

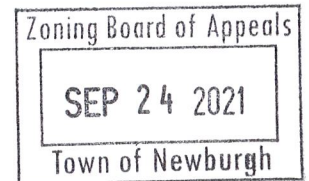
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September 23, 2021



VIA HAND DELIVERY

Darrin J. Scalzo Chairman
Town of Newburgh Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

**Re: Newburgh Commerce Center – 124 NYS Route 17K
Request for Area Variance**

Dear Chairman Scalzo and Members of the Zoning Board of Appeals (“ZBA”):

This firm represents Scannell Properties, LLC (“Scannell”) in connection with its plans to develop a new 127,200 square foot (“SF”) commercial and industrial center in the Town of Newburgh to be known as Newburgh Commerce Center (the “Project”). The Project will be constructed on an approximately 14.9± acre parcel located at 124 NYS Route 17K designated Tax Map Parcel # 95-1-58 (the “Property”). See Exhibit 1, Aerial Photograph of Property Location. As discussed below, the Project requires an area variance from the ZBA.

Introduction

The Property is bounded by NYS Route 17K and three single-family homes to the south, a large warehouse occupied by F.W. Webb to the west, a large car-dealership and two single-family homes to the east, and warehouses to the north. Stewart International Airport is located across Route 17K from the Property. The Property contains a single-family home and related accessory structures which will be removed as part of the Project.

The Property is located in the Interchange Business (“IB”) zoning district established by the Town of Newburgh Zoning Law (the “Zoning Law”). Commercial and industrial uses like manufacturing, processing, laboratories, warehouses, trucking terminals, and offices are permitted in the IB zoning district, subject to site plan approval from the Town of Newburgh Planning Board (the “Planning Board”) pursuant to Article IX of the Zoning Law. The Project will be a multi-tenant use building that may include several of those types of uses, all consistent

with the requirements of the Zoning Law. As proposed, the Project will only include permitted uses in the IB zoning district that require site plan review approval from the Planning Board.

At this time, no tenants have been identified for the Project, but Scannell seeks to obtain the necessary approvals from the Town for the Project in order to market the Property as a “pre-approved” multi-use building that can accommodate various types of tenants meeting the use requirements of the Zoning Law within certain operational parameters (i.e., sewer/water flows, traffic trips, parking, etc.) to be established by the Planning Board as part of the environmental and site plan approval process. A pre-approved site will facilitate Scannell’s efforts to attract high-quality tenants for the Project.

Consistent with the Zoning Law, Scannell seeks to include the potential for a warehouse and/or storage/trucking terminal (collectively, “Warehouse Use”) among the uses that may be included in the Project. However, in the IB zoning district, the Zoning Law does not allow such uses within 500’ of NYS Route 17K. See Zoning Law Article IV and the Table of Use and Bulk Requirements for the IB zoning district, Schedule 8. This setback requirement does not apply to any of the other potential commercial and industrial uses allowed in the IB zoning district, even though the size of the proposed building would still be the same and its distance to NYS Route 17K could be the same or closer in the absence of a Warehouse Use. As explained below, it is not feasible to locate the Project’s building outside the 500’ setback from NYS Route 17K.

Because the proposed building would be 381’ from NYS Route 17K and could possibly include a Warehouse Use, the Planning Board has referred the Project to the ZBA for an area variance related to this use only. See Exhibit 2. Accordingly, pursuant to NYS Town Law § 267-B and the Zoning Law Article VIII, Scannell respectfully submits this letter and its attached exhibits to the ZBA for an area variance to allow the construction of the Project with a potential Warehouse Use within 500’ of NYS Route 17K. (collectively, the “Application”). We respectfully submit that the Project meets the standards for granting the requested area variance for the reasons detailed below.

Exhibits

The following exhibits documents are attached in support of Scannell’s variance application:

- Exhibit 1: Aerial Photograph of Property Location;
- Exhibit 2: Planning Board Referral Letter;
- Exhibit 3: Town of Newburgh Application for Area Variance, w/ Proxy and Fee;
- Exhibit 4: Deed;
- Exhibit 5: Assessor’s List of Property Owners w/in 500’ of the Property;
- Exhibit 6: SEQRA Full Environmental Assessment Form, Part 1;
- Exhibit 7: Sketch Plan including Landscaping, dated September 9, 2021;
- Exhibit 8: Project Visualizations, dated September 23, 2021;
- Exhibit 9: Preliminary Architectural Elevations,, dated September 23, 2021;

Exhibit 10: Photographs of the Property; and

Exhibit 11: Aerial Photographs of Nearby Commercial Uses and Warehouses, including Distance to NYS Route 17K.

SEQRA Compliance

Under the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”), the ZBA’s decision on the requested setback variance is a Type 2 action pursuant to 6 NYCRR § 617.5(c)(16), so no further SEQRA review is required before the ZBA makes a determination on the requested variance.¹ Separately, as part of the Planning Board’s site plan review process, Scannell will prepare a detailed assessment of the potential environmental impacts of the Project pursuant to SEQRA because the Planning Board’s review of the entire Project is a Type 1 action, which requires such a review of impacts. This assessment will include the following studies and reports, among others: a traffic study, a stormwater pollution prevention plan (“SWPPP”), a noise study, a geotechnical study, and a visual assessment. The SWPPP will be designed and prepared in accordance with all applicable Town and New York State Department of Environmental Conservation requirements.

In addition to SEQRA and site plan review by the Planning Board, as you know, prior to making a decision on the Project, both the ZBA and the Planning Board will need to refer the applications to the Orange County Planning Department for review of any county-wide or regional impacts associated with the Project pursuant to General Municipal Law § 239-m.

Project Description

Scannell proposes to construct a 127,200 SF building on the Property along with other site improvements including stormwater controls, utility lines (water, sewer, electric, gas, etc.), 103 car parking spaces, up to 44 trailer/truck storage spaces (these may be land-banked depending on future plans), docks, dark-sky compliant lighting, signage, and landscaping. Access to the Project is proposed from NYS Route 17K. The Project proposes to use municipal water and sewer services. The Project is anticipated to generate a water and sewer demand of approximately 10,000 gallons per day.

The Project’s layout is depicted on the September 9, 2021 sketch plan attached as Exhibit 7. Based on its experience developing and leasing commercial and industrial properties, the size of the building is calculated by Scannell to be the minimum required to attract desirable tenants for the various permissible uses contemplated and to make the Project economically viable. The proposed building is located at the rear of the Property, already as far away from NYS Route 17K and nearby residential uses as possible. As proposed, the building would be 381’ from NYS Route 17K, which is nearly eight times more than the 50’ setback from NYS Route 17K required

¹ A Type II action is not subject to SEQRA review because it has “been determined [by DEC] not to have a significant impact on the environment or [is] otherwise precluded from environmental review under Environmental Conservation Law, article 8” (6 NYCRR 617.5[a]). *City Council of City of Watervliet v. Town Bd. of Town of Colonie*, 3 N.Y.3d 508, 518, 822 N.E.2d 339, 343 (2004). See also, *Rodgers v. City of N. Tonawanda*, 60 A.D.3d 1379, 1379–80, 875 N.Y.S.2d 409 (2009); *Beekman Delameter Properties LLC v. Vill. of Rhinebeck Zoning Bd. of Appeals*, 44 Misc. 3d 1227(A), 998 N.Y.S.2d 305 (Sup. Ct. 2014).

for uses other than warehouses in the IB zoning district, including, e.g. manufacturing facilities. Parking and internal access driveways required to accommodate the various uses contemplated for the Project surround the building and stormwater management ponds and bioretention facilities occupy the southern and eastern portions of the Property.

Scannell has developed Project Visualizations (See Exhibit 8) and Preliminary Architectural Elevation (Exhibit 9) to provide the ZBA and Planning Board with an attractive building design for the Project as proposed. For the ZBA's review purposes, the Project Visualizations (Exhibit 8) demonstrate how the Project, with proposed landscaping, will appear 381' away from NYS Route 17K and from neighboring properties.² Scannell proposes to use a mixture of earth-tone colors for the building to make it more visually appealing. The diverse, muted colors of the building, together with a design that breaks up the massing of the structure (See Preliminary Architectural Elevations, Exhibit 9), will reduce the visual impacts of a building that would be approved to house various uses, potentially including a Warehouse Use, while not appearing to be a traditional, unattractive warehouse that is the likely focus of the Zoning Law restriction.

The proposed landscaping plan for the Project (See Exhibit 7) has been developed to maximize the screening of the building and to minimize the visual impacts, both from NYS Route 17K and from neighboring residential uses, of the Project. The landscaping plan is designed to exceed the requirements of the Zoning Law. Together with the sketch plan, the Project Visualizations and the design and colors of the building, the landscaping plan demonstrates how the Project's visual impacts will be substantially minimized if the requested area variance to allow the proposed Warehouse Use is granted.

The Property is located in a predominantly commercial and industrial area with several residential homes nearby, which are also located in the IB zoning district. Overall, there are over 25 existing warehouses and commercial buildings located adjacent or close to the Property, many of which are closer to NYS Route 17K than the proposed Project building. See Exhibit 11. The nearby warehouse buildings are occupied by the following national and local companies, among others: F.W. Webb Company, Amerisource Bergen, Amscan, A. Duie Pyle, AJW Architectural Products, C&S Wholesale Grocers, Big Shine LED, US Global Airways, and Tetron Aviation Service Center. See Exhibit The nearby commercial uses include the following, among others: Healey Kia (a large car dealership), a Gulf gas station, the Orange County Solid Waste Transfer Station #2, two hotels, Stewart Air National Guard Base, a car service shop, a home health care service company, a restaurant, a veterinary hospital, and other commercial uses.

The Property is perfectly situated to provide a commercial and industrial center for allowed uses in the IB zoning district, including the proposed Warehouse Use, based on its location on NYS Route 17K in proximity to the intersections of I-84, I-87 and NYS Route 300.

² The photographs and Project Visualizations from neighboring properties at 120, 122, 126 and 128 NYS Route 17K are from vantage points within the Property. The Project Visualizations only include proposed trees to be planted as part of the Project's Landscaping Plan. They do not include existing trees and other vegetation on neighboring properties that will contribute to the immediate screening of views of the Project from those properties. Additionally, the Project Visualizations do not include the screening of the Project that will be provided by existing trees on the Property that are proposed to be retained to the maximum extent possible.

The Project’s proposed layout, design and landscaping plan demonstrate Scannell’s commitment to a project that is fundamentally consistent with the Town’s planning goals and zoning requirements for the IB zoning district.

