



# TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



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

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: 9/25/24

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

I (WE) Life Brite Signs - maria Rotundo PRESENTLY

RESIDING AT NUMBER 51 montgomery st. middletown, NY 10940

TELEPHONE NUMBER 845-343-7446

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:

89-1-65264 (TAX MAP DESIGNATION)

224 & 226 W K (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-14-N-(1)(a) [2]  
185-14-J-(5)(a)

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

\_\_\_\_\_

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

\_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: *Building Signs - max 60 Sq. ft asking for a total of 143.77 Sq. ft free standing sign - min. 15' front & side yard - asking for 5' front*

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

*N/A*

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

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

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

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

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

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

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

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

As it is, there are no immediate surrounding businesses or homes - the business is fairly secluded and set far enough off the road that it is hard to make out signage when limited so small, especially when traveling at speeds of 55 mph+

- 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:

There are two sides of the building that face the road. A short side, and a long side. Because of the positioning of the building, we are asking that the longer side may be used for calculations as that would have prevented any need for a variance.

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

This request would allow Sunbelt Rentals the appropriate signage needed to be seen from the road. Sunbelt has always used standard sizes and signage which are tested across the country for maximum visibility. What we are asking for is not a special allowance for size, but for the longer wall facing the road to be used in determining how large our signs can be.

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

Sunbelt having larger, legible signs will have no impact on any surrounding businesses or neighborhoods. The building is set back from the road a good distance, and this allowance will only make their primary business name and logo more visible and legible, especially from higher speeds allowed on NY-17k.

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

We were told to submit signage for review - we have now done that and only now were told how signs were measured, that there was even a max square footage that could be reached etc. We have done what we could to ensure we build a sign package that complies with code. But now we are asking for further consideration. We greatly appreciate that consideration.

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Marea Pastorelli*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25<sup>th</sup> DAY OF September 20 24

*Marie C Barone*

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

26 NY-17K LLC, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 224 Route 17K Newburgh, NY  
IN THE COUNTY OF Orange AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
224 Route 17K Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Lite Brite Signs  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

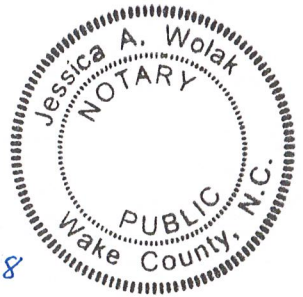
DATED: 9/11/24

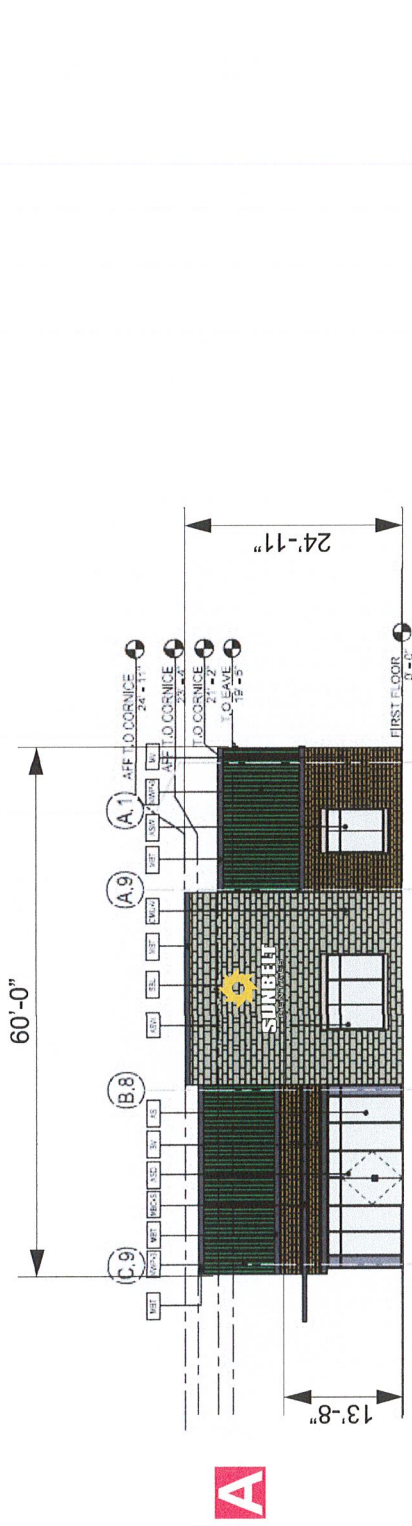
[Signature]  
OWNER'S SIGNATURE

[Signature]  
WITNESS' SIGNATURE

North Carolina  
STATE OF ~~NEW YORK~~: COUNTY OF ~~ORANGE~~: Wake  
SWORN TO THIS 11th DAY OF September 20 24

