



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: 1) Minimum Rear Yard Setback; \_\_\_\_\_

2) Maximum Building Height; 3) Building Orientation: Long dimension to be perpendicular to fronting street;  
4) Building Materials: Facades facing fronting street to be masonry construction.

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: **NOT APPLICABLE**

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:

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

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:

SEE ATTACHED

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- 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:

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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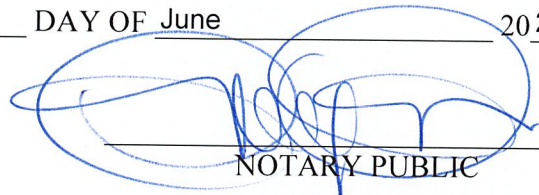
7. ADDITIONAL REASONS (IF PERTINENT):

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

  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June 2024

  
\_\_\_\_\_  
NOTARY PUBLIC

**AMY ARGYRAKIS**  
Notary Public, State of New York  
No. 01AR6103402  
Qualified in Dutchess County  
My Commission Expires Dec. 29, 2027

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 13 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)



**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY


Nicolas Dibrizzi, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT Newburgh, NY  
IN THE COUNTY OF Dutchess AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 1217 / 1219 NYS Route 300

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED KARC Planning Consultants, Inc.  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: June 10, 2024

  
\_\_\_\_\_


OWNER'S SIGNATURE

  
\_\_\_\_\_

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June 20 24

  
\_\_\_\_\_

NOTARY PUBLIC

**AMY ARGYRAKIS**  
Notary Public, State of New York  
No. 01AR6103402  
Qualified in Dutchess County  
My Commission Expires Dec. 29, 2025

AREA VARIANCE APPLICATION ADDENDUM

Per §185 Attachment 13 of the Town of Newburgh Ecode360, Table of Use and Bulk Requirements/I-B District Section 8:

**VARIANCE REQUESTED FOR: Minimum Rear Yard Setback**

**REQUIRED:** 40ft

**PROPOSED:** 30ft

**VARIANCE:** 10ft

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

In this scenario, the rear yard of the parcel is the yard that is opposite of Orr Avenue. Given this, the rear yard is adjacent to existing developed Lowes project. It is not anticipated that there will be any detrimental impact the adjoining property as a result of this proposed development.

- 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:

Although the applicant could redesign the site, the design takes into consideration minimizing impacts to existing vegetation. Further, the proposed application versus the previously approved project significantly reduces the overall impacts to the project area including water/sanitary sewer/storm water and traffic related impacts.

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

The area variance request is not substantial and is a request for a reduction of the setback of 10 feet while still providing 30 foot of setback.

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

In this scenario, the rear yard of the parcel is the yard that is opposite of Orr Avenue. Given this, the rear yard is adjacent to existing developed Lowes project. Further, there is a significant grade difference between the two properties with Lowes at a higher elevation further reduce any possible impacts from the adjoining parcel. Therefore, it is not anticipated that there will be any detrimental impact the adjoining property or to the neighborhood/district as a result of this proposed development

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

Although the hardship could be considered self-created, this consideration can be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The overall impacts of the previously approved project are significantly reduced with the current project including a reduction in water demand, sanitary disposal, storm water generation and traffic related impacts.

AREA VARIANCE APPLICATION ADDENDUM

Per §185 Attachment 13 of the Town of Newburgh Ecode360, Table of Use and Bulk Requirements/I-B District Section 8:

**VARIANCE REQUESTED FOR: Maximum Building Height**

**REQUIRED:** 15ft

**PROPOSED:** 40ft

**VARIANCE:** 25ft

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

In this zoning district, the maximum height permitted for office buildings is 40 feet. The maximum height permitted for storage buildings is 15 feet. However, it is noted that this building will from all appearances, architecturally appear as an office building therefore there will be no undesirable change to the character of the neighborhood or any detriment to nearby properties.

- 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 alternative available to the applicant would be to add additional one story “garage like” storage units. However, it is proposed that including a 40-foot building which looks identical to an office building, while providing a much needed temperature controlled storage would be more desirable alternative for the site and for the community.

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

The area variance request is not substantial because the height of the building is the same permitted height as would be allowed if the building were an office use as in this zoning district, the maximum height permitted for office buildings is 40 feet. The maximum height permitted for storage buildings is 15 feet. However, it is noted that this building will from all appearances, architecturally appear as an office building therefore there will be no undesirable change to the character of the neighborhood or any detriment to nearby properties.

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

In this scenario, the building will be designed such that it is similar to an office building. Therefore, it is not anticipated that there will be any detrimental impact the adjoining property or to the neighborhood/district as a result of this proposed development

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

Although the hardship could be considered self-created, this consideration can be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The overall impacts of the building is negated by the fact that the applicant could building a 40 foot office building with no area variance required.



AREA VARIANCE APPLICATION ADDENDUM

Per §185-35.C of the Town of Newburgh Ecode360, Self-Storage Centers – Building Locations and Materials:

**VARIANCE REQUESTED FOR: Building Orientation – Long dimension to be perpendicular to fronting street**

REQUIRED: Perpendicular to fronting street

PROPOSED: Parallel to fronting street

**VARIANCE:** Parallel to fronting street

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

In this case, the buildings will be set back off of Orr Avenue with significant screening along Orr avenue that there will be limited views of the site. Further, the Applicant will work with the Planning Board and the Town’s Landscape Consultant to provide a landscaping plan that addresses this issue. It is not anticipated that there will be any detrimental impact the adjoining property as a result of this proposed development.

- 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:

Although the applicant could redesign the site, the design takes into consideration minimizing impacts to existing vegetation. Further, the proposed application versus the previously approved project significantly reduces the overall impacts to the project area including water/sanitary sewer/storm water and traffic related impacts.