Area Variance Required

The following area variance is required if a Warehouse Use will occupy the Project building:

Zoning Law	Permitted	Variance Required
Zoning Law Article IV and the Table of Use and Bulk Requirements for the IB zoning district, Schedule 8	Warehouse Use building more than 500’ from NYS Route 17K	Scannell proposes a building that may contain a Warehouse Use to be located 381’ from NYS Route 17K, requiring a 119’ setback variance

The Project complies with the remainder of the dimensional and other requirements in the Zoning Law for the IB zoning district.

Area Variance Review Standards

Consistent with Zoning Law § 185-55(I), NYS Town Law § 267-B(3)(b) provides the applicable legal standards for review of area variances by the ZBA. As you know, this law requires the ZBA, in deciding whether to grant the requested variance, to undertake a “balancing test” that considers the “benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.” In applying this “balancing test,” the ZBA must consider the five statutory factors provided in NYS Town Law § 267–b [3][b]. As discussed below, we submit that the requested variance is justified under this “balancing test” as required by the NYS Town Law and the Zoning Law.

Analysis of the Requested Variance

NYS Town Law § 267-B(3)(b)(1) - Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Allowing a Warehouse Use to be located less than 500’ from NYS Route 17K will not result in “an undesirable change...in the character of the neighborhood or a detriment to nearby properties” that could not occur, or be worse, absent the granting of the requested variance. Subject to Planning Board site plan approval, and no ZBA variance, the same building without a potential Warehouse Use could be located in the same location on the Property with the same design and landscaping, resulting in the same potential impacts.

In fact, other permissible commercial and industrial uses in the IB zoning district, including a manufacturing facility, have the potential to create much greater impacts to the neighborhood and nearby properties since they are only required to be 50’ away from NYS

Route 17. In this context, granting the requested variance to allow a potential Warehouse Use to be part of the Project will not result in an undesirable change because of Scannell's effort to maximize the distance of its building from NYS Route 17K, thereby minimizing the variance requested, and to minimize its impacts due to the required Zoning Law setback for a Warehouse Use.

The Property is located in the IB zoning district, immediately adjacent to NYS Route 17K and proximate to I-87, I-84 and NYS Route 300. The Project is proposed to include permitted uses in this district, including a potential Warehouse Use, that are consistent with the prevailing character of this commercial and industrial area due to its location on NYS Route 17K and its proximity to the airport and other major highways. See Exhibit 11. As described above, there are many existing warehouses and commercial buildings located adjacent to or close to the Property. Between I-87 and I-84 on NYS Route 17K, there are numerous large buildings located far closer to NYS Route 17K, and with substantially less screening, than the Project's building.

The design and colors of the Project's building are similar to many of these buildings, and with a 381' setback and enhanced landscaping the Project's building will have less impacts and provide a positive example for development in the IB zoning district. See Exhibits 7, 8 and 9. The Project Visualizations (Exhibit 8) effectively demonstrate how these mitigation measures, together with existing vegetation, will combine to minimize the visual impacts of the Project from NYS Route 17K and from neighboring residential properties.

By bringing additional commercial and industrial space to the IB zoning district along NYS Route 17K, the Project will encourage further economic growth and the development of this area as a thriving commercial corridor. For nearby properties, the Project's construction and operation will enhance their value for suitable IB zoning district uses rather than causing any detriment.

Overall, the Project will continue to support the community's goals for development of the IB zoning district with suitable uses, including a potential Warehouse Use. At the same time, based on the Project layout, building design, coloring and landscaping, the Project will be an attractive attribute in the IB zoning district, which could lead to increased commercial development of nearby properties and more customers and sales at neighboring businesses.

NYS Town Law § 267-B(3)(b)(2) - Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Scannell's objective of developing a 127,200 SF commercial and industrial center that includes potential Warehouse Uses cannot be achieved without the requested area variance. Inclusion of the Warehouse Use as a potential use in the center and the size of the building are vital elements to Scannell's goal of attracting desirable tenants from the largest possible pool and to making the Project economically viable. Businesses seeking a Warehouse Use represent one of the most important groups of potential tenants for the Project and they require a building that is at least as large as the building that is proposed. Further, the rectangular shape of the building is also required for a Warehouse Use that is able to take advantage of available technologies, make optimal use of loading areas, and facilitate the flow of commercial vehicles. Due to the

irregular shape and lack of sufficient depth and width of the Property, no feasible alternatives exist which do not require an area variance for the Project.

There is simply no way for Scannell to achieve its reasonable objectives for the Project absent the ZBA's granting the requested area variance. Based on the sketch plan (Exhibit 7), it is not possible to locate the proposed 127,200 SF commercial and industrial center 500' away from NYS Route 17K and to provide associated parking and access driveways and stormwater controls on the Property in compliance with all of the other dimensional requirements of the Zoning Law.

Specifically, the building, in its current North-South orientation, would need to move 119' further away from NYS Route 17K in order to meet the 500' setback. Since the proposed building is only 85.5' from the rear property line, this alternative is not physically possible on the Property.

Similarly, re-orienting the 530' long building to extend East to West would require side-yard variances for other permissible uses in the IB zoning district contemplated as part of the Project. It would also not allow sufficient room for access driveways for circulation around the building.

Given the 500' restriction, which only applies to the potential Warehouse Use building, there is no feasible alternative except granting the requested variance that would allow Scannell to achieve its reasonable objective of marketing the minimum-sized building required for a viable Project to businesses seeking a Warehouse Use.

NYS Town Law § 267-B(3)(b)(3) - Whether the requested area variance is substantial.

The requested area variance is not substantial. The 119' requested variance from the 500' setback for Warehouse Uses from NYS Route 17K is approximately 24% of the setback distance. As discussed above and below, granting the requested variance will not result in any increased impact on surrounding properties or the environment than would occur in the absence of a Warehouse Use building.

New York State court precedent exists for upholding area variances similar in magnitude to Scannell's requested variance, particularly when granting the variance does not result any adverse impacts, as is the case here. In *N. Country Citizens for Responsible Growth, Inc. v. Town of Potsdam Plan. Bd.*, 39 A.D.3d 1098 (2007), the Appellate Division, Third Department, wrote:

“[t]he ZBA concluded that the area variance was insubstantial. This conclusion was supported by the calculation showing that the proposed setback is 146 feet, which is 73% of the required 200-foot setback....In addition, the tire and lube garage is relatively small in size, and the services it provides would be indoors and limited to normal working hours. The proposed visual and noise buffers, serving to limit any adverse impact, also supported a finding that the variance is insubstantial.”

N. Country Citizens for Responsible Growth, Inc. v. Town of Potsdam Plan. Bd., 39 A.D.3d 1098, 1102, 834 N.Y.S.2d 568, 572 (2007)

Here, the impacts of granting the variance to allow a Warehouse Use within 500 feet of NYS Route 17K are thoroughly minimized by the Project's layout, coloring, architectural features and landscaping plan to screen the property from NYS Route 17K and nearby residences. See Exhibits 7, 8 and 9. Further the Planning Board's SEQRA and site plan review will result in additional mitigation of any adverse environmental impacts of the Project. In this context, the variance request is insubstantial because of the significant minimization of the environmental impacts from the Project that would occur from granting the variance.

Based on Scannell's experience in the commercial and industrial sector, the proposed size and shape of the building is the minimum necessary for the economic viability of the Project. This critical financial calculation takes into account the substantial acquisition and development costs along with ongoing carrying and maintenance costs for the Property, balanced against competitive current and anticipated lease market rates per square foot of the building. Further, the proposed building is designed to provide the minimum space typically required for the largest pool of desirable tenants seeking commercial or industrial space, including Warehouse Use space. Reductions in the size of the building to minimize the variance required from the 500' setback required for a potential Warehouse Use will dramatically reduce the pool of potential tenants that Scannell seeks to attract in order to make the Project financially viable and to provide more tax revenues for the Town.

NYS Town Law § 267-B(3)(b (4) - Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Granting the requested setback variance for the building to allow for a possible Warehouse Use on the Property will have no adverse effects on the physical or environmental conditions in the neighborhood or district. Even without a variance, subject to Planning Board site plan review, the same building could be located in the same location on the Property with the same design and landscaping, resulting in the same potential impacts. In fact, if the requested variance is not granted, the potential impacts could be greater since other permissible commercial and industrial uses in the IB zoning district, including manufacturing facilities, are only required to be set back 50' from NYS Route 17K.

Because of the importance of including the potential for a Warehouse Use in the Project, Scannell seeks this area variance and through the building layout, coloring, architecture and landscaping has sought to maximize the distance of the building from NYS Route 17K and to minimize its visual impacts. Based on the sketch plan (See Exhibit 7) and as discussed above, the proposed building would be located as far away from NYS Route 17K and nearby residential uses as possible. As proposed, the building would be nearly eight times farther back than required for uses other than Warehouse Uses in the IB zoning district, including, e.g., manufacturing facilities.

The Project Visualizations (Exhibit 8) and Preliminary Architectural Renderings (Exhibit 9) demonstrate how the proposed earth-toned colored building and landscaping will minimize any adverse visual impacts and be attractive to prospective commercial and industrial tenants as

well as the public. Because the need for a variance is due to the potential that the building may include a Warehouse Use of sufficient size and a specific shape to make the Project viable, and also because the building may include other types of uses allowed in the IB zoning district, Scannell has purposefully proposed a building design that is suitable for a wide range of uses and that is more architecturally similar to an office building than a typical Warehouse Use.

The proposed landscaping plan for the Project (See Exhibit 7) is more than required by the Zoning Law and would maximize the screening of the building and minimize its visual impacts, both from NYS Route 17K and from neighboring residential uses. Again, through its proposal, Scannell seeks to minimize the environmental impacts of the Project as part of its request for a variance. The Project Visualizations (Exhibit 8) conclusively demonstrate how the building design, existing vegetation and proposed landscaping will substantially mitigate any visual impacts of a proposed Warehouse Use building if the requested variance is granted.

Additionally, through the Planning Board's SEQRA and site plan review of the Project, any adverse environmental impacts will be further minimized. As described above, Scannell will prepare a detailed assessment of the potential environmental impacts of the Project for the Planning Board which includes the following studies and reports, among others: a traffic study, a stormwater pollution prevention plan ("SWPPP"), a noise study, a geotechnical study, and a visual assessment. The SWPPP will be designed and prepared in accordance with all applicable Town and New York State Department of Environmental Conservation requirements. Through Scannell's plans and the Planning Board's review, further mitigation measures to minimize any environmental impacts of the Project on neighboring properties and the IB zoning district will be proposed by Scannell and/or required by the Planning Board.

For the foregoing reasons, granting the requested variance to allow a possible Warehouse Use on the Property less than 500' from NYS Route 17K will not have an adverse impact on the physical or environmental conditions in the neighborhood or district.