Jessica A. Wolak  
NOTARY PUBLIC  
My commission expires 12/10/28

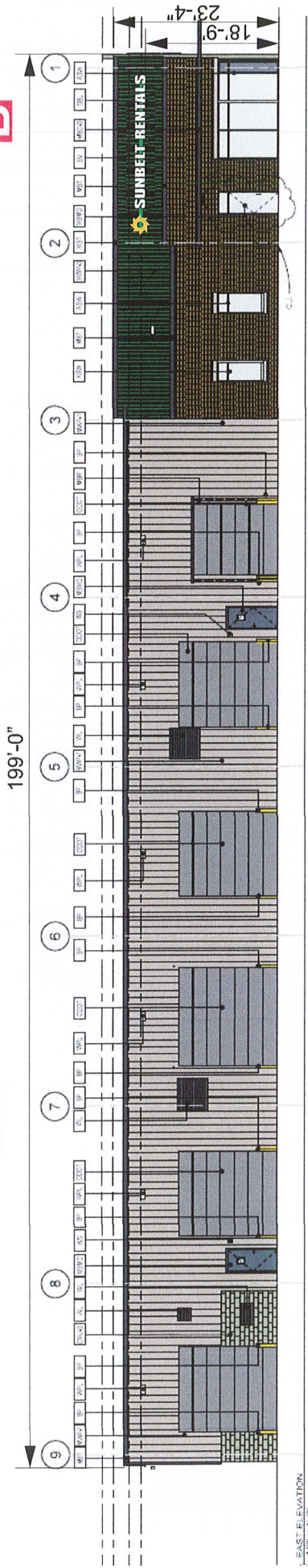




**A**

1/8" = 1'-0"

**B**



1/8" = 1'-0"

Color renderings are for presentation only, and should not be considered as manufacturing drawings.

Sunbelt Rentals Pc1263  
226 NY-17K  
Newburgh, NY

Customer: Sunbelt Rentals

Created: 8-4-2023

Revised:

Dwg: Permit 103

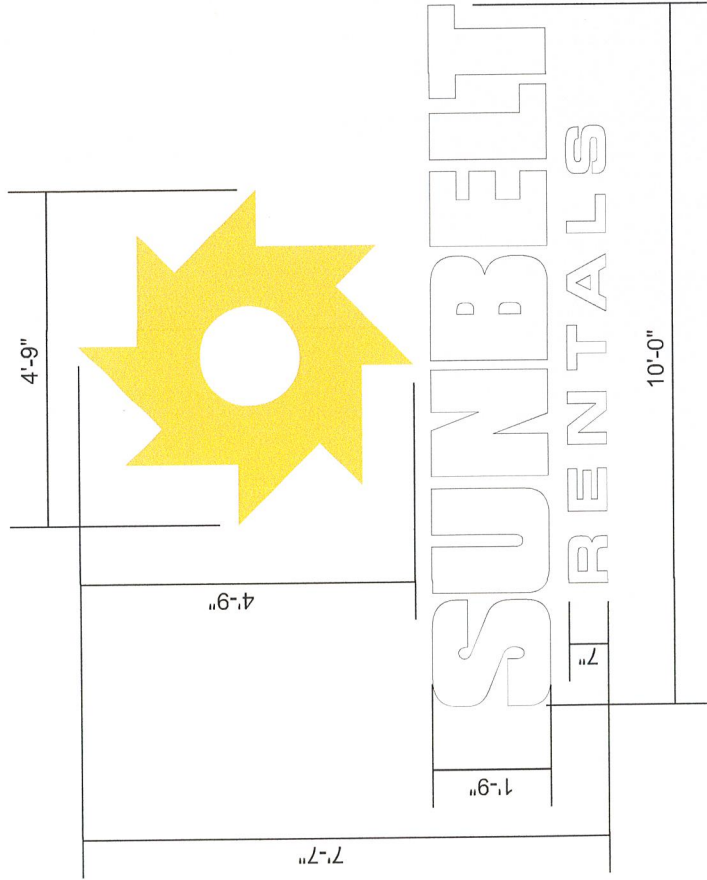
Scale: Proportional  
Illustrated by: smith

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**Complete Signs**  
P. O. Box 8861, Dothan, AL 36304 P. 888.823.9005  
F. 334.556.0218 signs@completesigns.net www.completesigns.net

