

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: 09/22/2020

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

I (WE) MARK MILLER/FIRST STATE WATER PRESENTLY

RESIDING AT NUMBER 1000 PARADISE POINT SOUTHHOLD, NY 11871

TELEPHONE NUMBER 845-569-1200

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:

98-1-8.222 (TAX MAP DESIGNATION)

77 STEWART AVE (STREET ADDRESS)

IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185 ATTACHMENT 13 SCHEDULE 8



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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: 09/11/2020

4. DESCRIPTION OF VARIANCE SOUGHT: _____

(SEE ATTACHMENT A)

N/A 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:

ATTACHMENT A

Identified variances required for Miller Environmental Lot #27.2;

a) Proposed enclosed drum containment pad: (A) 14.2 proposed, where 30 foot side yard is required.

b) Proposed tank enclosure: (B) 11.93 feet provided, where 30 foot side yard required.

c) Existing office garage: (C) 9.14 feet provided, where 30 foot side yard required.

d) Existing building and ramp: (D) 6.14 provided, where 30 foot side yard required.

e) Existing material storage building: (E) currently -2.8 encroachment to be addressed by lot line, 5 feet provided, where 30 feet is required.

f) Existing shed: (F) 13.9 feet provided where 30 feet is required. Note-no accessory structures are provided for commercial site plans. All structures must comply with setbacks.



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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:

MOST OF THE VARIANCES ARE FOR EXISTING STRUCTURES.
THE APPLICANT HAS ALREADY CLEANED UP THE SITE.

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 SITE IS IRREGULARLY SHAPED, THE NEW BUILDINGS
LOCATIONS ARE BASED ON PROCESSING LOGISTICS.
TRUCK CIRCULATION MUST BE MAINTAINED.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
MOST OF THE VARIANCES ARE FOR EXISTING STRUCTURES,

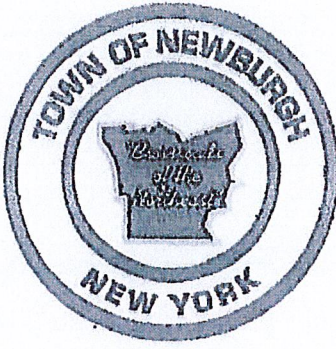
AND THE NEW BUILDINGS WILL BE NO CLOSER TO PROPERTY
LINES THAN THE EXISTING MAIN BUILDING.

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

NEIGHBORS HAVE VISUAL BARRIERS TO THE SITE AND MOST
MOST OF THE VARIANCES ARE FOR EXISTING STRUCTURES.
PROPOSED BUILDINGS ARE ON AREAS ALREADY IMPERVIOUS.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

MOST BUILDINGS WERE BUILT BY THE PREVIOUS OWNERS
PRIOR TO CURRENT ZONING



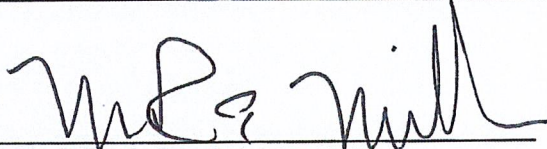
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7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22nd DAY OF September 2020

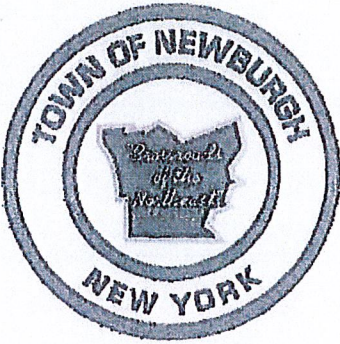
JANET HANKS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HA6256108
Qualified in Suffolk County
My Commission Expires 02-21-2024



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)



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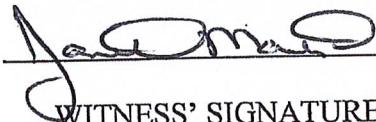
PROXY

Mark Miller/First State Water, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 1000 Paradise Point Southold, NY 11871
IN THE COUNTY OF Suffolk AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
77 Stewart Avenue, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Charles Brown/Talcott Engineering
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/22/2020 

OWNER'S SIGNATURE


WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22nd DAY OF September 2020


NOTARY PUBLIC

JANET HANKS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HA6256108
Qualified in Suffolk County
My Commission Expires 02-21-2024