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

The area variance request is not substantial as there are limited views of the site from Orr Avenue and there are limited vehicles that utilize this portion of Orr Avenue as it is a dead end and the current applicant owns/controls most of the properties along both sides of Orr Ave.

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

There are limited views of the site from Orr Avenue and there are limited vehicles that utilize this portion of Orr Avenue as it is a dead end and the current applicant owns/controls most of the properties along both sides of Orr Ave.

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

Although the hardship could be considered self-created, this consideration can be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The overall impacts of the previously approved project are significantly reduced with the current project including a reduction in water demand, sanitary disposal, storm water generation and traffic related impacts.

AREA VARIANCE APPLICATION ADDENDUM

Per §185-35.C of the Town of Newburgh Ecode360, Self-Storage Centers – Building Locations and Materials:

**VARIANCE REQUESTED FOR: Building Materials – Facades along fronting street to be masonry construction.**

**REQUIRED:** Masonry

**PROPOSED:** Metal/Aluminum

**VARIANCE:** Metal/Aluminum

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

In this case, the buildings will be set back off of Orr Avenue with significant screening along Orr avenue that there will be limited views of the site. It is expected that there will be no negligible difference between a masonry building and a metal building in this instance. Further, the Applicant will work with the Planning Board and the Town's Landscape Consultant to provide a landscaping plan that addresses this issue. It is not anticipated that there will be any detrimental impact the adjoining property as a result of this proposed development.

- 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:

Use of masonry materials would be considered cost prohibited for this this project.

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

The area variance request is not substantial as there are limited views of the site from Orr Avenue and there are limited vehicles that utilize this portion of Orr Avenue as it is a dead end and the current applicant owns/controls most of the properties along both sides of Orr Ave. Further, it is expected that there will be no negligible difference between a masonry building and a metal building in this instance.

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

There are limited views of the site from Orr Avenue and there are limited vehicles that utilize this portion of Orr Avenue as it is a dead end and the current applicant owns/controls most of the properties along both sides of Orr Ave.

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

Although the hardship could be considered self-created, this consideration can be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The overall impacts of the previously approved project are significantly reduced with the current project including a reduction in water demand, sanitary disposal, storm water generation and traffic related impacts.

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

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

Jennifer L. Schneider  
*Managing Attorney*

\*L.L.M. in Taxation  
\*\*Member NY & NJ Bar

June 7, 2024

BY EMAIL ONLY

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

Re: Shoppes at Union Square Phase III // ZBA re-referral  
Planning Board Project No. 2023-16

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's June 7, 2024 meeting, the Planning Board resolved to re-refer this application to the Zoning Board of Appeals for its consideration of the variances required for this proposed Phase III development of Shoppes at Union Square, which consists of a self-storage center. This self-storage center is being proposed as phase III of the buildout of the site that also includes Cosimos on Union and various other commercial establishments. The Planning Board had previously referred this matter to the Zoning Board of Appeals on September 8, 2023. Since that time the applicant has revised its proposal, which now includes a subdivision so that the proposed self-storage facility will be located on a separate parcel.

The previous project was evaluated as a shopping center use and the Phase I and II approvals were granted based on the definition of shopping center in the Zoning Code. The Zoning Code definition for shopping center includes clothes stores, shops or similar commercial establishments otherwise permitted within the Zoning District, including eating and drinking places, developed or intended to be developed as a unit on one lot which may be constructed as a single structure or adjoining structures or neighboring structures but which shall be designed and built as an architectural unit and shall have associated facilities for all street parking, loading and pedestrian circulation. A shopping center shall be designed to be operated and maintained as a unit, in single ownership and/or control sharing certain facilities in common such as open space yards, off street parking and loading facilities, although it may consist of more than one lot.

The site is located in the IB zone, where both shopping centers and self-storage centers are permitted uses.

Additionally, the self-storage center is proposed to be 40 feet in height, where only 15 feet is allowed. Furthermore, a self-storage rear yard requires 40 feet, where 30 feet is provided. The applicant may also be seeking relief from the requirements that the facade facing the street is to be masonry, and the orientation of the building is to be perpendicular to the road.

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





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: 14542 / 1708  
 INSTRUMENT #: 20190018951  
 Receipt#: 2626010  
 Clerk: JM  
 Rec Date: 03/21/2019 03:44:01 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 7  
 Rec'd Frm: HARDENBURGH TITLE AGENCY

Party1: N&N UNION LLC  
 Party2: N&N UNION LLC  
 Town: NEWBURGH (TN)  
 96-1-6.2

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 0.00

Sub Total: 0.00

Total: 330.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 7530  
 Commercial Transfer Tax  
 Consideration: 0.00

Total: 0.00

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

CATANIA MAHON MILLIGRAM & RIDER PLLC  
 ONE CORWIN COURTOB 1479  
 NEWBURGH, NY 12550

Section 96  
Block 1  
Lot 6.2

**BARGAIN & SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 20<sup>th</sup> day of March, Two Thousand and Nineteen

BETWEEN N&N Union LLC aka N&N Union, LLC, with an address at 1089 Little Britain Road, New Windsor, New York 12553,

party of the first part, and

N&N Union, LLC, with an address at 1089 Little Britain Road, New Windsor, New York 12553  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States 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, more particularly described in Schedule A attached hereto and made a part thereof.

Being and intended to be the same premises conveyed to the first part in a certain deed dated June 4, 2018 by Union Realty of Newburgh LLC and recorded in the office of the Orange County Clerk in Liber 14416 of deeds at page 508 on June 14, 2018.

**THIS CONVEYANCE** does not constitute all or substantially all of the assets of the Grantor Limited Liability Company and takes place within the normal course of business.