NYS Town Law § 267-B(3)(b)(5) - Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

As discussed above, the requested variance is critical to the economic viability of the Project and there are no feasible alternatives which do not require an area variance. Fundamentally, the need for the variance is created by the irregular shape and lack of sufficient depth and width of the Property to allow for the location the proposed Warehouse Use building outside the 500' setback from NYS Route 17K while accommodating the Project's associated driveways, parking areas and stormwater controls on the Property. It is respectfully submitted that these physical constraints are relevant to the ZBA's consideration of this factor.

It is also relevant to here that the difficulty created by the required 500' setback in the IB zoning district only applies to Scannell's proposal for a potential Warehouse Use not to other uses allowed in the district like manufacturing. As discussed above, inclusion of the potential for a Warehouse Use as part of the Project is an important project objective for Scannell in terms of supporting the financial viability of the Project. Since the Project as proposed is designed to

provide a multi-tenant building with varying potential uses that would be the same building whether or not a Warehouse Use is included, we respectfully submit that any impacts that would occur from granting the variance are no different than would occur from having the same building in the same location that does not include a warehouse use and requires no variance from the 500' setback.

Scannell has proposed the Project in an IB zoning district that, if the variance is granted, could serve as a further catalyst for development in this area of Newburgh along NYS Route 17K. The Project will support the Town's goals for this zoning district and enhance the value of nearby property for commercial development consistent with the Town's goals for the IB zoning district. Scannell has minimized the variance requested and any project impacts to the maximum extent possible. See Exhibits 7, 8 and 9. Any impacts from granting the requested setback variance will be minimal in the context of the character of the commercial corridor along NYS Route 17K where the Property is located. See Exhibit 11.

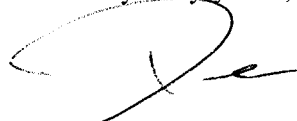
Conclusion

Based on the foregoing, granting the requested variance will benefit the community and Scannell by providing an economically viable Project on the Property. The Project will advance the Town's desired planning goals for the IB zoning district. Scannell has responded to the Zoning Law's setback restriction on Warehouse Uses along NYS Route 17K by proposing a building layout, architectural design and landscaping that minimizes impacts from the Project to the maximum extent possible, such that there would be no discernible difference between a building on the Property housing a Warehouse Use as compared to any of the other permissible uses in the IB zoning district, including an office building.

Balancing the significant benefits to Scannell and the Town of Newburgh if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of granting the variance, we respectfully submit that granting the requested variance is justified.

Thank you kindly for your attention to this variance application. We look forward to discussing this matter further with you at the October 28, 2021 ZBA meeting. In the meantime, please let me know if you have any questions on the materials submitted.

Very truly yours,



David R. Everett

Attachments

c: Zach Zweifler, Scannell Properties
Mark Willson, Scannell Properties
Chuck Utschig, PE, Langan
John Ewasutyn, Planning Board Chairman



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

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

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

September 7, 2021

BY EMAIL ONLY

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

Re: Newburgh Commerce Center (Scannell) / Planning Board Project No. 21-21

Dear Chairman Scalzo and Board Members:

At the Planning Board's September 2, 2021 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances required for this lot line change.

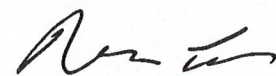
In particular, the applicant seeks site plan approval from the Planning Board to develop a new 127,200 square foot commercial/industrial center on property located at 124 Route 17K to be known as the Newburgh Commerce Center.

The proposed building is located 381 feet from the Route 17K right of way. The Town of Newburgh's IB District bulk tables column D, No. 9 identifies warehouse, storage and transportation facilities including truck and bus terminals as allowed uses within the IB district, but not within 500 feet of Route 17K. This project proposes a warehouse use within 500 feet of Route 17K and thus would require a variance of 119 feet for the deficient setback from Route 17K.

The project proposes a 127,200 square foot building. Buildings in excess of 100,000 square feet are considered Type I Actions for SEQRA review and require a coordinated review. As a result, the Planning Board has declared its intent to serve as SEQRA lead agency, and the ZBA will be included on future SEQRA distributions as the ZBA is an involved agency.

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 9/8/2021

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

I (WE) Scannell Properties, LLC PRESENTLY
RESIDING AT NUMBER 8801 River Crossing Blvd. Suite 300, Indianapolis, IN 46240
TELEPHONE NUMBER (763) 331-8857

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-58 (TAX MAP DESIGNATION)
124 Route 17k, Newburgh, NY 12550 (STREET ADDRESS)
IB - Interchange Business (ZONING DISTRICT)

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

Zoning Law Article IV and the Table of Use and Bulk Requirements for the IB zoning district, Schedule 8.



TOWN OF NEWBURGH

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

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: _____ **X**

4. DESCRIPTION OF VARIANCE SOUGHT: Please see attached cover letter.

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

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

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

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

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



TOWN OF NEWBURGH

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

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:

Please see attached cover letter.

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:

Please see attached cover letter.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Please see attached cover letter.

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

Please see attached cover letter.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Please see attached cover letter.



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):
Please see attached cover letter.

[Handwritten Signature]

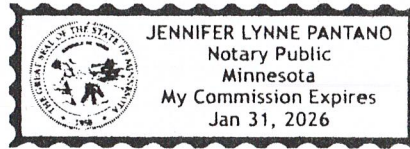
PETITIONER (S) SIGNATURE
Zachary Zweifler

STATE OF MINNESOTA: COUNTY OF HENNEPIN:
~~STATE OF NEW YORK: COUNTY OF ORANGE:~~

SWORN TO THIS 14th DAY OF September 20 21

Jennifer Lynne Pantano

NOTARY PUBLIC



NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Red Oaks SOS, LLC, DEPOSES AND SAYS THAT

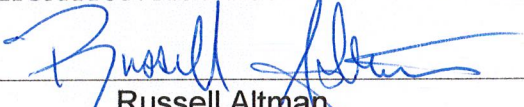
HE/SHE RESIDES AT 1400 E 66th Ave, Denver

IN THE COUNTY OF Adams AND STATE OF Colorado

AND THAT HE/SHE IS THE OWNER IN FEE OF a parcel of real property
at 127 Route 17K, Newburgh, NY (Tax ID: 95-1-58)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Scannell Properties, LLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/15/2021

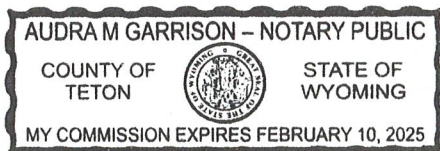

Russell Altman
OWNER'S SIGNATURE



WITNESS' SIGNATURE

WYOMING TETON
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 15th DAY OF September 20 21




NOTARY PUBLIC

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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



SECTION 95 BLOCK 1 LOT 58

PITSINOS PROPERTY, INC.

RECORD AND RETURN TO:
(name and address)

TO

RED OAK SOS LLC

PETER CHERNEFF, ESQ.
Watkins & Cherneff, Esqs.
701 Westchester Avenue
White Plains, New York 10604

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289	MONTGOMERY (TN)	NO PAGES <u>6</u> CROSS REF. _____
2001 WASHINGTONVILLE (VLG)	4201	MAYBROOK (VLG)	CERT. COPY <input type="checkbox"/> ADD'L X-REF. _____
2289 CHESTER (TN)	4203	MONTGOMERY (VLG)	MAP# _____ PGS. _____
2201 CHESTER (VLG)	4205	WALDEN (VLG)	
2489 CORNWALL (TN)	4489	MOUNT HOPE (TN)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
2401 CORNWALL (VLG)	4401	OTISVILLE (VLG)	CASH <input type="checkbox"/>
2600 CRAWFORD (TN)	X 4600	NEWBURGH (TN)	CHARGE <input type="checkbox"/>
2800 DEERPARK (TN)	4800	NEW WINDSOR (TN)	NO FEE <input type="checkbox"/>
3089 GOSHEN (TN)	5089	TUXEDO (TN)	Taxable
3001 GOSHEN (VLG)	5001	TUXEDO PARK (VLG)	CONSIDERATION \$ <u>1,425,000.00</u>
3003 FLORIDA (VLG)	5200	WALLKILL (TN)	TAX EXEMPT <input type="checkbox"/>
3005 CHESTER (VLG)	5489	WARWICK (TN)	Taxable
3200 GREENVILLE (TN)	5401	FLORIDA (VLG)	MORTGAGE AMT. \$ _____
3489 HAMPTONBURGH (TN)	5403	GREENWOOD LAKE (VLG)	DATE _____
3401 MAYBROOK (VLG)	5405	WARWICK (VLG)	
3689 HIGHLANDS (TN)	5600	WAWAYANDA (TN)	MORTGAGE TAX TYPE:
3601 HIGHLAND FALLS (VLG)	5889	WOODBURY (TN)	____ (A) COMMERCIAL/FULL 1%
3889 MINISINK (TN)	5801	HARRIMAN (VLG)	____ (B) 1 OR 2 FAMILY
3801 UNIONVILLE (VLG)			____ (C) UNDER \$10,000
4089 MONROE (TN)			____ (E) EXEMPT
4001 MONROE (VLG)			____ (F) 3 TO 6 UNITS
4003 HARRIMAN (VLG)			____ (I) NAT.PERSON/CR. UNION
4005 KIRYAS JOEL (VLG)			____ (J) NAT.PER-CR.UN/1 OR 2
			____ (K) CONDO

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Old New York Title*

RECORDED/FILED
04/16/2007/ 10:24:56
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20070040814
DEED R / BK 12414 PG 1103
RECORDING FEES 123.00
TTX# 007486 T TAX 19,950.00
Receipt#720905 alicev



5

ANY 2007-41846
SECTION: 95
Block: 1
LOT: 58
T/O: NEWBURGH
%: ORANGE CO

Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 3rd day of April, 2007

BETWEEN PITSINOS PROPERTY, INC. with a principal place of business located at 113 Dogwood Lane, Newburgh, New York 12550

party of the first part, and **RED OAK SOS LLC**, a New York Limited Liability Company, with a principal place of business located at 600 S. Cherry Street, Suite 920, Denver, Co. 80246

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other 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.

BEING a portion of the same premises as described in a deed dated May 8, 2002 from Athena Pitsinos to Pitsinos Property, Inc. which deed has been recorded in the Office of the Orange County Clerk on May 30, 2002 in Liber 5892 at page 52.

The above described premises does not constitute all or substantially all of the assets of the Seller and this conveyance is made in the ordinary course of business of the Seller.

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon obtained at a meeting duly called.

The premises are not in an agricultural district and that the subject premises is entirely owned by the transferor(s).

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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:

axelrod, witness

PITSINOS PROPERTY, INC.