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: VARIANCES FOR MILLER ENVIRONMENTAL SITE PLAN AND LOT LINE CHANGES			TED # 20264-MEV
Project Location (describe, and attach a general location map): 77 STEWART AVE., NEWBURGH, NY 12550			
Brief Description of Proposed Action (include purpose or need): VARIANCES REQUIRED FOR SITE PLAN APPROVAL AND VARIANCES TO BUILD TWO NEW PREFABRICATED STEEL BUILDINGS. A 90' BY 39'-4" BY 13' HIGH (3,540 SF) BUILDING OVER THE TANK VAULT AND A 84' BY 43' BY 24'-4" HIGH (3,612 SF) BUILDING WITH FOUNDATION FOR DRUM CONTAINMENT AND DRUM STORAGE, AND TWO LOT LINE CHANGES TO ELIMINATE ENCROACHMENTS.			
Name of Applicant/Sponsor: MILLER ENVIRONMENTAL GROUP		Telephone: 845-561-4111	
		E-Mail: NRUSS@MILLERENV.COM (NOEL RUSS)	
Address: 538 EDWARDS AVE.			
City/PO: CALVERTON		State: NY	Zip Code: 11933
Project Contact (if not same as sponsor; give name and title/role): NOEL RUSS		Telephone: 845-590-0408	
		E-Mail: NRUSS@MILLERENV.COM	
Address: 77 STEWART AVENUE			
City/PO: NEWBURGH		State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): FIRST STATE WATER LLC		Telephone: 845-561-4111	
		E-Mail: JCOOGAN@MILLERENV.COM	
Address: 100 PARADISE POINT			
City/PO: SOUTHHOLD		State: NY	Zip Code: 11971

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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	SITE PLAN APPROVAL	12-12-2019
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	AREA VARIANCES	10-15-2020
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DEC 360 PERMIT	DONE 9/23/2019
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 ENLARGED CITY 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?
 CROMONER VALLEY FIRE DEPARTMENT AND NEWBURGH VOLUNTEER AMBULANCE _____

d. What parks serve the project site?
 CHADWICK PARK, ALGONQUIN PARK AND CROMONER HILL 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 _____

b. a. Total acreage of the site of the proposed action? _____ 10.9 acres
 b. Total acreage to be physically disturbed? _____ 0.1 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 10.9 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: _____ 10 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.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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: 24'-4" height; 43' width; and 84' length
 iii. Approximate extent of building space to be heated or cooled: 3,520 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? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 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: _____ 500 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: TOWN OF NEWBURGH WATER SUPPLY
- 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: _____ 500 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: CITY OF NEWBURGH WASTEWATER TREATMENT PLANT
- Name of district: CITY OF NEWBURGH
- 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):

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:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- 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)?

 - 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:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 DELIVERY VEHICLES, FLEET, AND HEAVY EQUIPMENT
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 NONE
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 PROCESS EMISSIONS FROM AIR STRIPPER

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:

- 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
- 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 7 AM to 7 PM.

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

iii. Parking spaces: Existing 5 Proposed 5 Net increase/decrease 0

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 1/2 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: _____
28,000 Kwh ANNUALLY

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 - CENTRAL HUDSON

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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 AM TO 7PM</u> • Saturday: <u>7 AM TO 7PM</u> • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 AM TO 7PM</u> • Saturday: <u>7 AM TO 7PM</u> • Sunday: _____ • Holidays: _____
--	---

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: _____

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: _____

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 GASOLINE, DIESEL, WASTE OIL, PETROLEUM/WATER MIXTURES

ii. Volume(s) 75,000 gal per unit time YEAR (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): _____

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: _____ tons per _____ (unit of time)
- Operation : _____ tainted soil transfer tons per _____ 500tons/month (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: Petroleum tainted soils are processed and bulked into 55 gallon drums and transfered to Ontario County Landfill in accordance with approved permit

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	9.9	9.9	0.0
• Forested	1.0	1.0	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: _____			

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:
ACTIVE SOLID WASTE MANAGEMENT FACILITY WITH VALID NYS DEC 360 PERMIT

iii. Describe any development constraints due to the prior solid waste activities: _____
NONE

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:
ACTIVE SOLID WASTE MANAGEMENT FACILITY WITH VALID NYS DEC 360 PERMIT FOR PETROLEUM TAINTEO SOILS AND LIQUIDS

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): 0305016
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 0512787
 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): _____

Accidental spill in 2003, 2 gallons of Gas was spilled, site was remediated and NYS DEC closed the record on 8/12/03. Accidental spill in 2005, 10 gallons of Gas was spilled, site was remediated and NYS DEC closed the record on 2/14/06.

