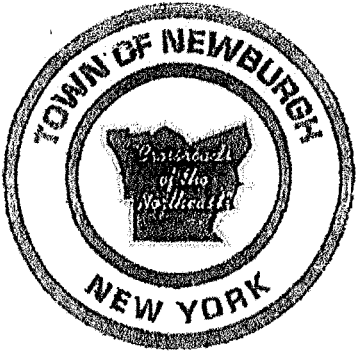
JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Joseph P. Modafferi, Jr.

Joseph P. Modafferi, Jr., RLA
Senior Project Manger

cc: Town of Newburgh Planning Board, w/17 copies, cover letter only
Stanley A. Schutzman Esq., w/enc.
Mr. Stephen Zagoren, w/enc.
Mr. Butch Payne, w/enc.
Mr. Phil Clark, w/enc.

P:\2018\18156\ADMIN\ItScalzo 01-13-2021.docx



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Chun S. McGlasson, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 16 Anna Court, Carmel 10512

IN THE COUNTY OF Carmel AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF NY Route 300,

Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED JMC Plc. and Stanley A. Schutzman, P.C.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/25/20 *Chun S. McGlasson*

OWNER'S SIGNATURE

Richard McGlasson

WITNESS' SIGNATURE

ANNETTE E. BENNETT
Notary Public State of New York
Dutchess County No. 01BE5009201
Commission Expires March 8, 2023

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25 DAY OF November 2020

Anette E. Bennett
NOTARY PUBLIC

NEW YORK STATE DEPARTMENT OF HEALTH CERTIFICATE OF DEATH

131-2020-00076388 STATE FILE NUMBER

Main form containing sections: DECEASED, DISPOSITION, CERTIFIER, and CAUSE OF DEATH. Includes fields for name, date of birth, sex, date of death, place of death, education, occupation, and cause of death.



PHYSICIAN'S SIGNATURE



ORANGE COUNTY CLERK

ANN G. RABBITT

Receipt

Receipt Date: 12/23/2020 03:49:22 PM

RECEIPT # 2847506

Recording Clerk: EBR

Cash Drawer: CASH35

Rec'd Frm: JMC PLANNING ENGINEERING

Misc Fees

Requisitions \$5.00

Receipt Summary

TOTAL RECEIPT: ----> \$5.00

TOTAL RECEIVED: ----> \$5.00

CASH BACK: ----> \$0.00

PAYMENTS

Check # 3588 -> \$5.00

JMC PLANNING ENGINEERING

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

Sycamore Creek, LLC
TO
Chen S. McGlasson

SECTION 34 BLOCK 2 LOT 45



RECORD AND RETURN TO: (name and address)

Michael G. Cartland, Esq
35 Market Street
Poughkeepsie, NY 12601

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)
2003 SO. BLOOMING GROVE (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)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO. PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$ 350000
TAX EXEMPT
Taxable MORTGAGE AMT. \$

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

Sneeringer

RECORDED/FILED
10/13/2010/ 13:03:19
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100097436
DEED C / BK 13067PG 1154
RECORDING FEES 315.00
TTX# 001293 T TAX 1,400.00
Receipt#1230365 juls

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 10/13/10 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 12/23/2010
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

DEED

THIS INDENTURE, made the 20th day of September, 2010, between **SYCAMORE CREEK, LLC**, with offices at c/o David Weinberg, 110 Orange Avenue, Walden, New York, party of the first part, and **CHUN S. McGLASSON**, residing at 16 Anna Court, Carmel, New York, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other good and 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 the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, and more particularly described on **SCHEDULE A**.

The premises are not in an agricultural district and the parcel is entirely owned by the party of the first part.

"It is expressly understood and agreed that the mortgage recorded in Liber 12025 of Mortgages at Page 741 which is now a lien on the premises described herein is not to merge in the fee of said premises but is to remain and continue as an existing and enforceable lien thereon for the amount thereof and for the interest thereon and for the amount paid by the party of the second part for taxes and for such other costs and expenses as may be either allowed by law or may be authorized by said mortgage to the party of the second part."

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.

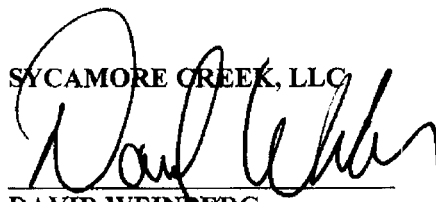
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party 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 payments 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

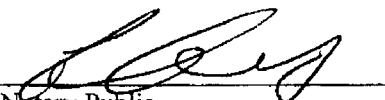
above written.