BY: *Catherine P. Grigorakis, President*
CATHERINE P. GRIGORAKIS, President

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On April 3rd, 2007 before me, the undersigned, a Notary Public in and for the State, personally appeared **Catherine P. Grigorakis** personally known to me or proved to be me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

axelrod
Notary Public
ALAN J. AXELROD
Notary Public, State of New York
Qualified in Orange County
No. 02AX4520760
Commission Expires November 30, 20 10

RECORD & RETURN:
PETER CHERNEFF, ESQ.
WATKINS & CHERNEFF, ESQS
701 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2007-4846

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point on the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike at the intersection forming the division line between the premises herein described and lands now or formerly TJP Realty, LLC in Liber 5531 page 289;

THENCE along the last mentioned division line, North 14 degrees 09' 40" East 293.80 feet to a point;

THENCE along the division line between the premises herein described and lands now or formerly of TJP Realty, Inc. in Liber 5531 page 289, lands now or formerly of Michael W. Kane in Liber 6005 page 17 and lands now or formerly of James G. and Nancy A. LaColla in Liber 2303 page 499, North 75 degrees 50' 20" West 237.60 feet to the intersection forming the division line between the premises herein described and lands now or formerly of Northeast Business Center Associates shown as Lot #2B on Filed Map No. 171-951;

THENCE along the last mentioned division line, North 15 degrees 39' 23" East 681.92 feet to a point;

THENCE running the following three (3) courses and distances along the northerly line of the premises herein described:

North 89 degrees 35' 42" East 284.15 feet,

North 80 degrees 25' 27" West 85.00 feet, and

North 89 degrees 36' 43" East 297.50 feet to the intersection forming the division line between the premises herein described and a right of way and easement as set forth in a deed in Liber 691 page 276;

THENCE along the last mentioned division line, the following two (2) courses and distances:

South 05 degrees 14' 17" East 126.00 feet and

South 09 degrees 43' 43" East 248.23 feet to the intersection forming the division line

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2007-4846

SCHEDULE A (continued)

between the premises herein described and lands now or formerly of Frank J. and Marjory Smolenski in Liber 1150 page 372;

THENCE along the last mentioned division line, the following three (3) courses and distances:

North 80 degrees 16' 17" West 150.00 feet,

South 09 degrees 43' 43" West 115.38 feet, and

South 86 degrees 07' 29" East 19.32 feet to the intersection forming the division line between the premises herein described and lands now or formerly Cosimo J. Colandrea in a deed in Liber 2980 page 203;

THENCE along the last mentioned division line, South 09 degrees 24' 36" West 629.60 feet to the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike;

THENCE along the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike, the following three (3) courses and distances:

North 74 degrees 14' 00" West 227.45 feet,

North 87 degrees 11' 02" West 93.94 feet, and

North 75 degrees 30' 54" West 100.00 feet to the point and place of BEGINNING.

TOGETHER WITH AND SUBJECT TO the benefits and burdens of a right-of-way and easement and maintenance agreement as set forth in a deed in Liber 691 page 276 being more particularly described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point on the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike where the same is intersected by the division line of the right-of-way herein described and lands now or formerly of Cosimo J. Colandrea in Liber 2980 page 203;

THENCE along the last mentioned division line, the following four (4) courses and distances:

North 09 degrees 23' 03" East 650.84 feet,

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2007-4846

SCHEDULE A (continued)

North 09 degrees 43' 43" East 100.00 feet,

North 09 degrees 43' 43" East 248.23 feet, and

North 05 degrees 74' 17" West 126.00 feet to a point;

THENCE North 89 degrees 31' 01" East 39.64 feet to the division line between the right-of-way herein described and lands now or formerly of Newburgh Commons, LLC in Liber 5942 page 97;

THENCE along the right-of-way herein described and lands now or formerly of Newburgh Commons, Inc. in Liber 5943 page 97 and lands now or formerly of Frank J. and Marjory Smolenski in Liber 1150 page 372 and lands now or formerly of Commercial Center at 59, L.P., in Liber 5198 page 9, the following three (3) courses and distances:

South 05 degrees 14' 17" East 127.90 feet,

South 09 degrees 43' 43" West 353.42 feet, and

South 09 degrees 23' 03" West 654.65 feet to the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike;

THENCE along the northerly side of N.Y.S. Route 17K Newburgh-Cochecton Turnpike, North 75 degrees 06' 39" West 39.65 feet to the the point or place of BEGINNING.

334600 95-1-61
Brandon Ozman
130 W Main St
Walden NY 12586

334600 95-1-64
Pitsinos Property Inc
113 Dogwood Ln
Newburgh NY 12550

334600 95-1-57
122 Route 17K, LLC
P.O. Box 3257
Newburgh NY 12550

334600 95-1-53
PDH Realty, LLC
P.O. Box 859
Goshen NY 10924

334600 95-1-1.22
700-900, LLC
JKC 700, LLC
One West Oak Ln
White Plains NY 10604

334600 95-1-1.1
Northeast Business Center
Associates-50
3 Manhattanville Rd
Purchase NY 10577

334600 95-1-56
Van Schrier
120 Route 17K
Newburgh NY 12550

334600 95-1-59
Tjp Realty Lic
70 Taylors Way
Newburgh NY 12550

334600 95-1-76
Palm Hospitality LLC
48 Sherwood Heights
Wappingers Falls NY 12590

334600 95-1-54.2
PDH Realty LLC
P.O. Box 859
Goshen NY 10924

334600 95-1-1.32
Business Center Northeast
4.5 Associates
3 Manhattanville Rd
Purchase NY 10577

334600 95-1-58
Red Oak SOS, LLC
57 Alexander St
Yonkers NY 10701

334600 95-1-60
Michael W Kane
128 Route 17K
Newburgh NY 12550


334600 95-1-69.12
A Duie Pyle
650 Westtown Rd
P.O. Box 564
West Chester PA 19381

334600 95-1-75
JDP Associates LLC.
160 Middlesex Tpke
Bedford MA 01730

334600 89-1-79
NYS Dept of Transportation
Region 8
4 Burnett Blvd.
Poughkeepsie, NY 12603

~~334600~~ 95-1-79.27
Matrix Newburgh I, LLC
c/o Matrix Realty Inc.
CN 4000 Forsgate Dr
Cranbury, NJ 08512

Town of Newburgh
Office of the Assessor
1496 Route 300
Newburgh, NY 12550

Done 9/13/21


SEC 95 BLK 1 LOT 58

Pg. 1 of 1

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Newburgh Commerce Center (Planning Board No. 2020-21)		
Project Location (describe, and attach a general location map): The site is located +-800-ft east of the intersection of NYS Route 17K and Corporate Boulevard. (SBL: 95-1-58)		
Brief Description of Proposed Action (include purpose or need): The proposed action consists of a +/- 127,200-square foot flex space building that meet the requirements of the zoning code. The proposed action will also include associated loading and parking spaces, utilities, and stormwater management practices. Access to the project site will be provided from NYS Route 17K.		
Name of Applicant/Sponsor: Scannell Properties, LLC	Telephone:	
	E-Mail: ZacharyZ@scannellproperties.com	
Address: 8801 River Crossing Boulevard Suite 300		
City/PO: Indianapolis	State: IN	Zip Code: 46240
Project Contact (if not same as sponsor; give name and title/role): Michael Finan, Associate (Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.)	Telephone: (914) 323-7410	
	E-Mail: mfinan@langan.com	
Address: 1 North Broadway, Suite 910		
City/PO: White Plains	State: NY	Zip Code: 10601
Property Owner (if not same as sponsor): Red Oak SOS LLC	Telephone:	
	E-Mail:	
Address: 1400 E 66th Avenue		
City/PO: Denver	State: CO	Zip Code: 80229

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Newburgh Planning Board - Site Plan Approval; SEQR - if lead agency	Projected date: Fall 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Newburgh Engineer and Water Department	Projected date: Fall 2021
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County (OC) Dept. of Planning - Site Plan Review. OC Dept of Health - water main conn.	Projected date: Fall 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT - Highway Work Permit NYS DEC - SPDES; Wetland JD	Projected date: Fall 2021
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE Wetland JD; FAA Notice of Construction/Hazard to Air Nav. Determination	Projected date: Fall 2021
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

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

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?
Interchange Business (IB) District; Stewart Airport Overlay 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 Enlarged City School District

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

c. Which fire protection and emergency medical services serve the project site?
Orange Lake Fire District; Town of Newburgh Emergency Medical Services

d. What parks serve the project site?
Algonquin Powder Mill Park (municipal 2mi north), Cronomer Hill County Park (county, 2mi north), New Windsor Historic Parklands (municipal 2mi south), Stewart State Forest (state 4mi west)

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)? Industrial - flex space building

b. a. Total acreage of the site of the proposed action? _____ ±13.8 acres
 b. Total acreage to be physically disturbed? _____ ±13.8 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ ±13.8 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: _____ 16 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: _____

* A 5-ac waiver will be requested for this project to construct in a single phase.

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

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

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: < 40 feet height; 240 width; and 530 length

iii. Approximate extent of building space to be heated or cooled: ±127,200 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: Stormwater management ponds

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: Drainage from site

iii. If other than water, identify the type of impounded/contained liquids and their source.
N/A

iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: TBD acres

v. Dimensions of the proposed dam or impounding structure: N/A height; N/A length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Excavation of land.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
TBD - After the wetland delineation is complete, a jurisdictional determination will be done if necessary.

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: _____
TBD

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: _____ 10,000 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 consolidated water district
- 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: _____ 10,000 gallons/day

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

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

- Name of wastewater treatment plant to be used: City of Newburgh - Renwick Street wastewater treatment plant
- 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

Yes No
 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 ±7.0 acres (impervious surface)
 _____ Square feet or ±13.8 acres (parcel size)
- ii. Describe types of new point sources. Conveyance pipes
- 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 runoff will be treated for water quality and detained by various stormwater management basins and features, including underground detention chambers. Stormwater discharge will be directed to match existing watersheds and flow patterns.
 - 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)
Truck fleet
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
Generators, batch plants, concrete crusher, asphalt miller, soil screener
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
Larger boilers, generators

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

iii. Parking spaces: Existing 0 spaces Proposed 103 spaces Net increase/decrease 103 spaces

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:
Access to the site will be provided from NYS Route 17K. Modifications to NYS Route 17k will be required to allow for access into the site.

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: _____
340 KW average demand, 500 kw Peak.