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? _____ OVER 6' feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ OVER 6' %

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

MARDIN GRAVELY SILT LOAM	60 %
PITTSFIELD GRAVELY LOAM	40 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ 40 % of site
 Moderately Well Drained: _____ 60 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % 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 _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name FEDERAL WETLAND Approximate Size 8 ACRES
- 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: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ DEER, SQUIRREL SKUNK, POSSUM, (NONE NEAR OPERATIONS) _____ REDTAIL FOX _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____</p> <p>Indiana Bat</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing: _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____</p>	

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

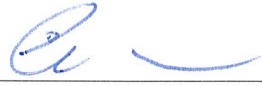
Attach any additional information which may be needed to clarify your project.

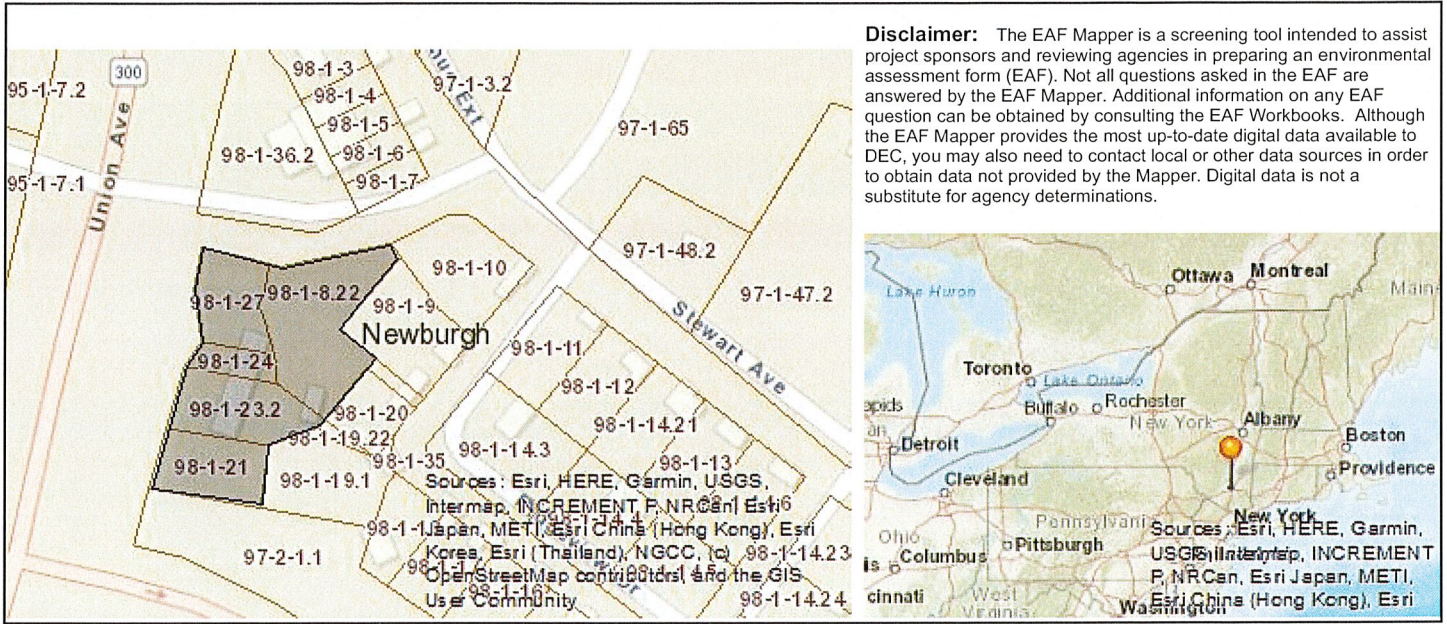
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name CHARLES T BROWN, PE Date AUGUST 14, 2020

