

TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

DATED: 7/8/2024

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

I (WE) Avion Ventures PRESENTLY
RESIDING AT NUMBER 491 Route 208, Monroe, NY 10950
TELEPHONE NUMBER (845) 388-1216

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

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

1. LOCATION OF THE PROPERTY:

86-1-37.222 (TAX MAP DESIGNATION)

Pomarico Drive, Newburgh, NY 12550 (STREET ADDRESS)

IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Zoning: Chapter 185, Attachment 13 - Table of Use and Bulk Requirements, IB District - Schedule 8, Use D-9.

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:
N/A
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
6/21/2024

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Building height variance for a proposed warehouse building to be constructed on the above referenced parcel. Maximum height of 40 feet permitted by zoning, 55 feet maximum proposed (15 foot variance requested).

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:
N/A - no use variance requested.

(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:
N/A - no use variance requested.

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
N/A - no use variance requested.

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
N/A - no use variance requested.

6. IF AN AREA VARIANCE IS REQUESTED:

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

The proposed additional building height being requested does not create the need for additional variances for the project, therefore the project complies with the other development characteristics the Town has established for parcels in the IB Zoning District for this use. This is also creating a more efficient use of indoor storage, not outdoor storage which could be visible by the neighbors & sometimes unsightly.

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

The applicant is proposing to develop the project on spec & increasing the height of the building to a maximum of 55 feet will allow for a broader potential of high-quality, long-lasting tenants and increased vertical availability of storage racking. Increasing the height allows for a reduced building footprint & the ability to keep development within the buildable areas of the parcel. The current footprint & development does not encroach into the on-site freshwater wetlands. If the project is forced to expand the footprint and not get the additional building height, encroachment/disturbance of these wetlands would occur.

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

The requested variance is not substantial at only 37% of the maximum permitted building height.

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

Though the currently wooded site will be cleared for development, the proposed additional building height being requested does not create the need for additional variances for the project. It complies with the other development allowances (i.e. lot coverage & setbacks) that the Town established for this use in the IB Zoning District. The increase in vertical height of the building allows for a more efficient use of the indoor storage footprint and proposes maintaining larger areas of the natural features of the site.

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

The hardship of the variance is self-created, however the additional building height is a current standard of the industry to optimize the storage capabilities of the warehouse space and the Code has not caught up to this trend.

7. ADDITIONAL REASONS (IF PERTINENT):

Modern warehouse facilities require the additional building height to accommodate the maximum internal heights for the product racking (shelving). Then additional clearance is required to allow for the roof structure, fire suppression systems and compliance items from the New York State Building Code.

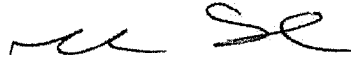


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3 DAY OF JULY 2024

MENACHEM TESSLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01TE6431595
Qualified in Orange County
My Commission Expires 04-11-2026



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 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

ANTONIO R. HIBBERT SR, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT P. O. BOX 10694
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot: 86-1-37.222

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

DATED: 7/5/24 Bulphie R. Hibbert

OWNER'S SIGNATURE

Antonio R. Hibbert

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5 DAY OF July 2024

LATANYA S BRYANT
Notary Public - State of New York
NO. 01BR6368744
Qualified in Orange County
My Commission Expires Dec 18, 2025