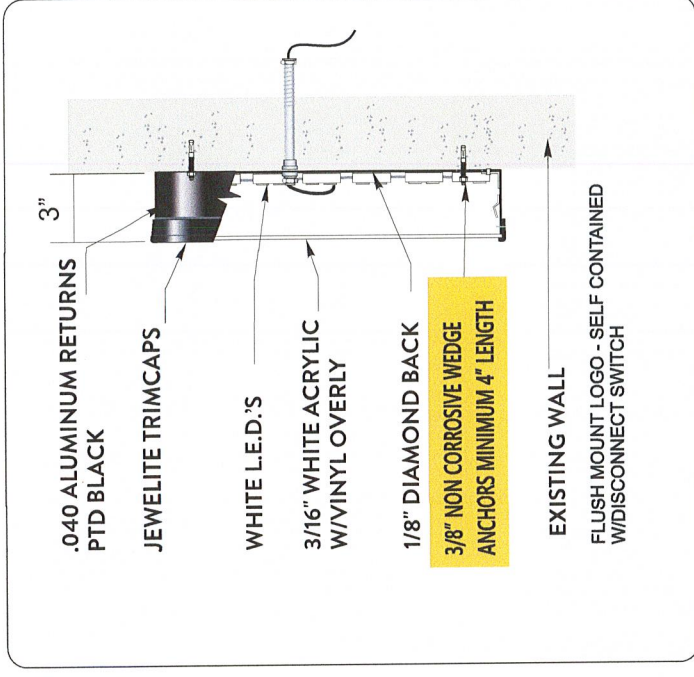
Approval:

Date:



Proposed:  
 Individual flush mount Logo & Channel Letters.  
 internally illuminated  
 Logo: Yellow Face, Trim & Returns  
 Letters: White Faces, Black Trimcap & Returns

75.83 sf



- .040 ALUMINUM RETURNS  
PTD BLACK
- JEWELITE TRIMCAPS
- WHITE L.E.D.'S
- 3/16" WHITE ACRYLIC  
W/VINYL OVERLY
- 1/8" DIAMOND BACK
- 3/8" NON CORROSIVE WEDGE  
ANCHORS MINIMUM 4" LENGTH
- EXISTING WALL
- FLUSH MOUNT LOGO - SELF CONTAINED  
W/DISCONNECT SWITCH

**ELECTRICAL NOTES**

All signage to be installed in compliance with National and Local Electrical Code

All signage to be constructed and installed in compliance with UL Standards

**PRIMARY POWER BY OTHERS**

ELECTRICAL NOTE-Actual # of circuits to be determined by a Licensed Electrical Contractor.  
 TOTAL AMPS-3  
 # OF CKTS- 1 20 AMP(RECOMMENDED)  
 VOLTS- 120  
 ALL SIGNAGE WILL BE (U.L.) LISTED, (U.L.) 2161 COMPLIANT AND CARRY (U.L.) LABELS.

U.L. Approved Sign w/ Labels. All Components U.L. Approved.  
 NEC 2017 Compliant. Grounding As Per FBC 2020, 7th Edition.  
 LED Power Supply 120 Volt input 12 Volt DC Output. Each Power Supply 1.0 Amp

All electrical components are UL Listed.  
 Signage grounding and bonding as per NEC 250.  
 Primary wiring 12 AWG COPPER as per NEC 600.  
 Minimum 20 Amp. disconnect switch per NEC 600.6

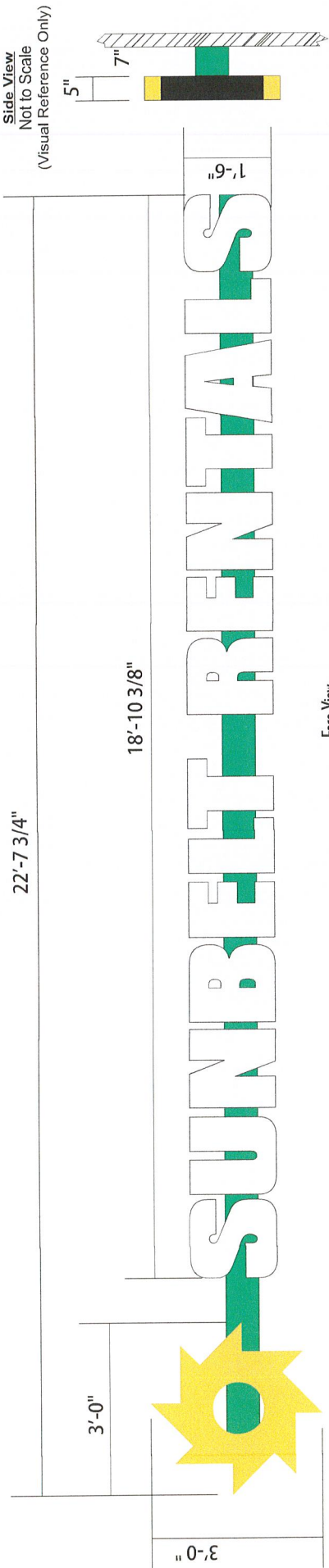
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 F 334.556.0218 signs@completesigns.net www.completesigns.net

**Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Customer:** Sunbelt Rentals  
**Created:** 8-4-2023  
**Revised:** \_\_\_\_\_  
**Dwg:** Permit 101  
*Scale: Proportional*  
*illustrated by: smith*

Sunbelt Rentals Pc1263  
 226 NY-17K  
 Newburgh, NY

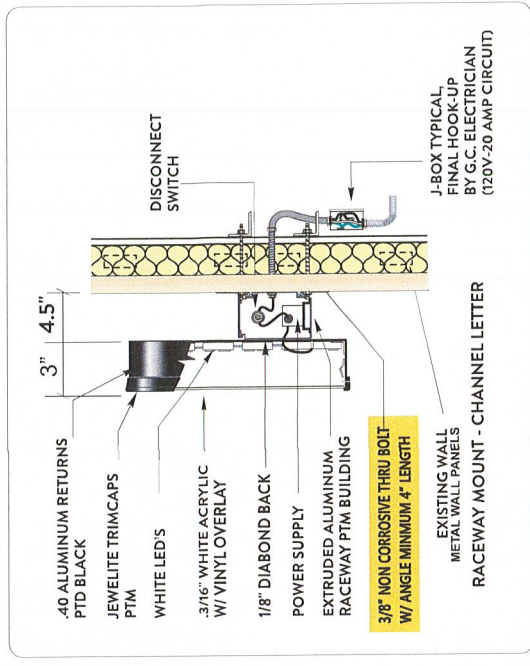


- 2037 YELLOW FACE/PREFINISHED YELLOW JEWELITE "LOGO" & RETURN PAINTED TO MATCH FACE.
- WHITE LEXAN FACE
- BLACK TRIM & RETURNS
- RACEWAY PMS 347C GREEN

37.30 \* Square footage based on gear and letters calculated seperately.  
 67.94 \*\* Calculated by height of gear by overall width.

**Proposed:**  
 Logo & Channel Letters ( Raceway Mounted)  
 internally illuminated  
 Logo: Yellow Face, Trim & Returns  
 Letters: White Face Trim & Returns  
 Raceway: Green (Pantone 347C)

Face View



**ELECTRICAL NOTES**

All signage to be installed in compliance with National and Local Electrical Code

All signage to be constructed and installed in compliance with UL Standards

**PRIMARY POWER BY OTHERS**

**ELECTRICAL NOTE**-Actual # of circuits to be determined by a Licensed Electrical Contractor.  
 TOTAL AMPS-5  
 # OF CKTS- 1 - 20 AMP (RECOMMENDED)  
 VOLTS- 120  
 ALL SIGNAGE WILL BE (U.L.) LISTED, (U.L.) 2161 COMPLIANT AND CARRY (U.L.) LABELS.

U.L. Approved Sign w/ Labels. All Components U.L. Approved.  
 NEC 2017 Compliant, Grounding As Per IBC 2020, 7th Edition.  
 LED Power Supply 120 Volt Input 12 Volt DC Output. Each Power Supply 1.0 Amp

All electrical components are UL Listed.

Signage grounding and bonding as per NEC 250  
 Primary wiring 12 AWG COPPER as per NEC 600.  
 Minimum 20 Amp. disconnect switch per NEC 600.6

*Color renderings are for presentation only and should not be considered as manufacturing drawings.*

Customer: Sunbelt Rentals  
 Created: 8-4-2023  
 Revised:  
 Dwg: Permit 102  
 Scale: Proportional  
 Illustrated by: smith