Signature  Title PROJECT ENGINEER



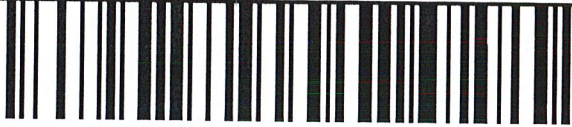
B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are 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]	No
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.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.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat

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]	No
E.3.i. [Designated River Corridor]	No



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

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



BOOK/PAGE: 14413 / 1336
INSTRUMENT #: 20180041851

Receipt#: 2502547
Clerk: DB
Rec Date: 06/11/2018 12:21:39 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 7
Rec'd Frm: Choice Abstract Corp

Party1: FUNDEX PROPERTIES CORP
Party2: FIRST STATE WATER LLC
Town: NEWBURGH (TN)
98-1-8.22

Recording:

Recording Fee	55.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 330.00

Transfer Tax	
Transfer Tax - State	9920.00

Sub Total: 9920.00

Total: 10250.00

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

***** Transfer Tax *****
Transfer Tax #: 10044
Commercial Transfer Tax
Consideration: 2480000.00

Transfer Tax - State 9920.00

Total: 9920.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

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 June 11, 2018
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

September 28, 2020 *Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

Form 3290
Standard N.Y.B.T.U. Form 8002* -Bargain and Sale Deed, with Covenant against Grantor's Acts- Individual or Corporation (Single Sheet)

Attorneys Please Note: This document has been prepared on a computer-generated form containing text and punctuation identical to N.Y.B.T.U.'s standard 8002. Insertions in the standard form are shown in **BOLD**.

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

THIS INDENTURE, made the 11th day of May, 20 18

BETWEEN
FUNDEX PROPERTIES CORP., a New York corporation, having an address of 50 Main Street, Suite 1000, White Plains, NY 10606

party of the first part, and
First State Water, LLC, Delaware LLC with its address of c/o Mark Miller, 1000 Paradise Point, Southold 11971

party of the second part,
WITNESSETH, that the party of the first part, in consideration of **TEN DOLLARS and other good and valuable consideration**-----(\$10.00)-----dollars 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,

DISTRICT

SECTION
98
BLOCK
1
LOT

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

BEING AND INTENDED TO BE PART of the same premises conveyed to grantors herein by deed dated 6/19/2015 recorded 7/1/15 in Book 13914 Page 1360 and **BEING AND INTENDED TO BE** of the same premises conveyed to grantors herein by deed dated 4/21/2015 recorded 7/1/2015 in Book 13914 Page 1365.

8,22, 21,
23,2, 24 & 27

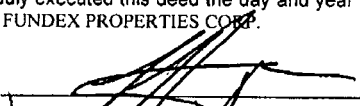
&
SECTION
97
BLOCK
2
LOT
1.1

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.
FUNDEX PROPERTIES CORP.

IN PRESENCE OF:


Lawrence Linksmann; President

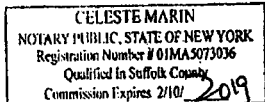
STATE OF NEW YORK, COUNTY OF SUFFOLK ss:

On the 11th day of May 2018, before me, the undersigned, personally appeared

LAWRENCE LINKSMAN

personally known to me or proved on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Celeste Marin
Notary Public



STATE OF NEW YORK, COUNTY OF ss:

On the day of , 20 , before me, the undersigned, personally appeared

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Notary Public

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Choice Abstract Corp.

Title No. Title # CAC025290

FUNDEX PROPERTIES CORP.

TO

FIRST STATE WATER LLC

STATE OF NEW YORK, COUNTY OF ss:

On the day of , 20 , before me, the undersigned, personally appeared

personally known to me or proved 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 he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF _____ COUNTY OF _____}ss:

On the day of , 20 , before me, the undersigned, personally appeared

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 he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(Add the city or political subdivision and the state or country).