**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.

IN PRESENCE OF:

N&N UNION LLC aka N&N UNION, LLC

Nicolas DiBrizzi  
Nicolas DiBrizzi, Manager  
Nicola Citera  
Nicola Citera, Manager

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

On the 20 day of March, in the year 2019, before me, the undersigned, a Notary Public in and for the State, personally appeared Nicolas DiBrizzi 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(s) acted, executed the instrument.

Wanda J McCarthy  
Notary Public  
WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2018  
22

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

On the 20 day of March, in the year 2019, before me, the undersigned, a Notary Public in and for the State, personally appeared Nicola Citera 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(s) acted, executed the instrument.

WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2018

Wanda J McCarthy  
Notary Public

SECTION: 96  
BLOCK: 1  
LOT: 6.2

**RETURN BY MAIL TO:**

Eric D. Ossentjuk, Esq.  
Catania, Mahon, Miligram & Rider PLLC  
P.O Box 1479  
Newburgh, New York 12550

## Schedule A Description

Page 1

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,

BEGINNING at the intersection of the northerly sideline of ORR Avenue (width varies) and the southwesterly corner of Section 96 Block 1 Lot 8; thence

1. North 31° 34' 42" West a distance of 200.27 feet (survey) 200.00 feet (deed) to a point; thence
2. North 30° 34' 31" West a distance of 165.25 feet to a point; thence
3. North 36° 02' 31" West a distance of 114.92 feet to a point; thence
4. North 35° 59' 01" West a distance of 48.31 feet to a point; thence
5. North 49° 49' 40" West a distance of 316.98 feet to a point; thence
6. North 56° 06' 01" West a distance of 26.29 feet to a point; thence
7. North 43° 07' 04" East a distance of 140.00 feet to a point; thence
8. North 52° 10' 56" West a distance of 98.30 feet to a point; thence
9. South 43° 07' 04" West a distance of 150.00 feet to a point; thence
10. North 63° 33' 35" West a distance of 114.83 feet to a point; thence
11. North 46° 25' 29" East a distance of 344.38 feet to a point; thence
12. South 63° 21' 10" East a distance of 195.15 feet to a point; thence
13. South 75° 01' 41" East a distance of 550.06 feet to a point; thence
14. South 15° 41' 29" West a distance of 359.55 feet to a point; thence
15. South 73° 20' 31" East a distance of 211.74 feet to a point; thence
16. South 16° 39' 35" West a distance of 300.00 feet to a point; thence
17. North 72° 53' 09" West a distance of 2.31 feet to a point; thence

Continued On Next Page



**Schedule A Description - continued**

Page 2

18. North 73° 20' 31" West a distance of 204.36 feet to a point; thence

19. South 15° 41' 28" West a distance of 143.80 feet to the point of BEGINNING.

Encompassing an area of 452,727 Sq Ft or 10.39 acres, more or less.

Subject to a Grant of Right of Way and Permanent Easement in Liber 13363 page 1525.

Subject to a Grant of Right of Way and Construction Easement in Liber 13363 page 1534.

Together with and Subject to a Reciprocal Access and Parking Easement in Liber 13363 page 1550.

SAID PREMISES ARE FURTHER DESCRIBED AS FOLLOWS:

Commencing at the intersection of the northerly line of Orr Avenue, 22 feet wide, and the westerly line of Union Avenue (aka New York State Route 300), width varies and running the following 5 courses:

A. Along said northerly line of Orr Avenue, South 75° 22' 30" West, a distance of 23.00 feet to a point; thence

B. Along the same, North 56° 33' 31" West, a distance of 27.70 feet to a point; thence

C. Continuing along the same, North 39° 42' 48" West, a distance of 73.04 feet to a point; thence

D. Continuing along the same, North 31° 00' 26" West, a distance of 129.13 feet to a point on the dividing line between lands of Union Orr, LLC and lands of CPK Union, LLC; thence

E. Along said dividing line, South 15° 41' 28" West, a distance of 10.95 feet to the point of beginning, and running; thence

1. Along said northerly line of Orr Avenue, North 31° 34' 41" West, a distance of 200.27 feet to a point; thence

2. Along the same, North 30° 34' 31" West, a distance of 165.25 feet to a point; thence

3. Continuing along the same, North 36° 02' 31" West, distance of 114.92 feet to a point; thence

4. Continuing along the same, North 35° 59' 01" West, a distance of 48.31 feet to

Continued On Next Page

**Schedule A Description - continued**

Page 3

- a point; thence
5. Continuing along the same, North 49° 49' 40" West, a distance of 316.98 feet to a point; thence
  6. Continuing along the same, North 56° 06' 01" West, a distance of 26.29 feet to a point; thence
  7. Leaving Orr Avenue, along the dividing line between lands of Union Orr, LLC and lands of Cook, described in Liber 1888 page 493, North 43° 07' 04" East, a distance of 140.00 feet to a point; thence
  8. Along said dividing line, North 52° 10' 56" West, a distance of 98.30 feet to a point; thence
  9. Along said dividing line, South 43° 07' 04" West, a distance of 150.00 feet to a point on the aforementioned northerly line of Orr Avenue; thence
  10. Along said northerly line of Orr Avenue, North 65° 03' 48" West, a distance of 114.83 feet to a point; thence
  11. Leaving Orr Avenue, along the dividing line of lands of Union Orr, LLC and lands of Newburgh Hotel Partners, North 46° 25' 29" East, a distance of 344.38 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Lowes Home Centers, Inc.; thence
  12. Along said dividing line, South 63° 23' 10" East, a distance of 195.15 feet to a point; thence
  13. Along said dividing line, South 75° 01' 41" East, a distance of 549.54 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Calaluca; thence
  14. Along said dividing line and then along lands of Pomarcio Properties, LLC, and then along lands of Little Brick House Properties, LLC South 15° 41' 29" West, a distance of 359.55 feet to a point on the dividing line between lands of Union Orr, LLC and lands of Little Brick House Properties, LLC; thence
  15. Along said dividing line, South 73° 20' 31" East, a distance of 211.74 feet to a point the westerly line of Union Avenue aka New York State Route 300, width varies; thence
  16. Along said westerly line of Union Avenue, South 16° 39' 35" West, a distance of 300.00 feet to a point; thence
  17. Along the same, North 72° 53' 09" West, a distance of 2.31 feet to a point on the dividing line between lands of Union Orr, LLC and lands of CPK Union, LLC; thence
  18. Along said dividing line, North 73° 20' 31" West, a distance of 204.36 feet to a point; thence
  19. Along said dividing line, South 15° 41' 28" West, a distance of 143.80 feet to a point of beginning.