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

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

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

i. During Construction:

- Monday - Friday: Will comply with local regulations
- Saturday: Will comply with local regulations
- Sunday: Will comply with local regulations
- Holidays: Will comply with local regulations

ii. During Operations:

- Monday - Friday: 24 hours
- Saturday: 24 hours
- Sunday: 24 hours
- Holidays: 24 hours

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

If yes:

i. Provide details including sources, time of day and duration:
 Construction-related noises during permitted hours of construction _____

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

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

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 Full cut-off site lighting will be installed to provide light along driveways, walkways and parking areas to ensure clear and safe circulation, while avoiding adverse impacts on surrounding areas. The lighting plan will include standard pole-mount and wall-mount fixtures.

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):
 Potential use of pesticides for landscaping during operation. _____

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

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

If Yes:

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

- Construction: _____ TBD tons per _____ month (unit of time)
- Operation : _____ TBD 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: Construction waste will be minimized through efficient materials use and solid waste will be disposed of in appropriate manner. _____
- Operation: Solid waste and recycling will be collected on site and disposed by private waste management vendor. _____

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

- Construction: Private waste management vendor. _____
- Operation: Private waste management vendor. _____

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): Stewart International Airport, Army National Guard Base

ii. If mix of uses, generally describe:

The general mix of uses is characterized by uses associated with a transportation corridor including transportation, industrial and commercial uses, with scattered residential uses in an urban setting.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	±0.22	±7.0	+6.78
• Forested	±6.27	0	-6.27
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	±6.48	±6.8	+0.32
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	±0.83	0	-0.83
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

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

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

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

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
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
* TBD - Phase I is being conducted.
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): 336088, 336089
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

336088 and 336089 are in reference to Stewart International Airport. A portion of the site was previously used as an Air National Guard Base (ANGB). Aqueous film-forming foam (AFFF), in which perfluorooctanesulfonic acid (PFOS) is a key ingredient, has been used over the years at the base to put out fires and in training exercises. PFOS has been detected in soil, groundwater, and surface water samples at the ANGB. Contaminants have migrated off-site and sampling has identified the presence of perfluorooctane sulfonic acid (PFOS) in Lake Washington, the primary source of the City of Newburgh water supply. Actions should be taken to reduce human exposures to PFOS in drinking water supplies. These actions include measures to address the contamination in the water supply (e.g., using alternate sources of water and pursuing treatment of surface water sources) and actions to address sources of drinking water contamination where levels exceed applicable standards, criteria, or guidance. Currently, an alternate source of drinking water is being used to reduce exposure. Additional investigation and sampling is being completed to evaluate where and how people may be exposed to site-related contaminants.

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >5 feet See section E.2.c. for depth to bedrock per the Soil Survey of Orange County, New York

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

c. Predominant soil type(s) present on project site:	<u>Ab Alden silt loam</u>	<u>21.5</u> %	<u>>5</u> ft	<u>0 to 0.5</u> ft
	<u>BnB Bath-Nassau channery silt loam</u>	<u>31.9</u> %	<u>4-5</u> ft	<u>2 to 4</u> ft
	<u>MdB Mardin gravely silt loam</u>	<u>46.6</u> %	<u>>5</u> ft	<u>1.5 to 2</u> ft

d. What is the average depth to the water table on the project site? Average: _____ 2 feet See section E.2.c. for depth to high water table per the Soil Survey of Orange County, New York

e. Drainage status of project site soils: Well Drained: 31.9 % of site
 Moderately Well Drained: 46.6 % of site
 Poorly Drained: 21.5 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 97.4 % of site
 10-15%: 1.4 % of site
 15% or greater: 1.4 % of site

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

h. Surface water features. * See note at bottom of page

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

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

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

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

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

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

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

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

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

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

* Section H is automatically filled out through the NYSDEC EAF Mapper Generator and does not necessarily mean there are wetlands on-site. A wetlands delineation is in the process of being complete. On-site wetlands, if any, will be evaluated at that time.

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p>		
white-tailed deer	grey squirrel	groundhog
eastern cottontail	chipmunk	wild turkey
various songbirds		
<p>n. Does the project site contain a designated significant natural community?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p>		
<p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p>		
<p>ii. Source(s) of description or evaluation: _____</p>		
<p>iii. Extent of community/habitat:</p>		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?</p>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>If Yes:</p>		
<p>i. Species and listing (endangered or threatened): _____</p>		
Indiana Bat, Upland Sandpiper		
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p>		
<p>i. Species and listing: _____</p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If yes, give a brief description of how the proposed action may affect that use: _____</p>		
<p>E.3. Designated Public Resources On or Near Project Site</p>		
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes, provide county plus district name/number: _____</p>		
<p>b. Are agricultural lands consisting of highly productive soils present?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>i. If Yes: acreage(s) on project site? _____</p>		
<p>ii. Source(s) of soil rating(s): _____</p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p>		
<p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p>		
<p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p>		
<p>i. CEA name: _____</p>		
<p>ii. Basis for designation: _____</p>		
<p>iii. Designating agency and date: _____</p>		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
ii. Name: _____		
iii. Brief description of attributes on which listing is based: _____		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
i. Describe possible resource(s): _____		
ii. Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
i. Identify resource: <u>Stewart State Forest; Newburgh-Beacon Bridge/Hudson River</u>		
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State forest land; State Scenic Road</u>		
iii. Distance between project and resource: _____ <u>3.5</u> miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
i. Identify the name of the river and its designation: _____		
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

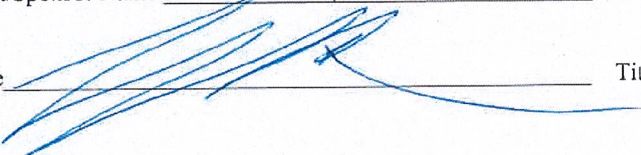
Attach any additional information which may be needed to clarify your project.

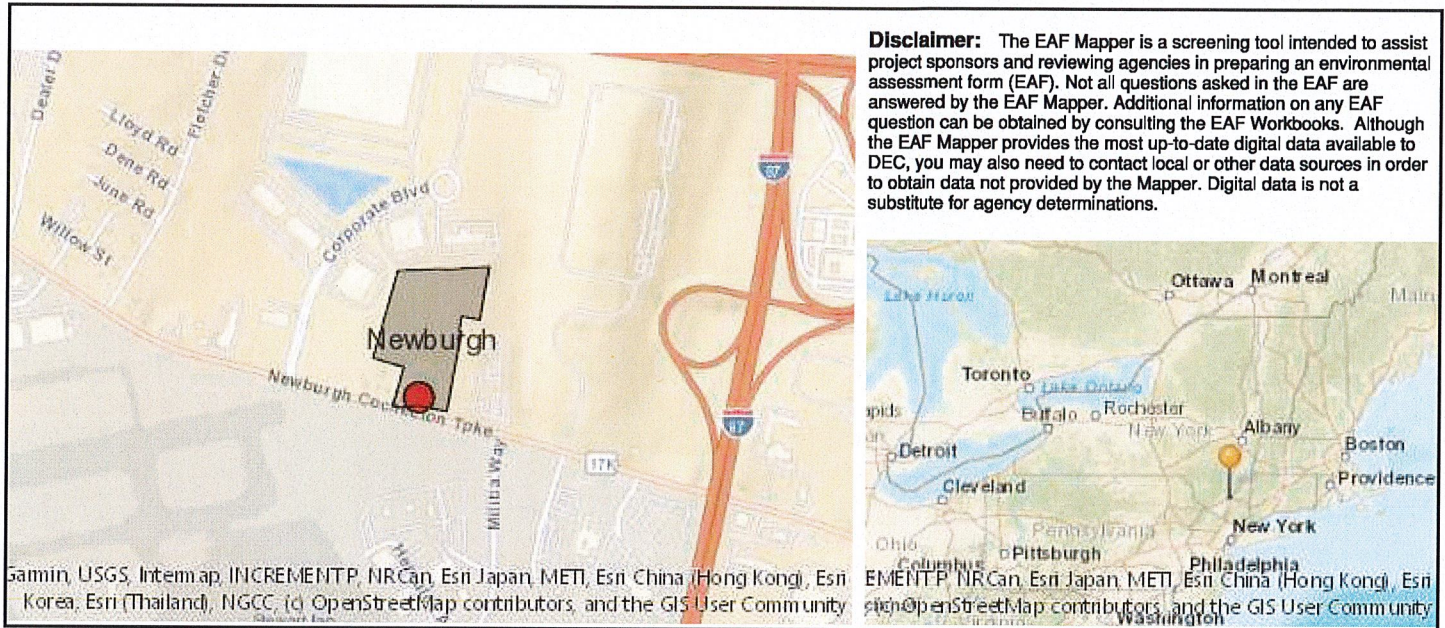
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Scannell Properties, LLC Date August 19, 2021

Signature  Title Development Manager

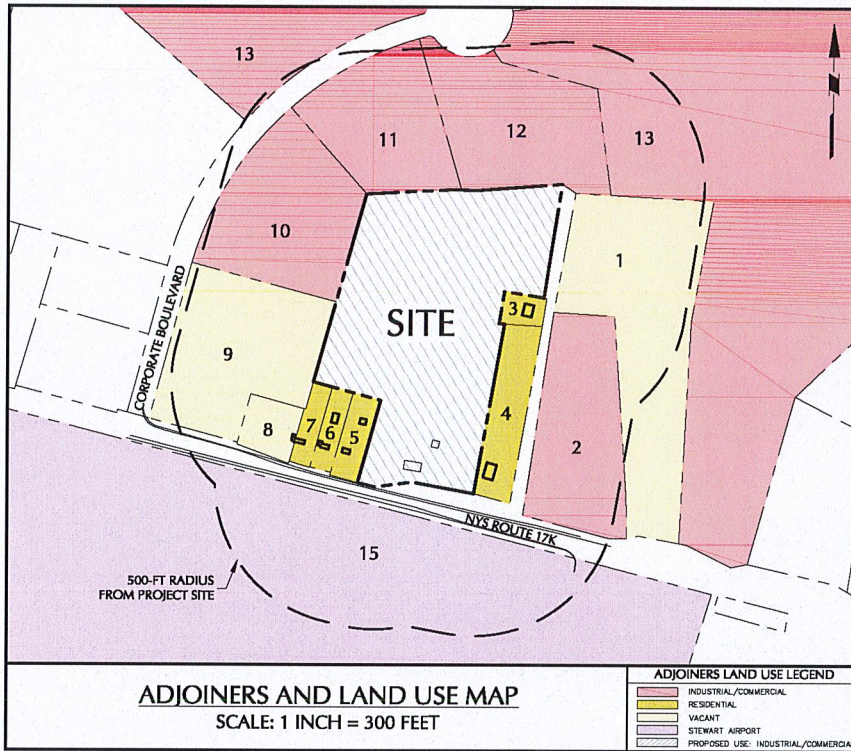


B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are 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]	336088, 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 - 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