Notary Public

SECTION 98 97
BLOCK 1 2
LOT 8, 22, 21, 23.2, 24 & 27 1.1
COUNTY OR TOWN Orange
STREET ADDRESS Stewart Avenue

RETURN BY MAIL TO

Frank A. Isler, Esq.
Smith, Finkelstein, Lundberg et al
456 Griffing Avenue
Riverhead, NY 11901

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Choice Abstract Corp
Agent for Old Republic Title Insurance Company

Amended 05/08/2018
TITLE NO. CACO25290

SCHEDULE A
Overall Description

ALL THAT LAND, situate in the Town of Newburgh, County of Orange, State of New York, described as follows:

BEGINNING at a point on the southerly side of Stewart Avenue, being the northwesterly corner of Lands of Ridgeview Drive, LLC, Deed Reference Liber 14331, Page 1822;

THENCE from said place of beginning and along said lands, South Thirty-Six Degrees, Nineteen Minutes, Twenty-Four Seconds East (S36°19'24"E), Twenty-Six and Eighty-Nine Hundredths Feet (26.89') to a set 5/8" iron rod;

THENCE along the Lands of Edgar H. & Karen E. Trosclair, Deed Reference Liber 13969, Page 753, South Thirty-Nine Degrees, One Minute, Sixteen Seconds West (S39°01'16"W), One Hundred Forty-Seven and Thirty-Three Hundredths Feet (147.33') and South Fifty Degrees, Fifty-Eight Minutes, Forty-Four Seconds East (S50°58'44"E), One Hundred Seventy and Zero Hundredths Feet (170.00') to a point on the northwesterly side of Ridgeview Drive;

THENCE along the northwesterly side of the same, South Thirty-Nine Degrees, One Minute, Sixteen Seconds West (S39°01'16"W), Thirteen and Eighty-Four Hundredths Feet (13.84');

THENCE along the Lands of Edward J. Conklin (as Trustee), Deed Reference Liber 5399, Page 62, North Fifty-Three Degrees, Eight Minutes, Thirty-Nine Seconds West (N53°08'39"W), Ninety-Two and Ninety-Two Hundredths Feet (92.92');

THENCE continuing along the same, South Thirty-Nine Degrees, Two Minutes, Twenty-One Seconds West (S39°02'21"W), One Hundred and Zero Hundredths Feet (100.00');

THENCE along the westerly line of tax lot 98-1-19.22, South Thirty-Nine Degrees, Two Minutes, Twenty-One Seconds West, Sixteen and Eighty-Three Hundredths Feet (S 39°02'21" W 16.83');

THENCE along the Lands of Pablo Alvares, Deed Reference Liber 11682, Page 1723, South Sixty-Seven Degrees, Fifty-Five Minutes, Forty-Nine Seconds West, Seventy-Six and Two Hundredths Feet (S 67°55'49" W 76.02'), and South Four Degrees, One Minute, Forty-Six Seconds West (S04°01'46"W), One Hundred Three and Ten Hundredths Feet (103.10') to a point in a stonewall;

THENCE continuing along said lands, and generally following a stonewall, the beginning of the course, South Seventy-Nine Degrees, Fifty-Six Minutes, Nine Seconds East (S79°56'09"E), One Hundred Fifty-Eight and Thirty-Four Hundredths Feet (158.34') to a set 5/8" iron rod,

THENCE along the Lands of Robert M. & Harriet A. Burton, Deed Reference Liber 2201, Page 540, South Eighteen Degrees, Fifty-Five Minutes, Seven Seconds West (S18°55'07"W), Sixty-Five and Thirty Hundredths Feet (65.30') to a point;

THENCE continuing along the Lands of Burton, a portion of the way, and along the Lands of YYY Properties LLC, Deed Reference Liber 14302, Page 1988, a portion of the way, and along the Lands of Pilligee L. & Nancy P. Pisano, Deed Reference Liber 1807, Page 117, South Fifty-Five Degrees,

Choice Abstract Corp
Agent for Old Republic Title Insurance Company

Amended 05/08/2018
TITLE NO. CACO25290

Fifty-Four Minutes, Twenty-One Seconds East (S55°54'21"E), Two Hundred Fifty-Three and Forty-Six Hundredths Feet (253.46') to a point;

THENCE along the Lands of Michael S. Reed & Katherine A. Plate, Deed Reference Liber 13276, Page 1052, South Fifty-Five Degrees, Fifty-Four Minutes, Twenty-One Seconds East (S55°54'21"E), One Hundred Four and Four Hundredths Feet (104.04');