Encompassing an area of 452,737 square feet or 10.393 acres, more or less.

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

COSIMO DIBRIZZI AND  
NICOLA CITERA  
  
TO  
  
CPK UNION LLC

SECTION 96 BLOCK 1 LOT 10 x 11

RECORD AND RETURN TO:  
(Name and Address)

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.  
ATTORNEYS AND COUNSELLORS AT LAW  
ONE CORWIN COURT  
POST OFFICE BOX 1470  
NEWBURGH, NEW YORK 12550

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

- |   |  |
|---|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN)   | <input type="checkbox"/> 4289 MONTGOMERY (TN)          |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG)           |
| <input type="checkbox"/> 2289 CHESTER (TN)          | <input type="checkbox"/> 4203 MONTGOMERY (VLG)         |
| <input type="checkbox"/> 2201 CHESTER (VLG)         | <input type="checkbox"/> 4205 WALDEN (VLG)             |
| <input type="checkbox"/> 2489 CORNWALL (TN)         | <input type="checkbox"/> 4489 MOUNT HOPE (TN)          |
| <input type="checkbox"/> 2401 CORNWALL (VLG)        | <input type="checkbox"/> 4401 OTISVILLE (VLG)          |
| <input type="checkbox"/> 2600 CRAWFORD (TN)         | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN)         | <input type="checkbox"/> 4800 NEW WINDSOR (TN)         |
| <input type="checkbox"/> 3089 GOSHEN (TN)           | <input type="checkbox"/> 5089 TUXEDO (TN)              |
| <input type="checkbox"/> 3001 GOSHEN (VLG)          | <input type="checkbox"/> 5001 TUXEDO PARK (VLG)        |
| <input type="checkbox"/> 3003 FLORIDA (VLG)         | <input type="checkbox"/> 5200 WALLKILL (TN)            |
| <input type="checkbox"/> 3005 CHESTER (VLG)         | <input type="checkbox"/> 5489 WARWICK (TN)             |
| <input type="checkbox"/> 3200 GREENVILLE (TN)       | <input type="checkbox"/> 5401 FLORIDA (VLG)            |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN)     | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)     |
| <input type="checkbox"/> 3401 MAYBROOK (VLG)        | <input type="checkbox"/> 5405 WARWICK (VLG)            |
| <input type="checkbox"/> 3689 HIGHLANDS (TN)        | <input type="checkbox"/> 5600 WAWAYANDA (TN)           |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)  | <input type="checkbox"/> 5889 WOODBURY (TN)            |
| <input type="checkbox"/> 3889 MINISINK (TN)         | <input type="checkbox"/> 5801 HARRIMAN (VLG)           |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG)      |  |
| <input type="checkbox"/> 4089 MONROE (TN)           |  |
| <input type="checkbox"/> 4001 MONROE (VLG)          |  |
| <input type="checkbox"/> 4003 HARRIMAN (VLG)        |  |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG)     |  |

**CITIES**

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO. PAGES 5 CROSS REF 1  
CERT. COPY  ADD'L X-REF   
MAP #  PGS.

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

CONSIDERATION \$ 0  
TAX EXEMPT

MORTGAGE AMT \$   
DATE

**MORTGAGE TAX TYPE:**

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

RECEIVED FROM: Horizon

LIBER 5213 PAGE 220

LIBER 5213 PAGE 220

ORANGE COUNTY CLERKS OFFICE 71825 LAL  
RECORDED/FILED 12/29/1999 12:20:53 PM  
FEES 50.50 EDUCATION FUND 5.00  
SERIAL NUMBER: 005076  
DEED CNTL NO 68036 RE TAX .00

4331-272  
6360-224

20417-97

*Donna L. Benson*  
DONNA L. BENSON  
Orange County Clerk

#6157

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 30<sup>th</sup> day of September, nineteen hundred and ninety-nine

**BETWEEN**

Cosimo DiBrizzi, residing at 450 River Road, Newburgh, New York 12550 and Nicola Citera, residing at 3 Old Farms Road, Poughkeepsie, New York 12603, AS TENANTS IN COMMON, party of the first part, and

CPK Union LLC, a New York limited liability company with offices for the transaction of business at 1089 Little Britain Road, New Windsor, New York 12553, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) dollars, lawful money of the United States 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, being further bounded and described in Schedule A attached hereto.

Being and intended to be the same premises conveyed in a certain deed dated December 28, 1998 by Cosimo DiBrizzi and Nicola Citera to Cosimo DiBrizzi and Nicola Citera and recorded in the office of the Orange County Clerk in Liber 4961 of deeds at page 64 on January 14, 1999.