[Signature]
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

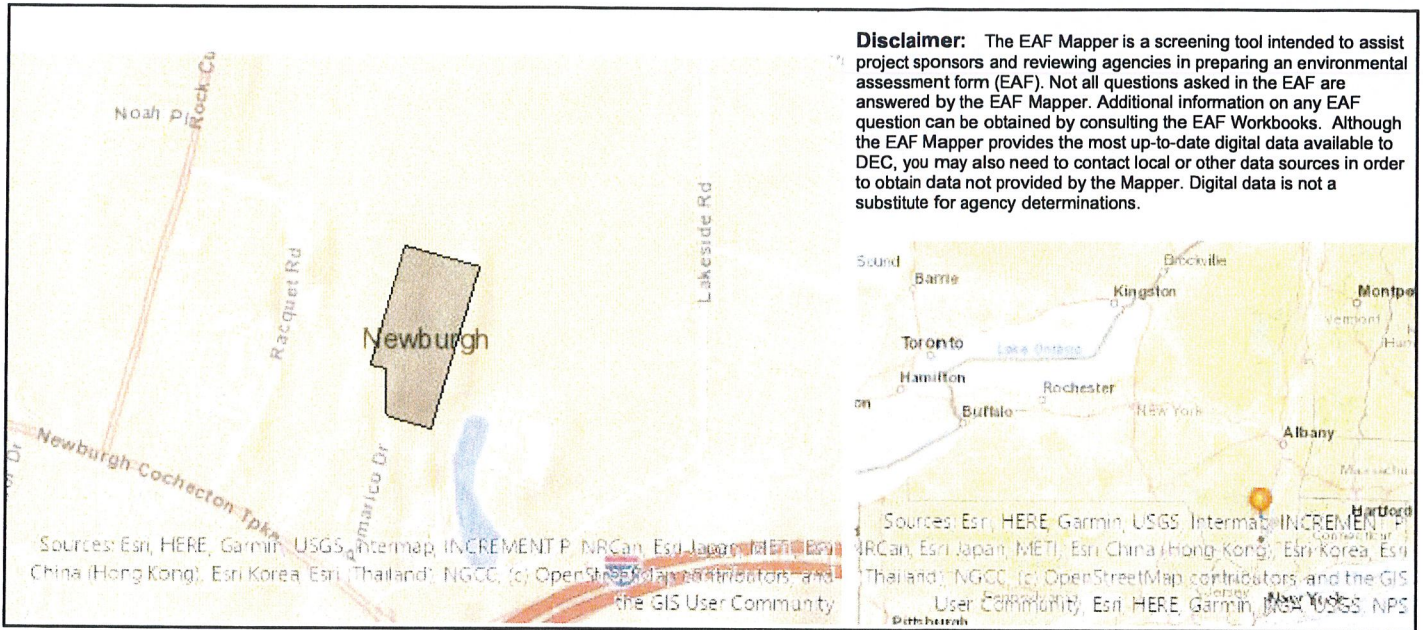
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Avion - Pomarico Drive Warehouse			
Project Location (describe, and attach a location map): Pomarico Drive, Town of Newburgh, Orange County, New York; SBL: 86-1-37.222			
Brief Description of Proposed Action: The existing parcel is tax lot 86-1-37.222 and approximately 12.0 acres in size with roadway frontage along Pomarico Drive to the South. The parcel is currently a vacant, wooded site encumbered on the northwest side with a portion of NYSDEC freshwater wetland NB-21. The site is located within the Town of Newburgh IB (Interchange Business) Zoning District, the Town of Newburgh Consolidation Water District, and Crossroads Sewer District. The site proposes to connect to Town water and sanitary sewer. The applicant is proposing to develop the site on spec for a proposed warehouse facility. Warehouse facility is a permitted use within the IB Zone, subject to site plan approval by the Planning Board. The project proposes a 62,500 SF building with 8 loading docks and 39 parking spaces. The development complies with the bulk requirements established for the IB zone, with the exception of exceeding the maximum permitted building height of 40 feet. An area variance will be required from the Zoning Board of Appeals for the proposed 55 foot building height (15 foot variance).			
Name of Applicant or Sponsor: Avion Ventures (ATTN: Suzie Tauber)		Telephone: (845) 388-1216, Ext. 202 E-Mail: Suzie@avionventures.com	
Address: 491 Route 208			
City/PO: Monroe		State: New York	Zip Code: 10950
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board: Site Plan Approval; OCDOH: Water Extension Approval; NYSDOT: Highway Work Permit; NYSDEC: Stormwater Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		12.0 acres	
b. Total acreage to be physically disturbed?		4.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		12.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: <u>Stormwater Management Areas (site to be designed)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ DEC ID: 336002 - Remediation complete, and DEC ID: 336057 - State Superfund Program - Classification P* (No information available) - All Off-Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Justin Dates, R.L.A. (Colliers Engineering & Design)</u> Date: <u>7/8/2024</u>		
Signature:  Title: <u>Geographic Discipline Leader</u>		