SKETCH PLAN SUBMITTAL NEWBURGH CO

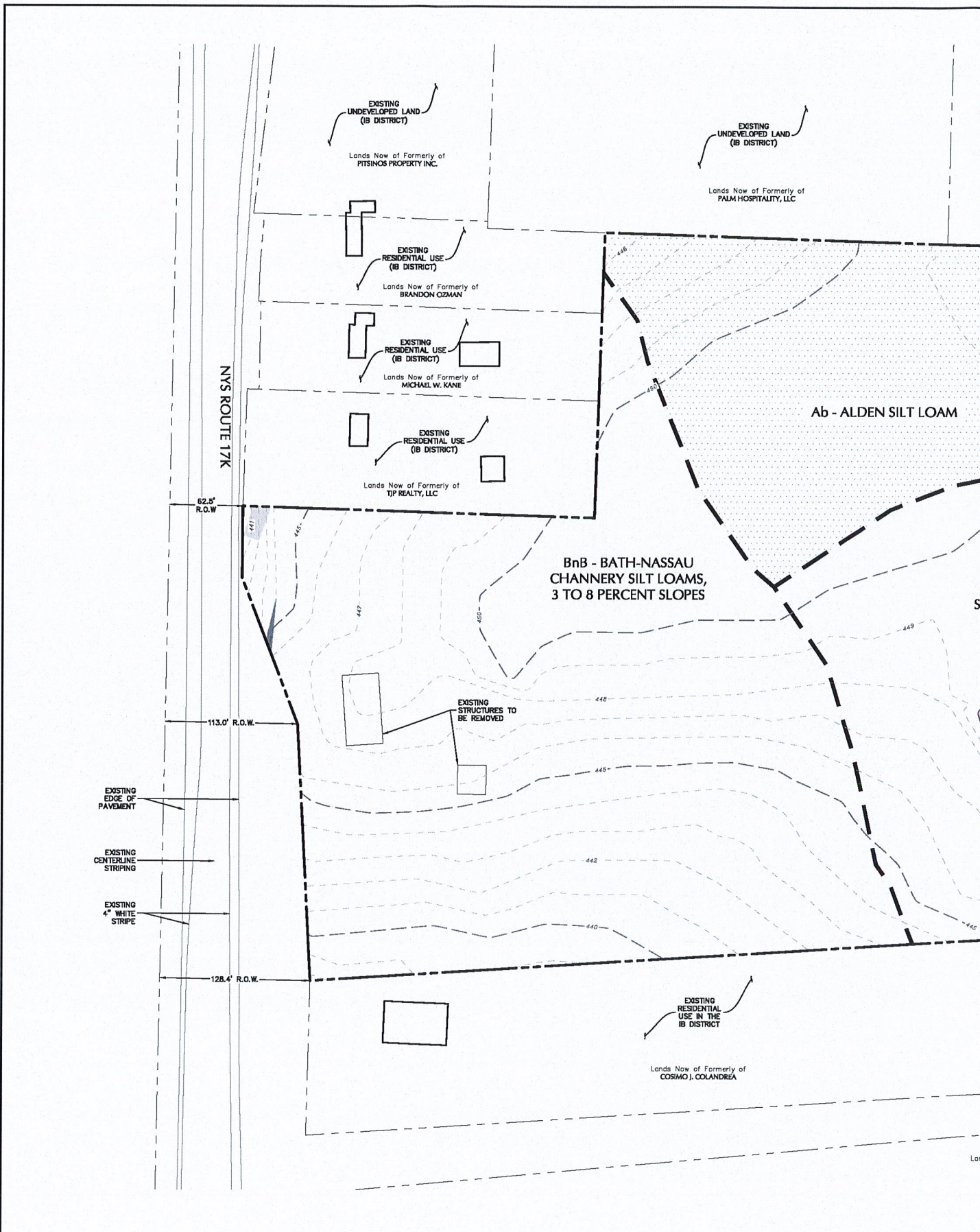
TOWN OF
ORANGE COUNTY
SECTION 95
PLANNING BOARD



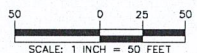
ADJACENT PROPERTY OWNERS				
1. 95-1-54.2 PDH Realty, LLC P.O. Box 859 Goshen NY 10924	4. 95-1-57 Cosimo J. Colandrea P.O. Box 3257 Newburgh, NY 12550	7. 95-1-61 Brandon Ozman 130 W Main Street Walden, NY 12586	10. 95-1-75 JDP Associates, LLC 160 Middlesex Turnpike Bedford, MA 01730	13. 95-1-1.1 Northeast Business Center 3 Manhattanville Road Purchase, NY 10577
2. 95-1-53 PDH Realty, LLC P.O. Box 859 Goshen NY 10924	5. 95-1-59 TJP Realty, LLC 70 Taylors Way Newburgh, NY 12550	8. 95-1-64 Pitsinos Property Inc. 113 Dogwood Lane Newburgh, NY 12550	11. 95-1-1.32 Business Center Northeast 3 Manhattanville Road Purchase, NY 10577	14. 95-1-79.2 Matrix Newburgh I, LLC CN 4000 Forsgate Drive Cranbury, NJ 08512
3. 95-1-56 Van Schrier 120 Route 17K Newburgh, NY 12550	6. 95-1-60 Michael W. Kane 128 Route 17K Newburgh, NY 12550	9. 95-1-76 Palm Hospitality, LLC 48 Sherwood Heights Wappingers Falls, NY 12590	12. 95-1-69.12 A Duie Pyle P.O. Box 564 650 Westtown Road West Chester, PA 19381	15. 89-1-79 NYS Department of Transportation Albany NY 12201

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR OR GEOLOGIST, TO ALTER THIS ITEM IN ANY WAY.

Date	Description	No.	SIGNATURE
	REVISIONS		MICHAEL FIN PROFESSIONAL ENGINEER N



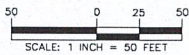
WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 146 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR OR GEOLOGIST, TO ALTER THIS ITEM IN ANY WAY.