This conveyance is made and accepted subject to an indebtedness secured by a mortgage dated June 12, 1992 made by Cosimo DiBrizzi and Nicola Citera to The Bank of New York in the amount of \$230,000.00, recorded in the Orange County Clerk's Office in Liber 4331 at page 272, and mortgage dated October 17, 1997 made by Cosimo DiBrizzi and Nicola Citera to The Bank of New York in the amount of \$208,083.53, recorded in the Orange County Clerk's Office in Liber 6360 at page 224, which two mortgages were consolidated by agreement dated October 17, 1997 made between Cosimo DiBrizzi and Nicola Citera and The Bank of New York to form a single first lien in the amount of \$325,000.00, which mortgage was assigned by Assignment of Mortgage dated September 30, 1999 made by The Bank of New York to Premier National Bank to be recorded simultaneously herewith and on which there is an unpaid principal amount of \$265,416.74, together with interest from September 1, 1999, which said mortgage debt the party of the second part hereby assumes and agrees to pay as part of the conveyance of the above described premises, and the party of the second part hereby executes and acknowledges this instrument for the purpose of complying with the provisions of Section 5-705 of the General Obligations Law.

**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.

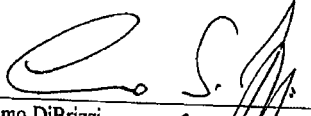
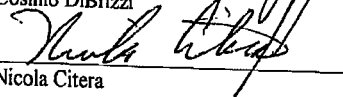
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants

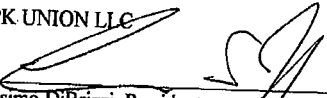
that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement 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.

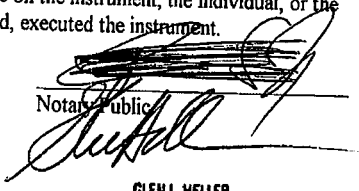
IN PRESENCE OF:

  
Cosimo DiBrizzi  
  
Nicola Citera

CPK UNION LLC  
By:   
Cosimo DiBrizzi, President

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

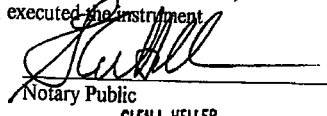
On the 30<sup>th</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Cosimo DiBrizzi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

  
Notary Public

GLEN L. HELLER  
NOTARY PUBLIC, State of New York  
No. 02HE4859682  
Qualified in Orange County  
Commission Expires April 21, 2000

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

On the 30<sup>th</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicola Citera, 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/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

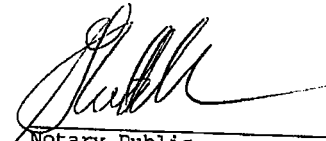
  
Notary Public

GLEN L. HELLER  
NOTARY PUBLIC, State of New York  
No. 02HE4859682  
Qualified in Orange County  
Commission Expires April 21, 2000



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

On the 30th day of September, in the year 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Cosimo DiBrizzi, 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.

  
\_\_\_\_\_  
Notary Public

GLEN L. MELLER  
NOTARY PUBLIC, State of New York  
No. 02HE4859682  
Qualified in Orange County  
Commission Expires April 23, 2002

**DESCRIPTION**  
**LANDS OF NICHOLAS CITERA & COSIMO DIBRIZZI**  
**UNION AVENUE, TOWN OF NEWBURGH, NEW YORK**  
**TAX PARCELS : SECTION 96 BLOCK 1 LOTS 10 & 11**

All that piece or parcel of land with buildings and improvements thereon, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and being more particularly bounded and described as follows :

Beginning at a point in the westerly line of Union Avenue, New York State Route 300, at the southeasterly corner of lands now or formerly of Distefano; thence, along said westerly line of Union Avenue, South 28 degrees 20 minutes West 256.15 feet to a point in the northerly line of Orr Avenue; thence, along the northerly, northeasterly and easterly lines of Orr Avenue, the following four (4) courses,  
(1) South 87 degrees 00 minutes 57 seconds West 23.00 feet,  
(2) North 44 degrees 55 minutes 04 seconds West 27.20 feet,  
(3) North 28 degrees 04 minutes 21 seconds West 73.04 feet,  
and  
(4) North 19 degrees 21 minutes 59 seconds West 129.13 feet to a point in the division line between the lands now or formerly of Distefano on the northwest and the parcel herein described on the southeast; thence, along the last said division line, North 27 degrees 20 minutes East 132.83 feet to point in the division line between the lands now or formerly of Distefano on the northeast and the parcel herein described on the southwest; thence, along the last said division line, South 61 degrees 42 minutes 04 seconds East 204.38 feet to the point or place of beginning, containing 1.00 acres of land more or less.

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

(\*) denotes changes  
made May 6, 2024

**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: The Shoppes at Union Square - Phase III (self-storage)		
Project Location (describe, and attach a general location map): 1217 and 1219 NYS Route 300 (NW intersection of NYS Route 300 and Orr Ave.), Town of Newburgh, Orange County, Parcel ID# 96-1-6.2 and 96-1-11.1		
Brief Description of Proposed Action (include purpose or need): For Phase III of the Shoppes at Union Square, the Applicant is proposing multiple commercial self-storage buildings. The largest stand-alone structure is 30,000sf. The remaining nine structures range from 800 - 8,100sf. <span style="float: right;">APPENDIX 'A'</span> The Planning Board previously completed a SEQRA review of this project which included at 71,000sf supermarket.		
Name of Applicant/Sponsor: N&N Union LLC	Telephone: c/o 845-594-1055	E-Mail: c/o kelly@karcpc.com
Address: 1089 Little Britain Rd.		
City/PO: Newburgh	State: NY	Zip Code: 12553
Project Contact (if not same as sponsor; give name and title/role): Kelly Libolt, KARC Planning Consultants	Telephone: 845-594-1055	E-Mail: kelly@karcpc.com
Address: PO Box 924		
City/PO: Poughkeepsie	State: NY	Zip Code: 12602
Property Owner (if not same as sponsor): same as sponsor	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, 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	Amended Site Plan	
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Possible Area Variances	
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	County Planning - 239m Dept. of Health	
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 - SWPPP	
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**

<b>C.1. Planning and zoning actions.</b>	
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"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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 type="checkbox"/> Yes <input checked="" 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 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 District