THENCE along the Lands of B. Michele & Lancelot F. Achilli, III, Deed Reference Liber 11401, Page 1330, South Fifty-Five Degrees, Fifty-Four Minutes, Twenty-One Seconds East (S55°54'21"E), One Hundred Thirty-Two and Forty-Two Hundredths Feet (132.42');

THENCE along the Lands of John F. & Joyce H. Snyder, Deed Reference Liber 2041, Page 76, South Fifty-Five Degrees, Fifty-Four Minutes, Twenty-One Seconds East (S55°54'21"E), Thirty and Zero Hundredths Feet (30.00');

THENCE along other lands of John F. & Joyce H. Snyder, Deed Reference Liber 1883, Page 668, South Fifty-Six Degrees, Thirty-Two Minutes, Forty-Two Seconds East (S56°32'42"E), Two Hundred Ninety-Seven and Eighty-Three Hundredths Feet (297.83') to a point near the end of a stonewall;

THENCE along the Lands of N.Y.S.D.O.T., Map no. 102-Parcel 109, Deed Reference Liber 2403, Page 79, South Sixteen Degrees, Thirty-Eight Minutes, Thirty-Three Seconds West (S16°38'33"W), Four Hundred Eighty-Seven and Seventy-Two Hundredths Feet (487.72') in the general direction of a stonewall, to a found concrete monument, 24" above grade, in the center of the stonewall;

THENCE continuing along the Lands of N.Y.S.D.O.T., map no. 102-Parcel 108, Deed Reference Liber 2403, Page 80, South Fifteen Degrees, Seven Minutes, Forty-Five Seconds West (S15°07'45"W), generally following a stonewall, portions of the way, Five Hundred Seventy-Six and Thirty-Six Hundredths Feet (576.36') to a point on the easterly side of the New York State Thruway, Catskill Section Subdivision 5, map no. 411-R-1, Parcel 556;

THENCE along said parcel, North Twenty-Five Degrees, Twenty-Seven Minutes, Fifty-Eight Seconds West (N25°27'58"W), Fifty and Seventy-Seven Hundredths Feet (50.77');

THENCE continuing along parcel no. 411 and along the westerly side of a permanent drainage easement, map no. 411-R-1, parcel 556, North Sixteen Degrees, Forty-Six Minutes, Eleven Seconds West (N16°46'11"W), Ninety-Eight and Nine Hundredths Feet (98.09');

THENCE continuing along the same, North Seven Degrees, Eighteen Minutes, Twenty-Eight Seconds West (N07°18'28"W), One Hundred Forty-Seven and Sixty-One Hundredths Feet (147.61') to a found concrete monument, 12" above grade, North One Degree, Thirteen Minutes, Thirty-Three Seconds East (N01°13'33"E), Ninety-Seven and Thirty-Four Hundredths Feet (97.34') to a found concrete monument, 18" above grade, North Five Degrees, Fifty-Two Minutes, Eighteen Seconds East (N05°52'18"E), Two Hundred Twenty-Eight and Ninety-Three Hundredths Feet (228.93') to a found concrete monument 19" above grade;

THENCE continuing along the easterly side of Parcel no. 411, the following courses and distances, North Two Degrees, Ten Minutes, Thirty-Eight Seconds East (N02°10'38"E), One Hundred Fifteen and Twenty-Nine Hundredths Feet (115.29'), North Fourteen Degrees, Fifteen Minutes, Fifty-Six

**Choice Abstract Corp
Agent for Old Republic Title Insurance Company**

**Amended 05/08/2018
TITLE NO. CACO25290**

Seconds West (N14°15'56"W), One Hundred Forty-Five and Sixty Hundredths Feet (145.60'), North Thirty-Two Degrees, Forty-Seven Minutes, Fifty-Three Seconds West (N32°47'53"W), Three Hundred Thirty-Six and Seventy-Four Hundredths Feet (336.74'), North Thirty-One Degrees, Twenty Minutes, Fifty Seconds West (N31°20'50"W), One Hundred Eighty-Nine and Thirty-Five Hundredths Feet (189.35'),