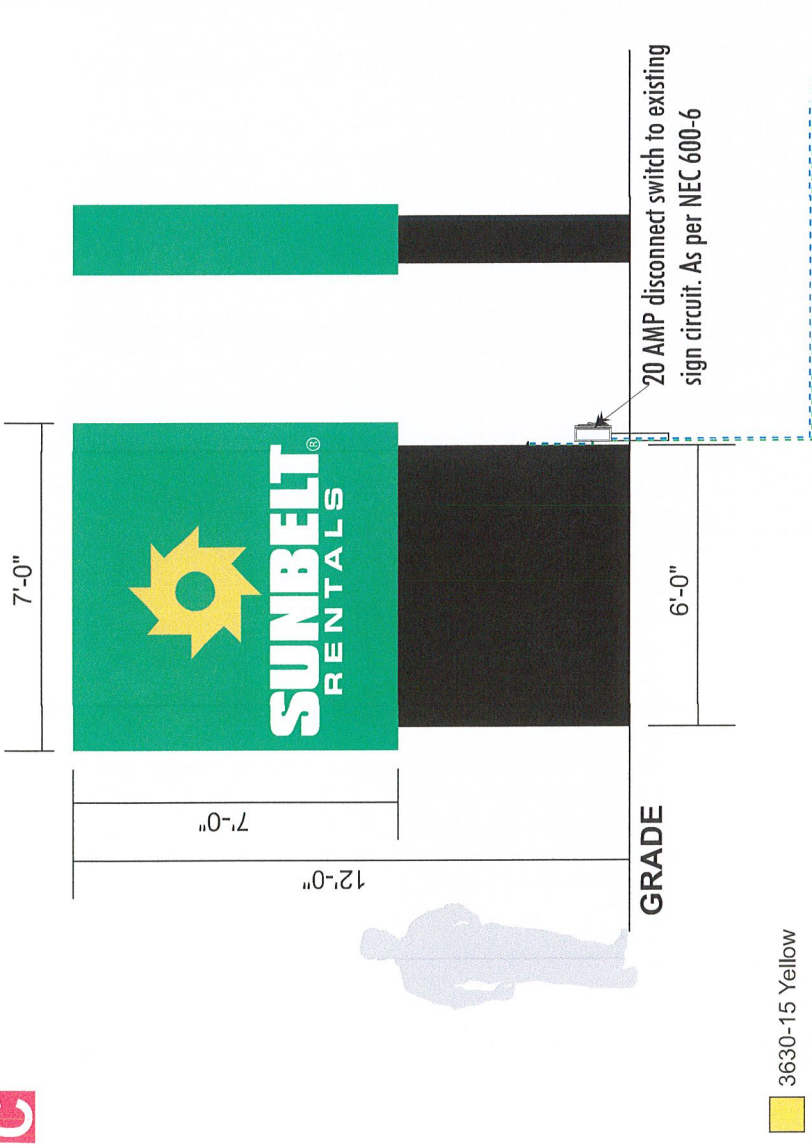
Sunbelt Rentals Pc1263  
 226 NY-17K  
 Newburgh, NY

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 F 334.556.0218

Approval: \_\_\_\_\_ Date: \_\_\_\_\_

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3630-15 Yellow

2500-3227 Green

Proposed:

D/F Internally Illuminated Cabinet w/Flat Faces  
Cabinet Painted Green  
Aluminum Base Painted Black

<p>All signage to be installed in compliance with National and Local Electrical Code</p>	<p>All signage to be constructed and installed in compliance with UL Standards</p>	<p><b>PRIMARY POWER BY OTHERS</b></p>
<p><b>ELECTRICAL NOTES</b></p> <p>1. All signage to be installed in compliance with National and Local Electrical Code</p> <p>2. ELECTRICAL NOTE-Actual # of circuits to be determined by a Licensed Electrical Contractor.</p> <p>3. # OF CIRCUITS - 1 20 AMP (RECOMMENDED)</p> <p>4. VOLTS - 120</p> <p>5. ALL SIGNAGE WILL BE (U.L.) LISTED (U.L.L) 2161 COMPLIANT AND CARRY (U.L.) LABELS.</p> <p>U.L. Approved Sign w/ Labels. All Components U.L. Approved.</p> <p>NEC 2017 Compliant, Grounding As Per IBC 2020, 7th Edition.</p> <p>LED Power Supply 120 Volt Input 12 Volt DC Output. Each Power Supply 1.0 Amp</p> <p>All electrical components are U.L. Listed.</p> <p>Signage grounding and bonding as per NEC 600.</p> <p>Primary wiring 12 AWG COPPER as per NEC 600.6</p> <p>Minimum 20 Amp. disconnect switch per NEC 600.6</p>		

20 AMP disconnect switch to existing sign circuit. As per NEC 600-6



EXISTING TO BE REMOVED



Color renderings are for presentation only and should not be considered as manufacturing drawings.