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 CSD

b. What police or other public protection forces serve the project site?  
Town of Newburgh

c. Which fire protection and emergency medical services serve the project site?  
Town of Newburgh EMS

d. What parks serve the project site?  
None

**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 Development - construction of ten (10) self-storage buildings

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ \*11.39 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 6.0 +/- acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ \*11.39 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: \_\_\_\_\_ 24 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 10
  - ii. Dimensions (in feet) of largest proposed structure: 40 height; \*150 width; and \*200 length
  - iii. Approximate extent of building space to be heated or cooled: 64,850 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? Site infrastructure
  - ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
    - Volume (specify tons or cubic yards): TBD
    - Over what duration of time? 24 months
  - iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. TBD
  - iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. TBD
  - v. What is the total area to be dredged or excavated? 64,850sf ~~acres~~
  - vi. What is the maximum area to be worked at any one time? <5.0 acres
  - vii. What would be the maximum depth of excavation or dredging? 4+/- feet
  - viii. Will the excavation require blasting?  Yes  No
  - ix. Summarize site reclamation goals and plan: TBD

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

APPENDIX 'B'

- 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: \_\_\_\_\_ TBD - 1 bathroom 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
- 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: TBD - 1 bathroom 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 sewage

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
- Name of district: Town of Newburgh Sewer 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):  
\_\_\_\_\_  
\_\_\_\_\_
- 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?  
 \_\_\_\_\_ Square feet or \*2.89 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \*6.39 acres (parcel size)
- ii. Describe types of new point sources. parking lot and roof leaders
- 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)?  
On-site stormwater management facility
- 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)  
Heavy construction equipment during construction period
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
Potential temp heating/AC during construction period
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
HVAC units to provide heat/AC to buildings

- 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 (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ 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 based on uses

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

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"> <li>• Monday - Friday: _____ 8:00am - 10:00pm</li> <li>• Saturday: _____ 8:00am - 10:00pm</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24/7</li> <li>• Saturday: _____ 24/7</li> <li>• Sunday: _____ 24/7</li> <li>• Holidays: _____ 24/7</li> </ul>
--	---

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:  
Noise will exceed ambient noise levels during the construction period and only during hours permitted under Town Code.

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

---

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 lights, sidewalks, ballasts, sconces

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

---

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):  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_ 20+/- tons per \_\_\_\_\_ month (unit of time)
- Operation : \_\_\_\_\_ 5+/- 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: Recycle all reusable construction and demolition items
- Operation: Compliance with all town/county regulations

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

- Construction: Approved construction and demolition debris sites
- Operation: Approved construction and demolition debris sites

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: \_\_\_\_\_

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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		*2.89	*+2.89
• Forested	*5.88	*0.28	*-5.60
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)	*0.03	*0.03	*0
• Wetlands (freshwater or tidal)	*0.48	*0.48	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: *Proposed landscaped area		*2.71	*2.71

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): 336019, 336089  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): APPENDIX 'C'  
See attached reports

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: \_\_\_\_\_  
\_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >1 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:

Erie Extremely Stony Soils	_____	40.4 %	APPENDIX 'D'
Erie Gravelly Silt Loam 3-8	_____	21.5 %	
Erie Gravelly Silt Loam 0-3	_____	13.3 %	

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >1 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: 25 % of site  
 Poorly Drained: 75 % 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? APPENDIX 'E'  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 862-222, 862-223 Classification C, A
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters Approximate Size 0.68
- 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: \_\_\_\_\_  
\_\_\_\_\_

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i. Is the project site in a designated Floodway? APPENDIX 'F'  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:

Squirrels _____	Rabbits _____	Deer _____
Chipmunks _____	Birds _____	_____

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): APPENDIX 'G'

Indiana Bat, Northern Long-eared Bat, Upland Sandpiper

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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? APPENDIX 'H'  Yes  No

i. If Yes: acreage(s) on project site? 6.9 acres

ii. Source(s) of soil rating(s): USDA Web Soil Survey

---

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: \_\_\_\_\_

<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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site    <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>	APPENDIX 'I'
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>	
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>	
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	

**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**

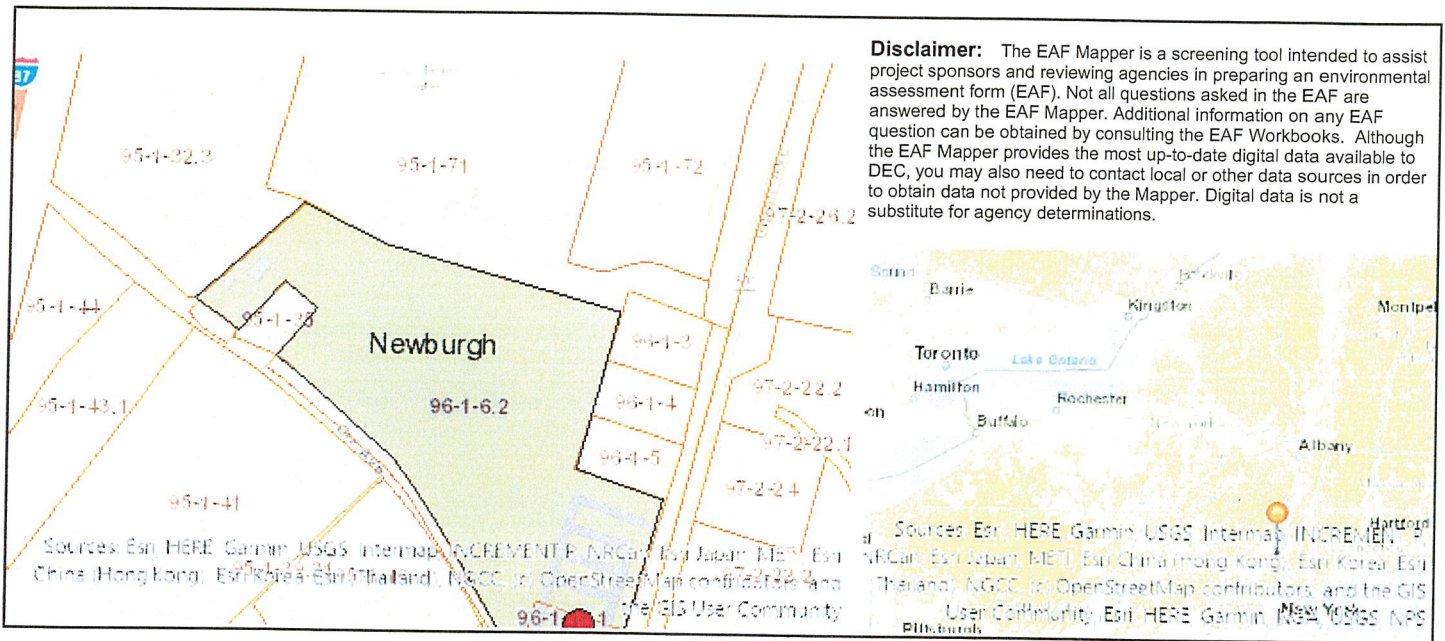
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Kelly Libolt Date rev May 6, 2024 / orig July 14, 2023