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

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

Judith A. Waye
Sarah N. Wilson
Michael J. Barfield**
Meghan R. LoCicero

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

**Member NJ & NY Bar

June 21, 2024

BY EMAIL ONLY

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

Re: Avion Ventures Warehouse // ZBA referral
Planning Board Project No. 2024-16

Dear Chairman Scalzo and Zoning Board Members:

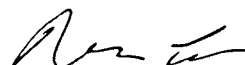
At the Planning Board's June 20, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the proposed warehouse project located on Pomarico Drive. The project proposes a 62,500 +/- square foot warehouse on a 12.0 +/- acre parcel of property designated as tax lot 86-1-37.222. The site is located in the Town's IB zone.

The proposed development complies with the bulk requirements of the IB zone with the exception that the proposed height is 55 feet, where a maximum of 40 feet is permitted.

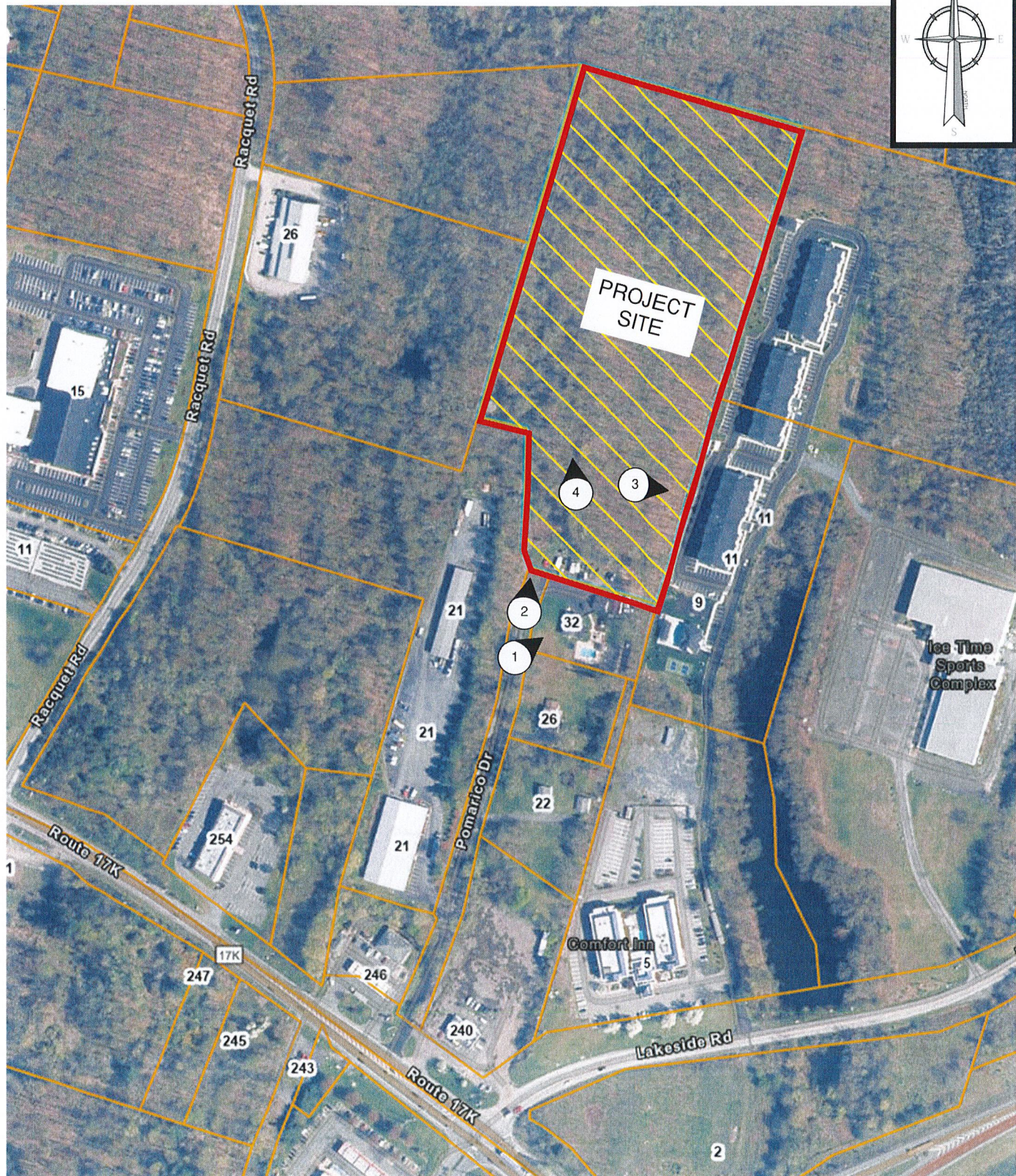
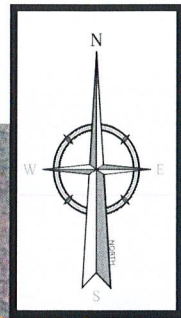
The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco



LEGEND	
	Photo Location

PHOTO 1

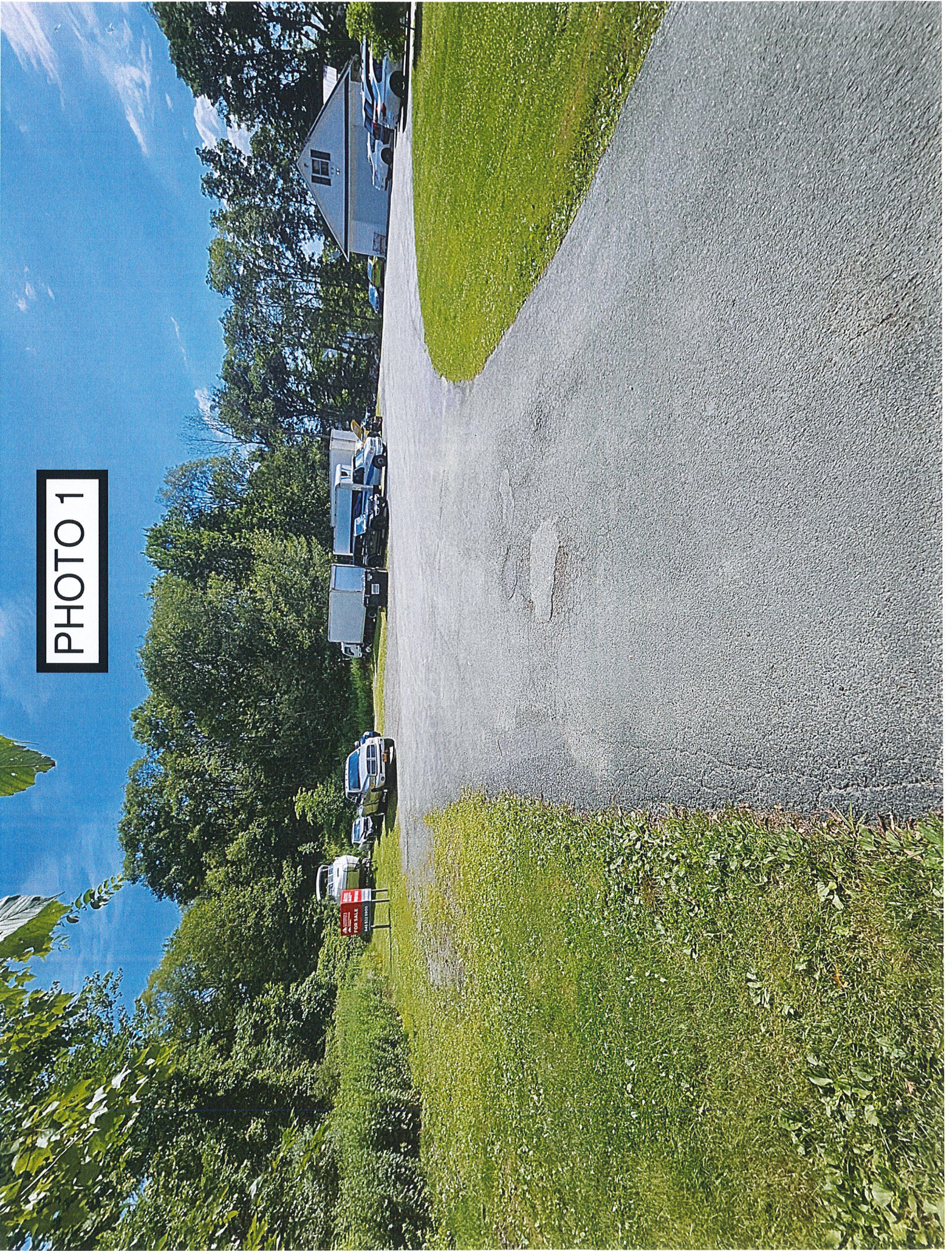




PHOTO 2



PHOTO 3

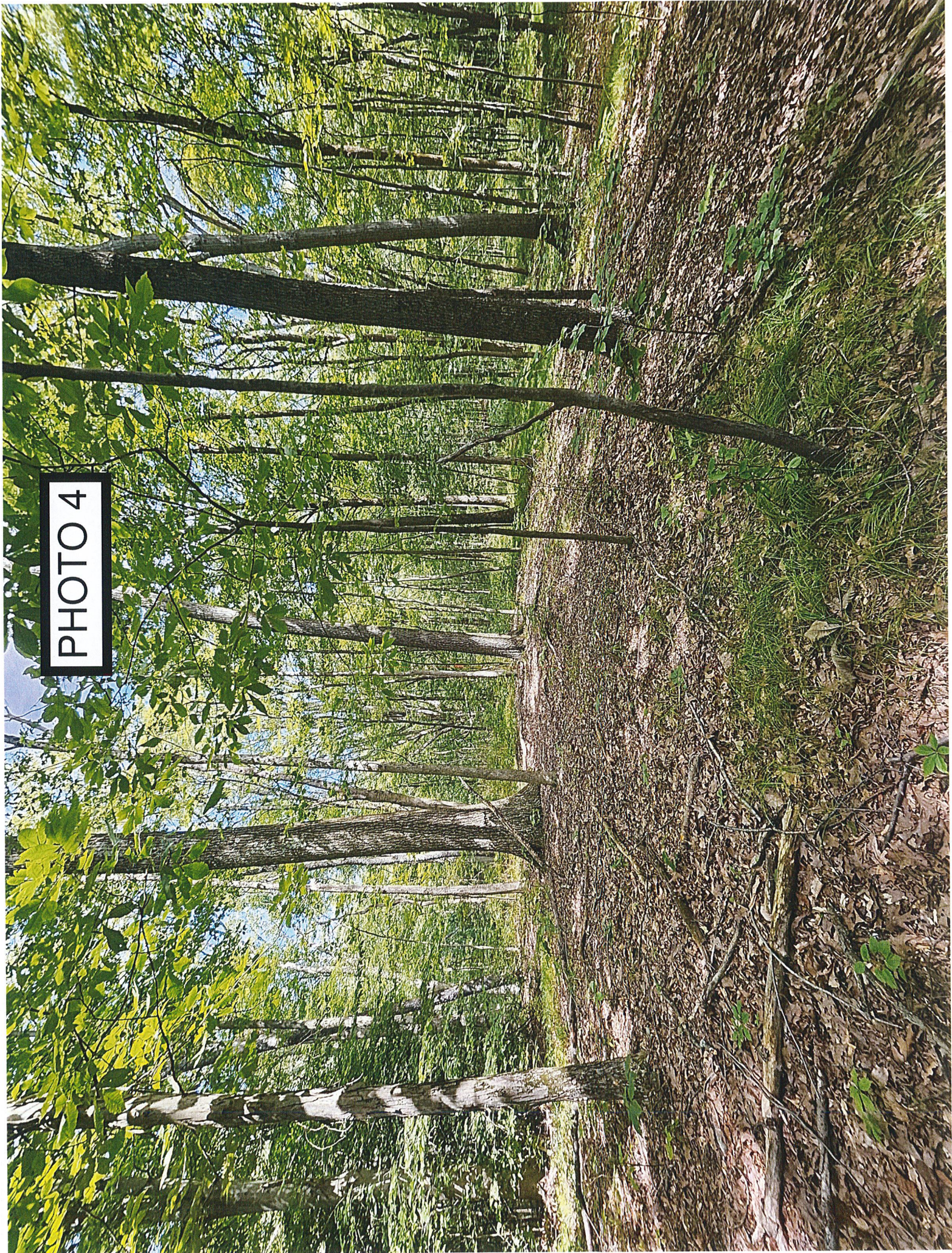


PHOTO 4

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

*Pomario, A. William and
Pomario, Nancy
TO
Antonio R. Hubbard of/bb Pennel
Pentacostal Tabernacle Church*

SECTION 86 BLOCK 1 LOT 37.222

RECORD AND RETURN TO:
(Name and Address)

*Rev. Antonio Hubbard
3 Winona Avenue
Newburgh New York 12550*

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

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

CITIES

- | |
|---|
| <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 1300 PORT JERVIS |
| <input type="checkbox"/> 9999 HOLD |

NO. PAGES 8 CROSS REF
CERT. COPY AFFT. FILED

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

CONSIDERATION \$ 210,000
TAX EXEMPT

MORTGAGE AMT \$
DATE 8.21.98

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

Dennis J. Brown
Orange County Clerk

RECEIVED FROM: *Pennel*

LIBER 4896 PAGE 259