Sunbelt Rentals Pc1263  
226 NY-17K  
Newburgh, NY

Customer: Sunbelt Rentals  
Created: 8-4-2023  
Revised:

Dwg: Permit 104

Scale: Proportional  
illustrated by: smith

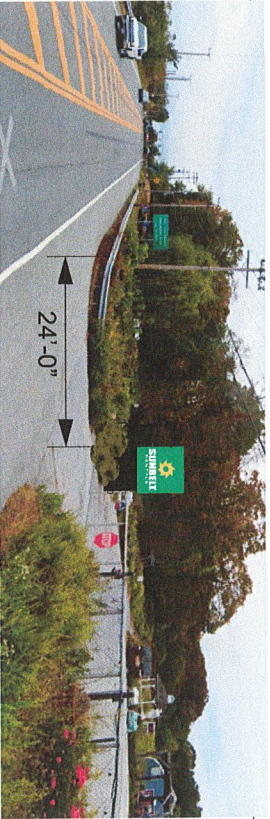
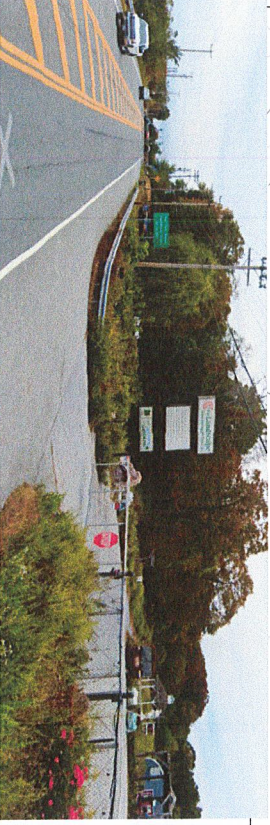
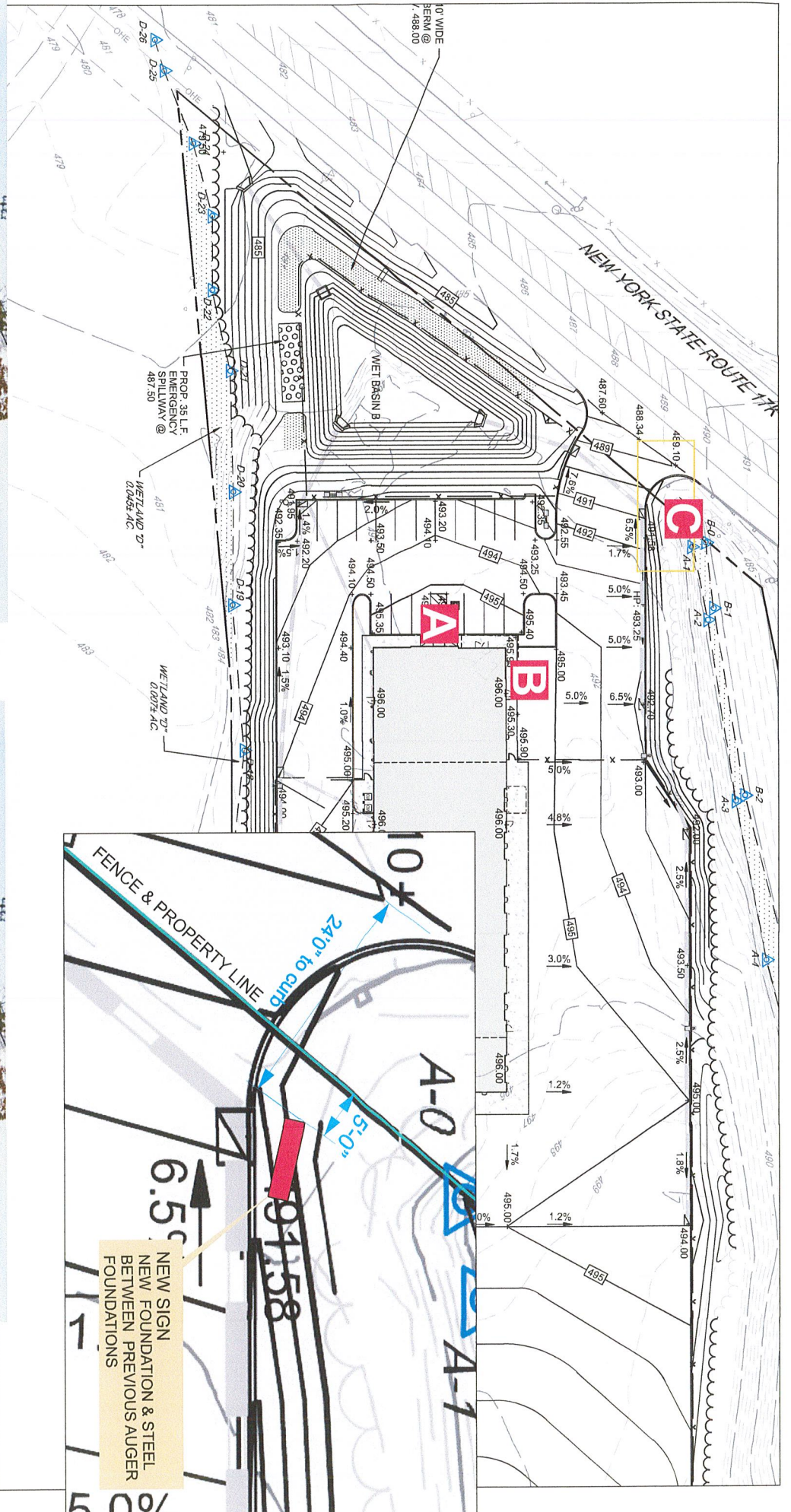