Signature  Title Agent for Applicant

**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]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336019, 336089
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]	862-222, 862-223
E.2.h.iv [Surface Water Features - Stream Classification]	C, A
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.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, Upland Sandpiper
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

# NEWBURGH SHOPPES PHASE III – SUBJECT PROPERTY



## 1217 & 1219 ROUTE 300





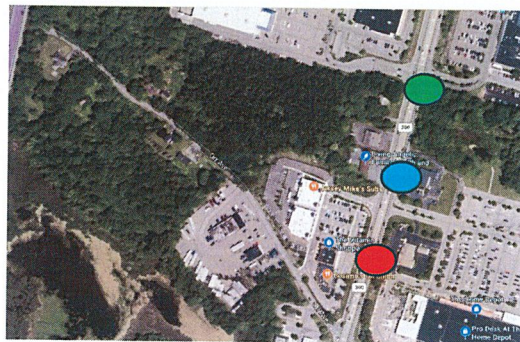
**PHASE II – LOOKING NORTHWEST**



**PHASE III – PARCEL BETWEEN PHASE II AND LOWE'S – LOOKING WEST**



**TOWARD LOWE'S SHOPPING CENTER – LOOKING SOUTHWEST**







June 10, 2024

Town of Newburgh Zoning Board of Appeals  
Darrin Scalzo, Chairman & Zoning Board Members  
21 Hudson Valley Plaza  
Newburgh, NY 12550

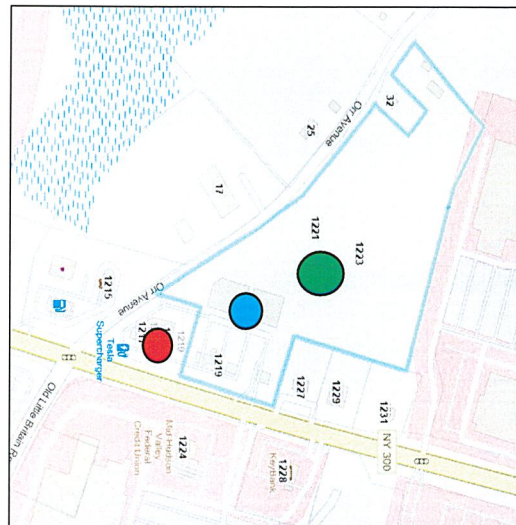
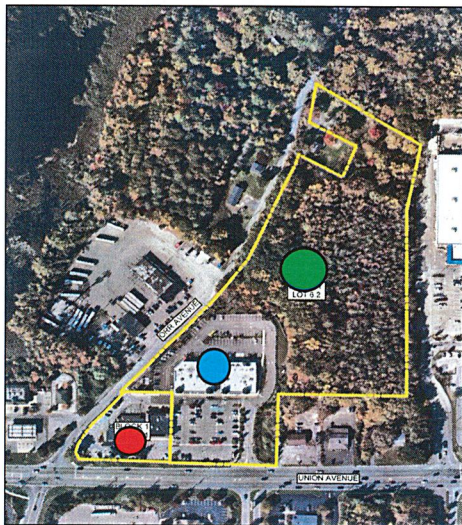
**RE: 1217 & 1219 NYS Route 300**  
**Parcel ID# 96-1-6.2 & 96-1-11.1**  
**Newburgh Shoppes Phase III - Area Variance Applications**

Chairman Scalzo and Zoning Board Members,

We represent the owner of the Shoppes at Union Square located at 1217 & 1219 NYS Route 300 in the I-B District. The Parcels are identified as 96-1-6.2 and 96-1-11.1 and are collectively 11.40 acres in total.

In July 2023, we were seeking an amended Site Plan Approval for Phase III which proposed the construction of ten (10) self-storage buildings and all associated site improvements. That application has since been amended to include Minor Subdivision Approval as well.

Phase I of this property included the approval of Cosimo's Restaurant and associated parking. Phase II of this property was approved for additional commercial retail spaces.



**PHASE I / PHASE II / PHASE III**

Phase I

Phase II



A SEQRA Negative Declaration for this property was issued on October 16, 2008 and was filed with the Clerk on December 4, 2008. The project that was included as part of this review included all three Phases totaling 66,000sf of retail space. A Full Environmental Assessment Form is included with this application to address the work proposed for Phase III. An analysis has also been prepared to show that Phase III will not result in any adverse impacts to the environment.