North Fifty-Five Degrees, Twenty-Two Minutes, Thirty Seconds West (N55°22'30"W), One Hundred Eighty-Seven and Thirty-Nine Hundredths Feet (187.39'), North Sixty-Three Degrees, Twenty-Two Minutes, Fifty-Six Seconds West (N63°22'56"W), One Hundred Sixty-Two and Twenty Hundredths Feet (162.20') and North Seventy-Six Degrees, Nine Minutes, Twenty-Four Seconds West (N76°09'24"W), Eighty-Seven and Fifty-Nine Hundredths Feet (87.59');

THENCE along the easterly side of New York State Route 300, Lands of the People of the State of New York, the following courses and distances:

- 1) Along Map # 741, Parcel # 1135, North Fourteen Degrees, Thirty-Six Minutes, Thirty-Three Seconds East (N 14°36'33" E), Eighty-Nine and Thirty-Four Hundredths Feet (89.34'),
- 2) Along Map # 730, Parcel # 1124, North Fourteen Degrees, Twenty-Seven Minutes, Twenty-Eight Seconds East (N 14°27'28" E), One Hundred Three and Sixty Hundredths Feet (103.60'),
- 3) Along Map # 731, Parcel # 1125, North Fourteen Degrees, Twenty-Seven Minutes, Twenty-Four Seconds East (N 14°27'24" E), One Hundred and Eleven Hundredths Feet (100.11'),
- 4) Along Map # 732, Parcel # 1126, North Thirty-Two Degrees, Fifty-Nine Minutes, Twenty-Three Seconds East (N 32°59'23" E), Forty-Eight and Eighty-Nine Hundredths Feet (48.89'), and
- 5) Along Map # 733, Parcel # 1127, North Eight Degrees, Thirty Minutes, Fifty-Four Seconds West (N 08°30'54" W), Eighty-Two and Sixty-Seven Hundredths Feet (82.67'), and North Six Degrees, Thirty-Nine Minutes, Forty-Three Seconds East (N 06°39'43" E), Sixty-Nine and Forty-Two Hundredths Feet (69.42') to a point on the southerly side of Stewart Avenue;

THENCE along the southerly side of Stewart Avenue, South Seventy-Six Degrees, Fourteen Minutes, Zero Seconds East (S 76°14'00" E), One Hundred Seven and Sixty-Four Hundredths Feet (107.64'), South Seventy-Six Degrees, Eleven Minutes, Forty-Two Seconds East (S 76°11'42" E), Twenty and Two Hundredths Feet (20.02'), and North Seventy-Six Degrees, Fifty-Nine Minutes, Forty-Four Seconds East (N 76°59'44" E), One Hundred Seventy-Four and Fifty-Six Hundredths Feet (174.56') to a point being South Thirty-Six Degrees, Nineteen Minutes, Twenty-Four Seconds East (S 36°19'24" E), One and Sixty Hundredths Feet (1.60') from a set 5/8" iron rod;

THENCE South Thirty-Six Degrees, Nineteen Minutes, Twenty-Four Seconds East (S36°19'24"E), Nine and Forty-Eight Hundredths Feet (9.48) to the place of beginning.

CONTAINING 10.10.868 acres of land. Bearings with reference to North datum of right-of-way map 411-R-1, Parcel 411, as surveyed July 2015 by Mercurio-Norton-Tarolli-Marshall, 45 Main Street, Pine Bush, New York 12566.

SUBJECT to that portion of the above described premises within the bounds of New York State Route 300, Stewart Avenue and Ridgeview Drive, for use as a public highway, if any.

SUBJECT to utility grants of record.

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Agent for Old Republic Title Insurance Company

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TOGETHER with an easement for ingress and egress over a driveway as described Liber 5166,
Page 267.