P. O. Box 8861 Dothan, AL 36304 P 888.823.9005  
signs@completesigns.net www.completesigns.net  
F 334.556.0218

Approval:

Date:

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Sunbelt Rentals Pc1263  
 226 NY-17K  
 Newburgh, NY

Customer: Sunbelt Rentals  
 Created: 8-4-2023  
 Revised:  
 Dwg: Permit 105

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Scale: Proportional  
 Illustrated by: smith

Date:

Approval:

Google Maps NY-17K

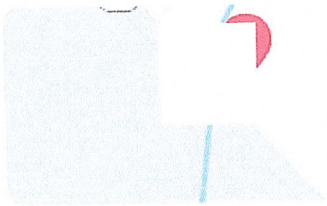
Newburgh, New York

Google Street View

Jun 2024 [See more dates](#)



Image capture: Jun 2024 © 2024 Google



New

Google Maps NY-17K

Newburgh, New York

Google Street View

Jun 2024 [See more dates](#)



Image capture: Jun 2024 © 2024 Google



Google Maps NY-17K

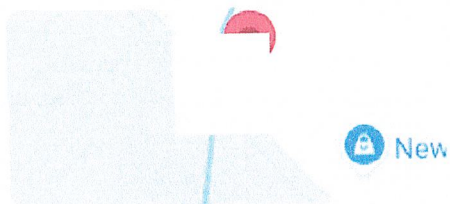
Newburgh, New York

Google Street View

Jun 2024 [See more dates](#)



Image capture: Jun 2024 © 2024 Google



Google Maps NY-17K

Newburgh, New York

Google Street View

Jun 2024 [See more dates](#)



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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. Puglielie, 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

July 19, 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: Sunbelt Rentals Signage // ZBA referral  
Planning Board Project No. 2022-14

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's July 18, 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 signage at Sunbelt Rentals located at 224 & 226 NYS Route 17K. The applicant previously received site plan approval on April 6, 2023, and construction subsequently commenced. However, signage details were only recently provided, and the proposed signage does not meet the zoning requirements, as follows:

Signs A & B are proposed building-mounted signs. The Town Code allows up to sixty square feet of total building-mounted signage. The applicant proposes Sign A at 67.94 square feet, and Sign B at 75.83 square feet. This is a total of 143.77 square feet, which is an excess of 83.77 square feet of the permitted area.

Sign C is a proposed freestanding sign, which meets the area requirement. However, the required front and side yard setback for this sign is 15 feet, and a 5 foot setback is proposed.