**-----NEGATIVE DECLARATION-----**  
**TOWN OF NEWBURGH PLANNING BOARD**

**THE SHOPS AT UNION SQUARE**

Determination: Please take notice that, according to the provisions of ENYCRR, Part 617.7, the Town of Newburgh Planning Board, as lead agency, having reviewed and considered an environmental assessment form and plans for the proposed uses, has determined that the actions as cited and described below will not have an adverse impact on the environment and the Planning Board has, therefore, adopted a resolution to this effect.

**Lead Agency:** Town of Newburgh Planning Board

**Contact Person:** Mr. John P. Ewasutyn, Chairman  
Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550  
(845) 564-7804

**SEQRA Status:** Unlisted, Planning Board became lead agency as of June 21, 2007

**Location:** Corner of Union Avenue and Orr Avenue

**Tax Map Parcel:** 95-1-36, 95-1-37.2, 96-1-7, 96-1-8, 96-1-9

**Action:** Site Plan for 66,000 square feet of retail space

**Project Description, Background and Reasons Supporting the Negative Declaration:**

The applicant proposes the development of 11.8 acres of land at the northeast corner of the intersection of Union Avenue and Orr Avenue. The site is zoned IB and will be serviced by municipal sewer and water. The project will consist of development of approximately 66,000 square feet of retail space and restaurants, with a cell phone store and restaurant currently residing at the corner of the intersection of Orr Ave. and Union Ave. The applicant has approximately 440 parking spaces proposed and a bus stop on site. There will be sidewalks throughout the site and it will be connected to the adjoining Lowe's site for vehicular and pedestrian access.

Storm drainage will be addressed on site, with detention ponds for water quality and quantity. There is a stream throughout the site, and the applicant will make any mitigation measures necessary to ensure the environmental quality of this stream and the rest of the site.

This Negative Declaration is based upon an evaluation of the information provided and site improvements proposed by the applicant and Town of Newburgh Planning Board. Impacts and their mitigation are discussed as follows.



The current total project area to be disturbed (approx. 6.0 acres) is currently vacant but forested with an existing ACOE stream that runs through the property and eventually drains into Lake Washington. The Negative Declaration issued in 2008 contemplated 11.8 acres of disturbance. In response to the Negative Declaration issued in 2008, the Applicant had proposed and has carried out several mitigation measures to ensure the water was protected and will continue to do so during Phase III. There continues to be no impacts or encroachment into this stream.

Access to the site will be from Orr Avenue, which intersects NYS Route 300 at the northwest corner of the property. Per the Negative Declaration issued in 2008 for Phases I & II, a new traffic signal and lane widening was required at the entrance drive to handle the additional trips. This has since been installed and continues to act as the mitigation measure for potential traffic impacts in Phase III. In 2008, The Town Engineer and NYSDOT representative also determined that air pollution would not be significantly increased by the additional trips generated, nor would traffic levels (noise). As a storage facility Use in Phase III, we do not anticipate the overall traffic and/or noise levels will have any significant increases in trips or impacts.

It was previously determined that there are no threatened or endangered species on the site and has never had agricultural activity. Finally, it was confirmed that there are no archaeological or historical resources of any significance on the site.

Per §185 Attachment 13 of the Town of Newburgh Ecode360, Table of Use and Bulk Requirements/I-B District Section 8, the Applicant will require two (2) area variances as follows:

BULK REQUIREMENT	REQUIRED/ALLOWED	PROPOSED	VARIANCE
Minimum Rear Yard Setback	40 ft	30 ft	10 ft
Maximum Building Height	15 ft	40 ft	30 ft

Per §185-35.C of the Town of Newburgh Ecode360, Self-Storage Centers – Building Locations and Materials, the Applicant will require two (2) area variances:

LOCATION/MATERIAL	REQUIRED	PROPOSED
Long dimension of building is perpendicular to fronting street	Perpendicular	Parallel
Building facades facing the fronting street to be masonry	Masonry	Aluminum or metal

# KARC

PLANNING CONSULTANTS, INC.

Please find the following for your review:

*Items 1 thru 8 electronic only; Items 9 and 10 = eleven (11) hard copies*

1. Area Variance Application dated June 10, 2024
2. Area Variance Addendum dated June 10, 2024
3. Planning Board letter of referral to Zoning Board dated June 7, 2024
4. Property Deeds
5. Town Assessor's List of Property Owners within 500 feet prepared June 6, 2024
6. Photographs (4)
7. Full Environmental Assessment Form dated May 6, 2024
8. Proxy or Statement for Representation thereof
9. Overall Site Plan prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, DPC dated June 6, 2024
10. Minor Subdivision Plan prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, DPC dated June 5, 2024
11. Per Chapter 104 entitled "Schedule of Fees", All other Area Variances = \$500.00/application.

Kindly advise if you require anything further to complete your review.

We look forward to discussing this project with you at the next Zoning Board meeting.

Thank you.

Sincerely,



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Kelly Libolt, Agent for Applicant



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Nicolas Dibrizzi, being duly sworn, depose and say that I did on or before

June 11, 2024, post and will thereafter maintain at

Route 300 96-1-6.2 IB Zone in the Town of Newburgh, New York, at or near the front

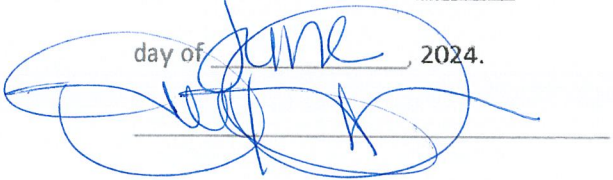
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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 BTH

day of June, 2024.



**AMY ARGYRAKIS**  
Notary Public, State of New York  
No. 01AR6103402  
Qualified in Dutchess County 27  
My Commission Expires Dec. 29, 2027



NEWBURGH SHOPPES PHASE III  
PUBLIC HEARING NOTICE SIGN LOCATIONS 06.13.2024





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