In presence of:

By: SYCAMORE CREEK, LLC

 DAVID WEINBERG
 Managing Member

State of New Jersey)
) ss.:
 County of Union)

On the 20th day of September, 2010 before me, the undersigned, personally appeared DAVID WEINBERG, 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 and that such individual made such appearance before the undersigned in the City/Town of Scotch Plains and State of New Jersey, County of Union.


 Notary Public **BRIAN D. SCHWARTZ**
 An Attorney at Law
 of the State of New Jersey

RECORD & RETURN:

MICHAEL G. GARTLAND, ESQ.
35 MARKET STREET
POUGHKEEPSIE, NEW YORK 12601

SCHEDULE A DESCRIPTION

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 and State of New York and bounded and described as follows:

BEGINNING on the westerly line of lands now or formerly of John S. Hale and at the northeasterly corner of the lot hereinafter described and runs from thence along said Hale's Land South 1 degree and 45' West 16 chains; thence South 5 degrees and 5' West 3 chains and 18 links to lands now or formerly of David Reid; thence along the same North 83 degrees West 10 chains and 19 links; thence along lands now or formerly of James H. Anderson aforesaid North 5 degrees 5' East 9 chains and 74 links; thence North 89 degrees and 45' West 5 chains and 64 links to the middle of the public highway leading from North Plank Road to Gardnertown; thence along said highway North 8 degrees 50' West 7 chains and 50 links; thence along lands of the aforesaid James H. Anderson South 89 degrees and 50' East 4 chains and 23 links; thence South 87 degrees 30' East 3 chains 56 links; thence North 85 degrees East 2 chains and 90 links; thence North 83 degrees and 30' East 6 chains and 18 links to the place of beginning.

ALSO All that tract or parcel of land, situate lying and being in the Town of Newburgh, County of Orange and State of New York, beginning five links westwardly from the middle of a large chestnut tree and runs from thence along lands now or formerly of Clarence W. Griggs, South two degrees and forty-five minutes West five chains; thence South five degrees West one chain and sixty links; thence South three degrees and fifty minutes West six chains and seventy four links; thence South nine degrees and twenty minutes East two chains and forty-eight links to lands now or formerly of Aaron T. Constable; thence along the northerly line of lands of said Aaron T. Constable North eighty-two degrees West nine chains and seventy-five links; thence along lands now or formerly of Abram M. Calyer, North six degrees and fifteen minutes East two chains and thirty-two links; thence North three degrees East twelve chains and six links; thence eastwardly twenty-five links; thence South three degrees West two chains and two links to a stake; thence North seventy-seven degrees East nine chains and thirty-three links to the place of beginning.

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

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

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

December 18, 2020

BY EMAIL ONLY

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

Re: Farrell Industrial Park; Planning Board Project No. 20-16

Dear Chairman Scalzo and Board Members:

At the Planning Board's December 17, 2020 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variance that is required for this project.

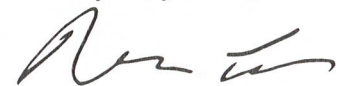
In particular, the applicant seeks site plan approval from the Planning Board for two warehouse buildings totalling 290,000 square feet, together with associated site improvements. The site is within the IB Interchange Business zoning district, but abuts the R1 Single Family Residence zoning district.

The project requires area variances for building height. The maximum building height in the IB district is 40 feet. Building A proposes a 45.8 feet height, and Building B proposes a 48.8 feet height.

This project is a Type I action, and, as a result, the Planning Board has declared its intent to serve as lead agency to conduct a coordinated SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

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

JMC Project 18156
Farrell Industrial Park
Route 300
ZBA Submission
January 13, 2021

Berry Lane Looking South within Site



Berry Lane Looking South



JMC Project 18156
Farrell Industrial Park
Route 300
ZBA Submission
January 13, 2021

Route 300 Looking North



Route 300 Looking South



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I JOSEPH MODAFFERI JR, being duly sworn, depose and say that I did on or before

January 14, 2021, post and will thereafter maintain at

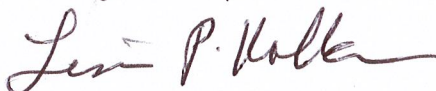
Route 300 34-2-45 IB Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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

Sworn to before me this 13th

day of January, 2021.



Lisa P. Kolba
NOTARY PUBLIC, State of New York
No. 01k04916831

Qualified in Westchester County
Term Expires Dec. 28, 2021