SUBJECT to a permanent drainage easement in favor of New York State Thruway, Catskill Section,
Subdivision 5, map no. 411-R-1, Parcel 556, described as follows:

BEGINNING at a point at the terminus of course North Twenty-Five Degrees, Twenty-Seven
Minutes, Fifty-Eight Seconds West (N25°27'58"W), Fifty and Seventy-Seven Hundredths Feet
(50.77') in the above described 10.693 acres;

THENCE from said point of beginning and along the easterly side of New York State Thruway,
Catskill Section, Subdivision 5, map no. 411-R-1, Parcel 411, North Sixteen Degrees, Forty-Six
Minutes, Eleven Seconds West (N16°46'11"W), Ninety-Eight and Nine Hundredths Feet (98.09');

THENCE through the herein described parcel, North Seventy-Two Degrees, Thirty-One Minutes,
Twenty-One Seconds East (N72°31'21"E), Forty-Six and Two Hundredths Feet (46.02'), South
Sixteen Degrees, Thirteen Minutes, Twenty-Five Seconds East (S16°13'25"E), Eighty-Two and Thirty
Hundredths Feet (82.30'), South Fifty-Three Degrees, Twenty Minutes, Thirty Seven Seconds West
(S53°20'37"W), Forty-Eight and Ten Hundredths Feet (48.10') to the place of beginning.

INTENDED to be the same premises described in deeds to Fundex Properties Corp. recorded in
Liber 13914 of Deeds, Page 1360 and Liber 13914 of Deeds, Page 1365.

FOR INFORMATION ONLY:

Section 98 Block 1 Lot 27
Section 98 Block 1 Lot 21
Section 98 Block 1 Lot 23.2 f/k/a 23.-1 & 19.2
Section 97 Block 2 Lot 1.1
Section 98 Block 1 Lot 24
Section 98 Block 1 Lot 8.22

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.
Nicholas A. Pascale

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

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

BY EMAIL ONLY

September 18, 2020

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

Re: Miller Environmental Site Plan and Lot Line Changes; Planning Board Project No. 2019-27

Dear Chairman Scalzo and Board Members:

At the Planning Board's September 17, 2020 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for this project. The subject parcel is a 10.86 acre lot, owned by First State Water LLC, and located at 77 Stewart Avenue. The property is located in the IB zoning district, and contains an existing commercial building that is predominated a treatment facility with a garage.

The proposal is to build a 3,540 square foot steel building over an existing concrete tank vault, and a 3,612 sf steel building for drum containment and drum storage. Also, two lot line changes are proposed to mitigate encroachments.

As you know, it is the policy of the Town of Newburgh that all pre-existing non conforming bulk requirements lose protection upon modifications to the lot lines. All pre-existing nonconformities on each of the lots will require variances.

A review of the plan identifies the following variances required:

Miller Environmental Lot # 27.2:

- a) Proposed enclosed drum containment pad: (A)14.2 proposed, where 30 foot side yard is required.
- b) Proposed tank enclosure: (B)11.93 feet provided, where 30 foot side yard required.
- c) Existing office garage: (C) 9.14 feet provided, where 30 foot side yard required.
- d) Existing building and ramp: (D) 6.14 provided, where 30 foot side yard required.
- e) Existing material storage building: (E) Currently -2.8 encroachment to be addressed by lot line, 5 feet provided, where 30 feet is required.
- f) Existing shed: (F) 13.9 feet provided where 30 feet is required.

We note that no accessory structures are provided for with commercial site plans. All structures must comply with required setbacks.

Lot #18:

- a) 39.49 foot front yard provided where 40 feet are required.
- b) 14.83 foot side yard provided, where 15 feet are required.
- c) Minimum lot area (after lot line): 14,107 square feet where 15,000 square feet is required.

Lot #20.1:

- a) 9.7 foot side yard provided, where 15 feet are required.
- b) 15.1 both side yards provided, where 30 feet is required.
- c) Maximum lot building coverage: 88% existing, 63% after lot line change, where 25% maximum permitted.
- d) Minimum lot area(after lot line): 14,000 square feet, where 17,500 square feet is required.

Existing Shed (Building H):

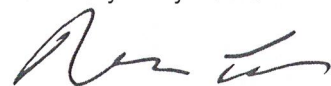
- a) 1.18 feet provided, where 5 foot accessory structure required.

The above list may not be exhaustive, as there may be other variances required due to the complexity of the overall proposal. In addition, the residence on Lot 20.1 is located in the IB zone, where it is a preexisting nonconforming use in that zone. The Zoning Board of Appeals should determine whether a use variance will be required for that residence given the proposed modification to the lot line for that lot.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its 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