STATE OF NEW YORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, County Clerk and Clerk of the Supreme and County Courts, Orange County, do hereby certify that I have compared this copy with the original thereof filed or recorded in my office 10/21/1998 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 07/05/2024.

Kelly A. Eskew
County Clerk & Clerk of the Supreme County Courts
Orange County

LIBER 4896 PAGE 259

ORANGE COUNTY CLERKS OFFICE 58793 MRL
RECORDED/FILED 10/21/98 01:12:31 PM
FEES 44.00 EDUCATION FUND 5.00
SERIAL NUMBER
DEED CNTL NO 63390 RE TAX 840.00

204

THIS INDENTURE, made the 21ST day of August, nineteen hundred and ninety eight

BETWEEN

A. WILLIAM POMARICO AND NANCY POMARICO, who reside at 307 Route 17K,
Newburgh, New York 12550,

party of the first part, and

ANTONIO R. HIBBERT o/b/o PENUEL PENTECOSTAL TABERNACLE CHURCH,
3 Winona Avenue, P.O. Box 7181, Newburgh, New York 12550,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other
good and valuable consideration, lawful money of the United States, paid
by the party of the second part, does hereby grant and release unto the party of the second part,
the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point at the northeasterly corner of a 50' right-of-way leading from
N.Y.S. Route 17K, THENCE N62°-54'-30"W, 50.0', to a point, THENCE N10°-39'-54"W,
40.42', to a point, THENCE N9°-54'E, 270.5', to a point, THENCE N68°-29'-56"W, 113.05', to a
point, THENCE along the easterly line of lands now or formerly of Petrillo, N24°-32'E, 819.3', to
a point, THENCE along the southerly line of lands now or formerly of Sears, S65°-29'E, 515.0',
to a point, THENCE , along the westerly line of lands now or formerly of Brewster, S25°-01'W,
766.0', to a point, THENCE S25°-13'-04"W, 341.45' to a point, THENCE along the northerly line
of a parcel conveyed to Pomarico Construction Co. by deed Liber 2033, Pg. 1098, dated 13 April
1976, N66°-10'-10"W, 250.0', to the point and place of beginning, containing 11.9609 acres of
land.