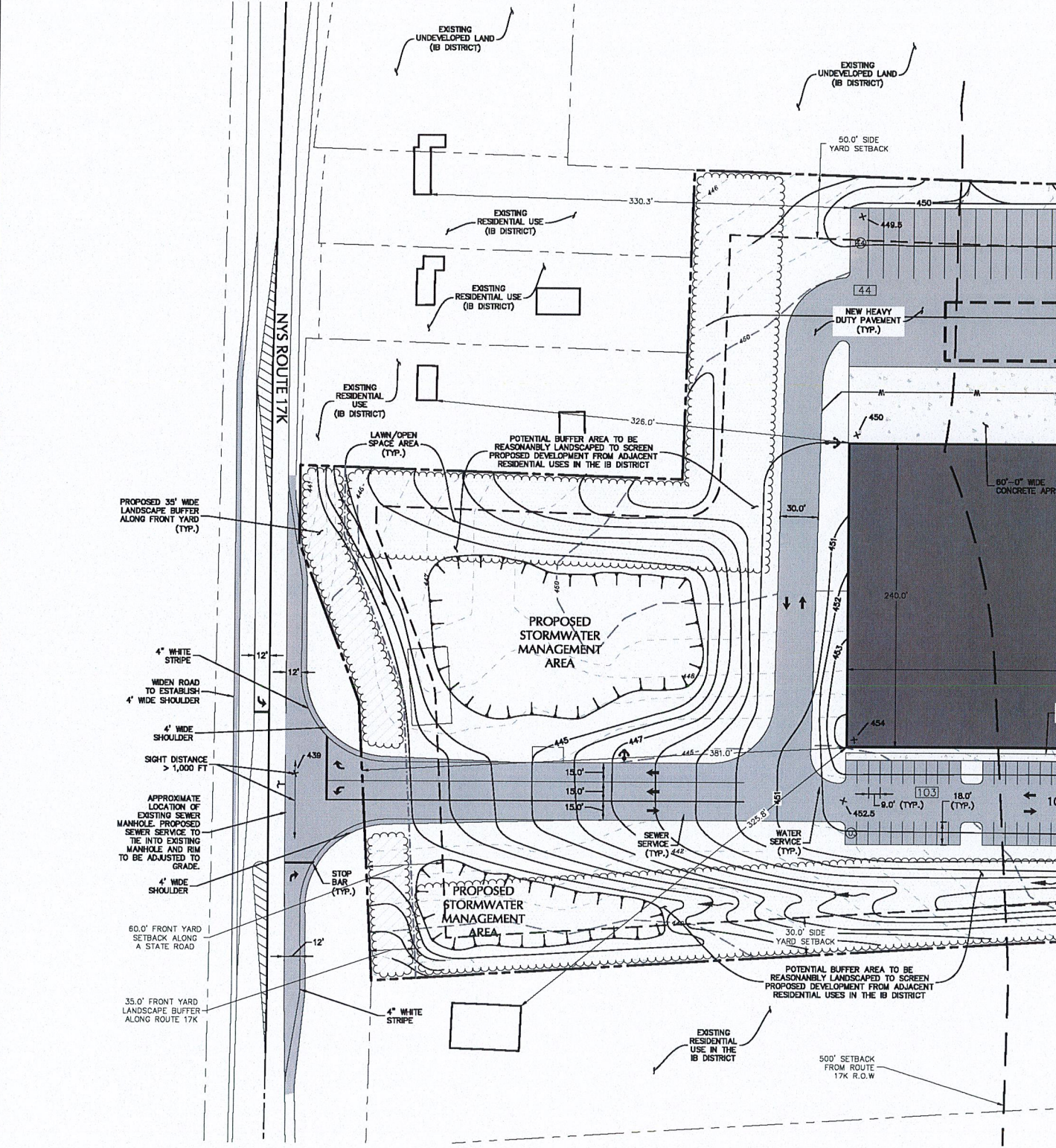
Date	Description	No.
	REVISIONS	

SIGNATURE
 MICHAEL FI
 PROFESSIONAL ENGINEER N

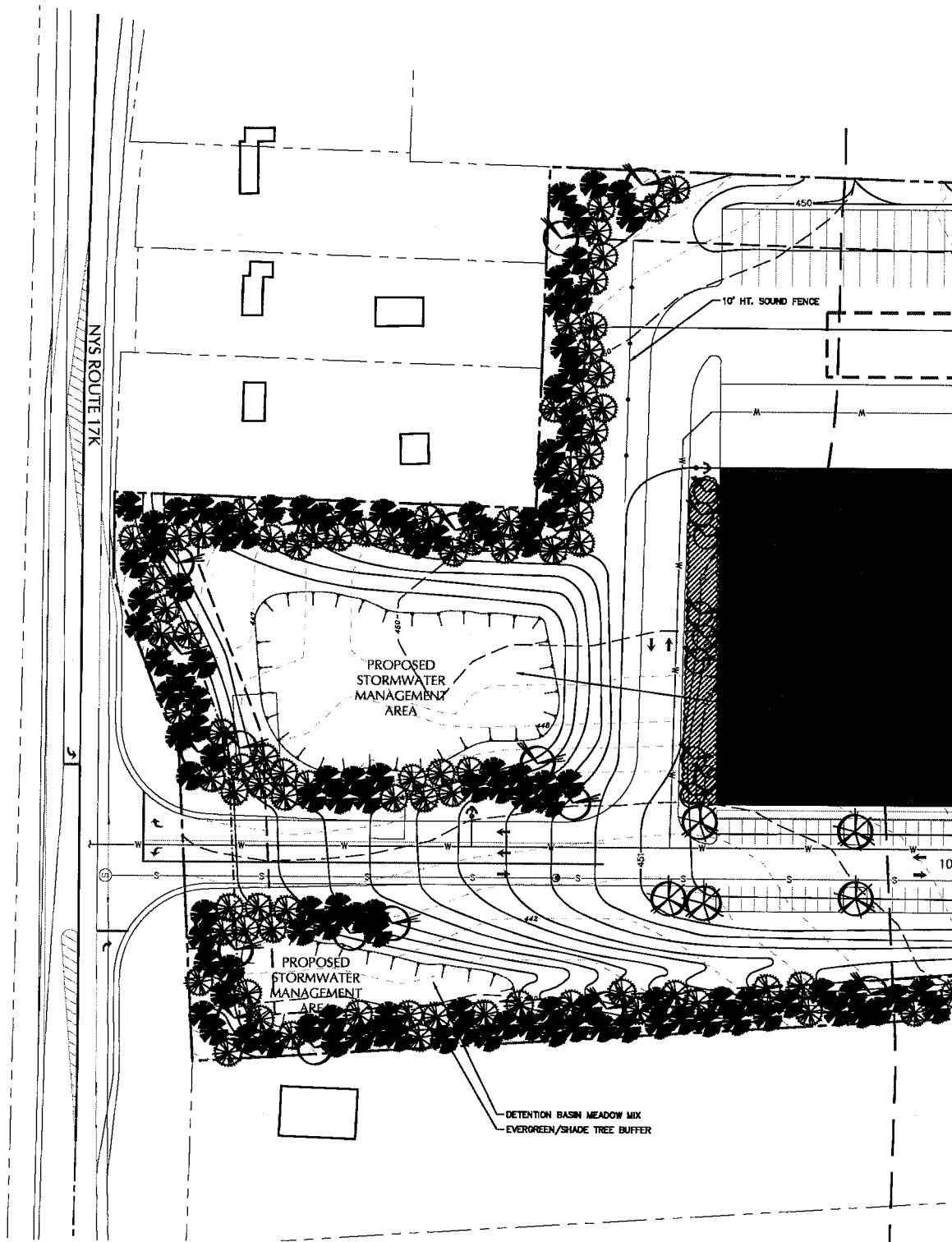
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Date	Description	No.	SIGNATURE
	REVISIONS		MICHAEL FIN PROFESSIONAL ENGINEER N



WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR OR GEOLOGIST, TO ALTER THIS ITEM IN ANY WAY.

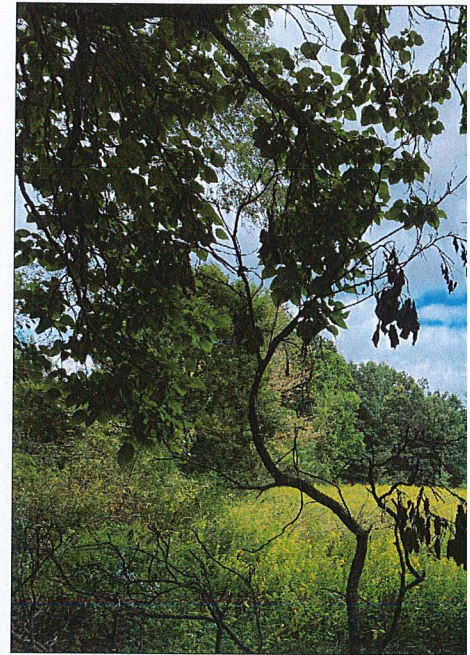


Date	Description	No.
REVISIONS		

SIGNATURE MICHAEL SZURA
 N.Y. REGISTERED LANDSCAPE ARCHITECT
 Lic. No. 0011



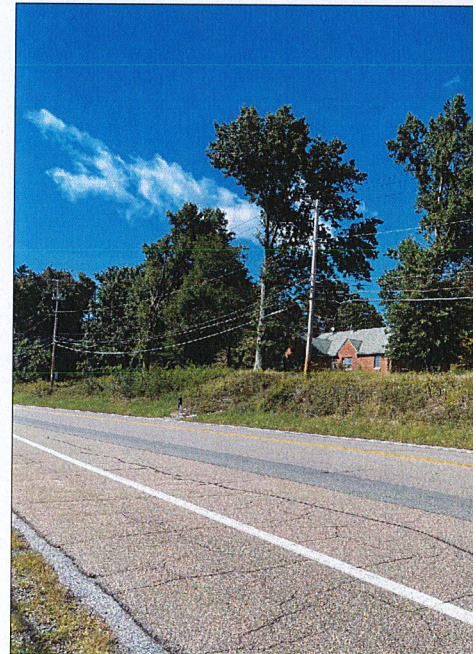
120 ROUTE 17K



122 ROUTE 17K



128 ROUTE 17K



CURRENT VIEW FROM ROUTE 17K

**PROPOSED:
PROJECT SITE**
September 22, 2021

Visualization Study - Current Views

Newburgh, NY



120 ROUTE 17K



122 ROUTE 17K



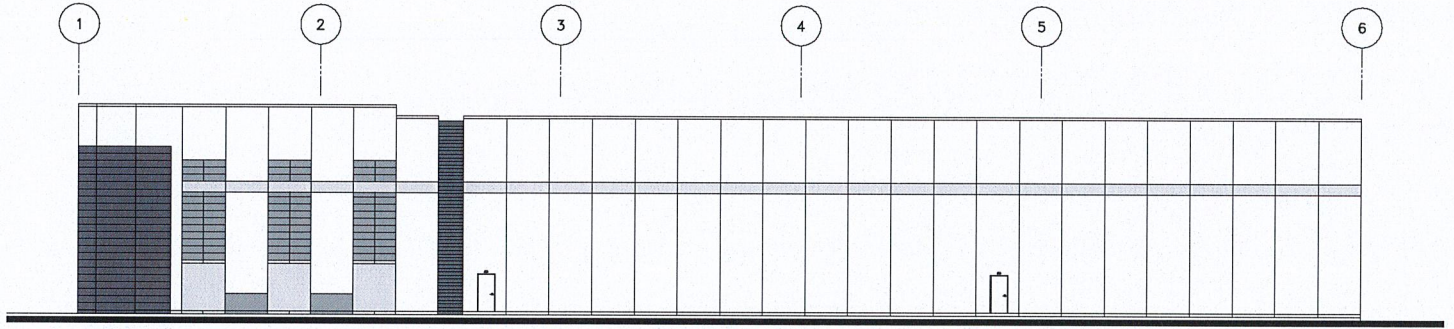
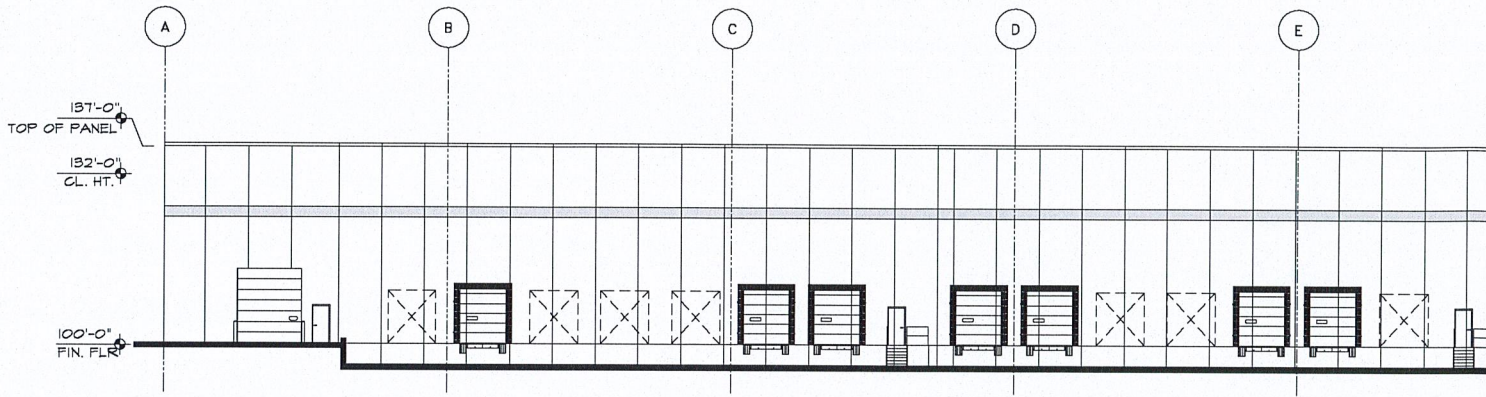
128 ROUTE 17K



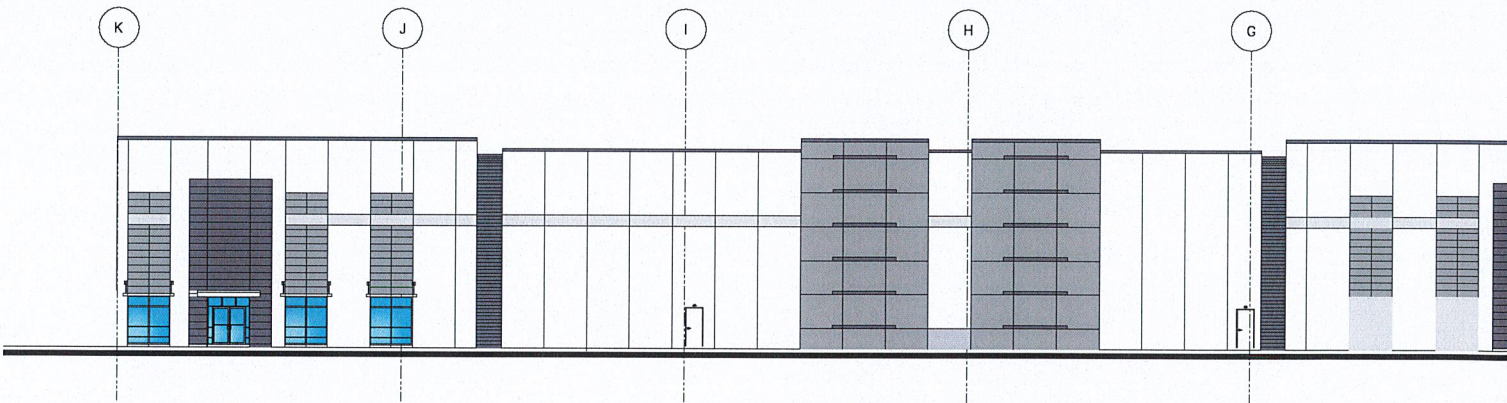
VIEW FROM NYS R

**PROPOSED:
PROJECT SITE**
September 22, 2021

Visualization Study - Full Maturity Vi
Newburgh, NY



NORTH ELEVATION



EAST

**PROPOSED:
PROJECT SITE**
September 16, 2021

Proposed Elevations

Newburgh, NY

PROJECT SITE FROM EAST OF THE PROPERTY BOUNDARY
ALONG NYS ROUTE 17K



PROJECT SITE FROM EASTERN BOUNDARY ALONG
NYS ROUTE 17K



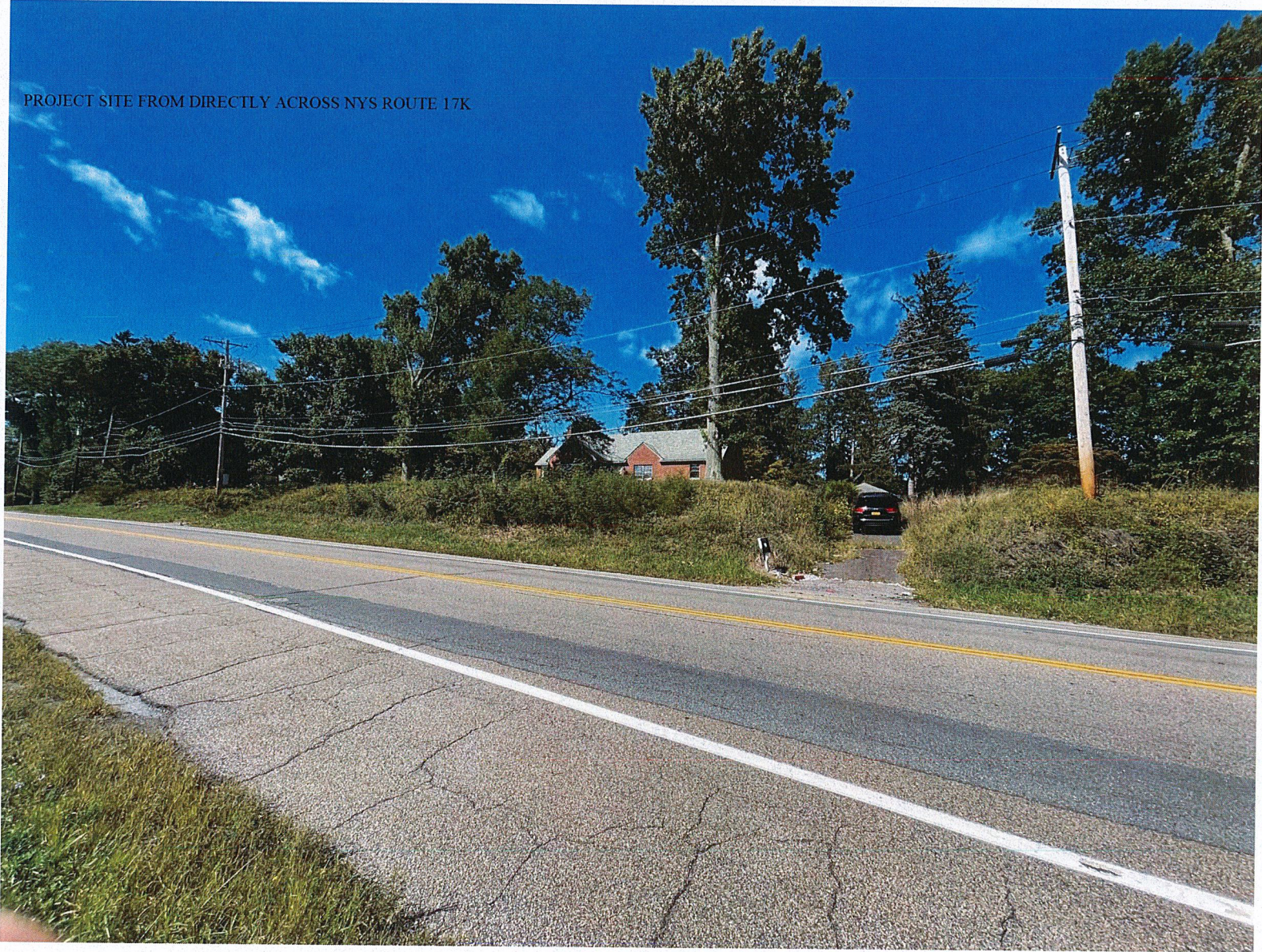
PROJECT SITE FROM ACROSS NYS
ROUTE 17K NEAR WESTERN PROPERTY
BOUNDARY



PROJECT SITE VIEWED TO THE EAST
ALONG NYS ROUTE 17K



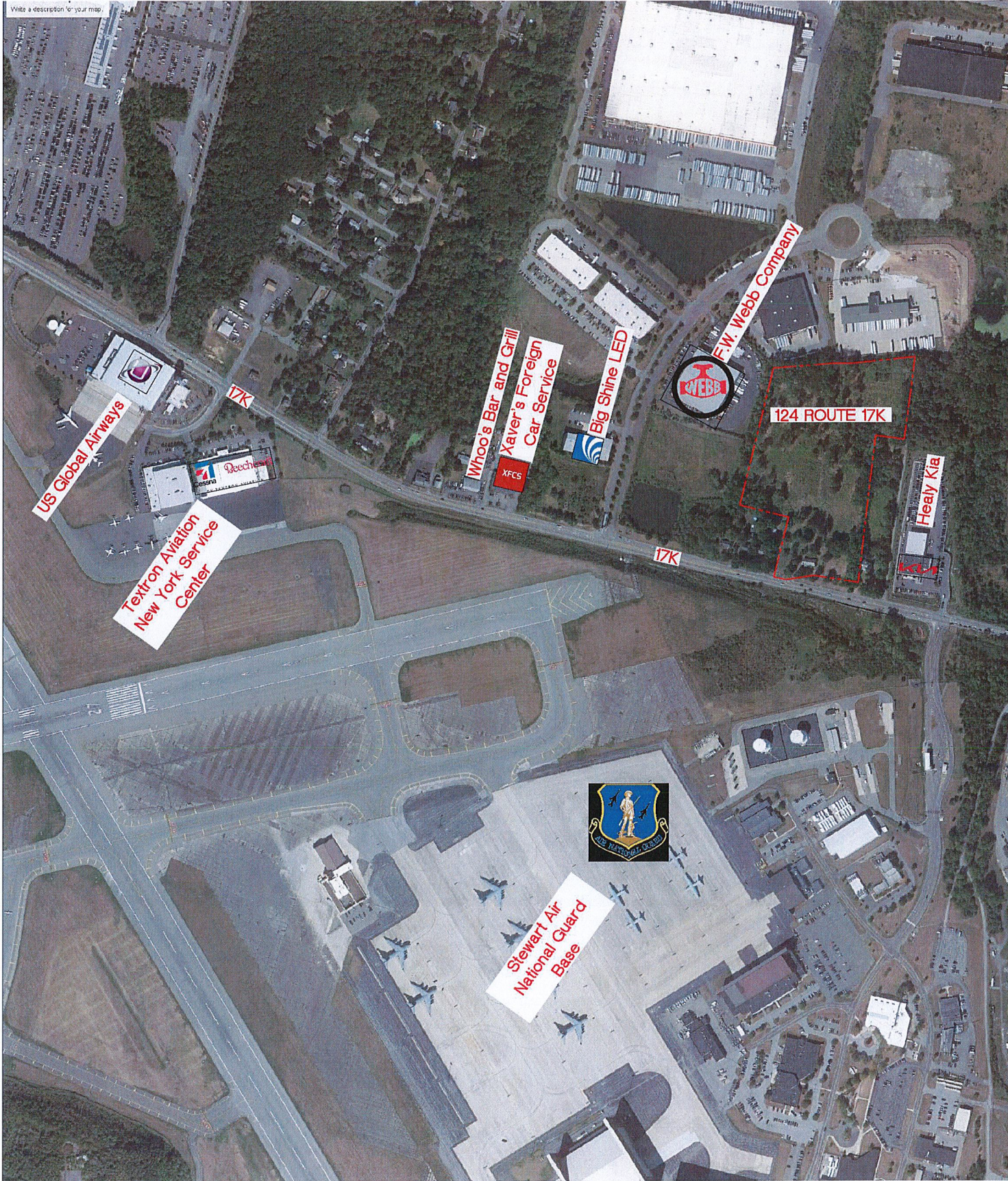
PROJECT SITE FROM DIRECTLY ACROSS NYS ROUTE 17K





**PROPOSED:
PROJECT SITE**
September 20, 2021

Proximity Map
Newburgh, NY



**PROPOSED:
PROJECT SITE**
September 20, 2021

Proximity Map

Newburgh, NY



**PROPOSED:
PROJECT SITE**
September 20, 2021

Proximity Map

Newburgh, NY

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Joseph Zeitler, being duly sworn, depose and say that I did on or before

October 14, 2021, post and will thereafter maintain at

124 Route 17k 95-1-58 IB Zone in the Town of Newburgh, New York, at or near the front

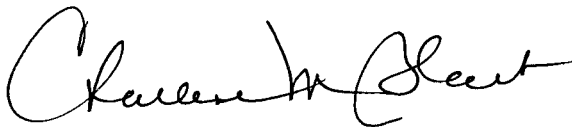
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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.

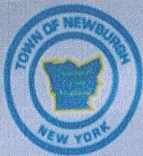


Sworn to before me this 6th

day of October, 2021.



CHARLENE M. BLACK
Notary Public, State of New York
No. 01BL6149416
Qualified in Orange County
Commission Expires July 10, 20 22



TOWN OF NEWBURGH

County of the Northwest
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4901
FAX LINE 845-564-7802

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 28th day of October, 2021 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Scannell Properties LLC (Planning Board Referral) for an area variance to construct a warehouse 381' away from State Route 17K where 500' is required.

PREMISES LOCATED at 124 Route 17k 25-1-58 1B Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 14th day of October, 2021.

(APPLICANT)

*Any members of the public that plan on attending the meeting are required to wear a mask.