Together with an easement over a 50' right-of-way to be used in common with others for
ingress and egress from hereinbefore described parcel to N.Y.S. Route 17K bounded and
described as follows;

LIBER 4896⁹⁶ 260

BEGINNING at a point at the northwesterly corner of said parcel of land conveyed to Pomarico Construction Co., THENCE N62°-54'-30"W, 50.0', to a point, THENCE S27°-05'-30"W, 133.48', to a point, THENCE S17°-49"W, 173.23', to a point, THENCE S24°-37"W, 502.0', to a point, THENCE S29°-27'-40"E, 33.63', to a point, thence S34°-02'-40"W, 220.84', to a point, THENCE along the northerly line of N.Y.S. Route 17K S46°-03'-49"E, 50.75', to a point, THENCE N34°-02'-40"E, 260.5', to a point, THENCE N29°-27'40"E, 39.05', to a point, THENCE N24°-37'E, 479.45', to a point, THENCE N17°-49'E, 172.10, to a point, THENCE N27°-05'-30", 129.42, to the point and place of beginning.

BEING and intended to be the same parcel conveyed to the grantors herein in Liber 2277 cp 162, dated 28 February 1984 and recorded 2 March 1984 in the Orange County Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered 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

A. William Pomarico
A. William Pomarico

Nancy Pomarico
Nancy Pomarico



USA4356PG 261

State of New York)
County of Orange) ss.:

On this 21st day of August 1998, before me personally came A. William Pomarico to me known and known to me to be the person who executed the foregoing instrument, and he acknowledged to me that he executed the same.


Notary Public

BRUCE MAXSON
Notary Public - State of New York
No. 4880797
Qualified in Orange County
Commission Expires 12/29/1998

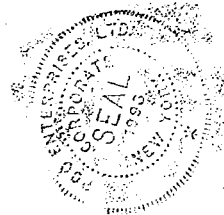
State of New York)
County of Orange) ss.:

On this 21st day of August, 1998, before me personally came Nancy Pomarico to me known and known to me to be the person who executed the foregoing instrument, and she acknowledged to me that she executed the same.


Notary Public

BRUCE MAXSON
Notary Public - State of New York
No. 4880797
Qualified in Orange County
Commission Expires 12/29/1998

LIBER 4896PG 262





ORANGE COUNTY CLERK

KELLY A. ESKEW

Receipt

Receipt Date: 07/05/2024 11:08:59 AM

RECEIPT # 3293100

Recording Clerk: BP

Cash Drawer: CASH90

Rec'd Frm: AARON DEUTSCH

CC DEED

Misc Fees

COPY CHARGES \$5.00

Receipt Summary

TOTAL RECEIPT: -----> \$5.00

TOTAL RECEIVED: -----> \$5.00

CASH BACK: -----> \$0.00

PAYMENTS

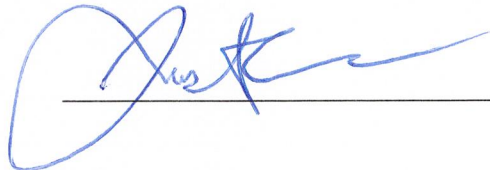
Cash -> \$5.00

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

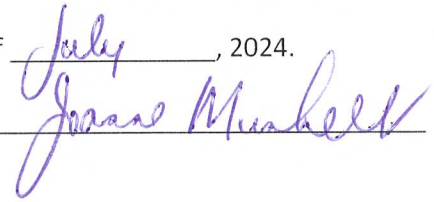
STATE OF NEW YORK: COUNTY OF ORANGE:

I JUSTIN DATES, being duly sworn, depose and say that I did on or before
July 11, 2024, post and will thereafter maintain at
Pomarico Dr 86-1-37.222 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 10

day of July, 2024.


JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2026



TOWN OF NEWBURGH

Cascades of the Northeast
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

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

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 25th day of July, 2024 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 Avion Ventures (Planning Board Referral) for an area variance of the maximum height of proposed warehouse, the proposed height is 55 feet where 40 feet is permitted.

PREMISES LOCATED at Pomario Dr. 86-1-37,222 IR 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 11th day of July, 2024.


(APPLICANT)

845 522

 **CUSHMAN & WAKEFIELD**
Pyramid Brokerage
Company

FOR SALE

845 522 5900


pyramidbrokerage.com

Member of the Cushman & Wakefield Alliance

 **CUSHMAN & WAKEFIELD**
Pyramid Brokerage
Company

FOR SALE

845 522 5900


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the Cushman & Wakefield Alliance.
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Opportunity and Fair Housing Lender.
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