The property is located in the Town's IB zoning district. The Planning Board previously concluded its SEQRA review for the project, and adopted a negative declaration on March 2, 2023.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Sunbelt Rentals - Lite Brite Signs			
Name of Action or Project: Sunbelt Rentals Signs			
Project Location (describe, and attach a location map): 226 Route 17K			
Brief Description of Proposed Action: Two(2) building signs and one(1) monument sign			
Name of Applicant or Sponsor: Lite Brite Signs - maria Rotundo		Telephone: 845-343-7446	
Address: 51 Montgomery Street		E-Mail: maria.rotundo@ litebritesigns.com	
City/PO: middletown		State: NY	Zip Code: 10940
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 checked="" 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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.6 acres ____ acres ____ 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 type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



	NO	YES	N/A
5. Is the proposed action,			
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action? <i>NA.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? <i>NA.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input 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"/>	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural/grasslands    Early mid-successional

Wetland    Urban    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? Indiana Bat, Upland Sandpiper	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? <i>NA.</i> If Yes, a. Will storm water discharges flow to adjacent properties? <i>NA.</i> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <i>NA.</i>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input 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? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <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? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: maria Rotundo Date: 9/25/24  
 Signature: Maria Rotundo Title: \_\_\_\_\_

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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, Upland Sandpiper
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes



ORANGE COUNTY – STATE OF NEW YORK  
 KELLY A. ESKEW, COUNTY CLERK  
 255 MAIN STREET  
 GOSHEN, NEW YORK 10924

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



BOOK/PAGE: 15446 / 304  
 INSTRUMENT #: 20230043660

Receipt#: 3181491  
 Clerk: KP  
 Rec Date: 07/17/2023 12:04:34 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 5  
 Rec'd Frm: Premier Abstract, Ltd

Party1: EUGENE A MAZZARELLI LIVING TRUST  
 Party2: 226 NY 17K LLC  
 Town: NEWBURGH (TN) 89-1-64

Recording:	
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00
<b>Sub Total:</b>	<u>320.00</u>
Transfer Tax	
Transfer Tax - State	6000.00
<b>Sub Total:</b>	<u>6000.00</u>
<b>Total:</b>	<u>6320.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 10296	
Commercial Transfer Tax	
Consideration: 1500000.00	
Transfer Tax - State	6000.00
<b>Total:</b>	<u>6000.00</u>

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

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

Kelly A. Eskew  
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

**THIS INDENTURE**, made the 11<sup>th</sup> day of May, 2023,

**BETWEEN** Gina M. Mazzarelli, Successor Trustee of the Eugene A. Mazzarelli Living Trust dated August 28, 2018 and any amendments thereto, and Gina M. Mazzarelli, Individually, of 739 Hewitt Lane, New Windsor, New York 12553, party of the first part, and

226 NY-17K LLC, a North Carolina Limited Liability Company of 701 Finger Lakes Drive , Wake Forest, North Carolina 27587, party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of One Million Five Hundred Thousand Dollars and No Cents (**\$1,500,000.00**), 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, more particularly described in SCHEDULE A attached hereto;

**BEING** the same premises conveyed from Eugene A. Mazzarelli to Eugene A. Mazzarelli, Trustee of the Eugene A. Mazzarelli Living Trust dated August 28, 2018, and any amendments thereto by a certain Deed dated August 28, 2018 and recorded October 26, 2018 in Liber 14479 at Page 10 in the Orange County Clerk's Office. Said Eugene A. Mazzarelli having died on August 26, 2021, leaving Gina M. Mazzarelli, as Successor Trustee.

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

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

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

**AND** the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Section: 89, Block: 1, Lots: 64 and 65

FIRST AMERICAN TITLE INSURANCE COMPANY

SCHEDULE A Description

Title Number: PAL27920

PARCEL I

SBL: 89-1-64 (For identification only)

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

**BEGINNING at an iron pipe on the northerly side of Cochection Turnpike, said point of beginning the most southerly corner of the 5.94 acre parcel referred to in a deed from Gerow Griffin and Helen V. Griffin dated July 11, 1941 and recorded in the Orange County Clerk's Office in Liber 865 of deeds at page 103, and**

**Runs thence on a course of North 30 degrees West 178.44 feet along the northerly side of said Cochection Turnpike to a stake;**

**THENCE North 58 degrees 20' East 181.70 feet to stake in the line of lands now or formerly owned by Michel A. Tighe and Jennie M. Tighe;**

**THENCE along said last mentioned lands South 14 degrees 40' West 258.35 feet to the place of BEGINNING.**

**EXCEPTING and reserving so much of the above described premises as have heretofore been conveyed to the State of New York for highway purposes.**

PARCEL II

SBL: 89-1-65 (For identification only)

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

**BEGINNING at an iron pipe on the northerly side of Cochection Turnpike, at a point distant southeasterly 529 feet from the intersection of the northerly side of Cochection Turnpike with the westerly line of a street designated as Homewood Avenue, on a map of Franklin Park Addition, East Coldenham, N.Y.;**

**THENCE RUNNING along the westerly bank of a stream known as the Orange Lake Overflow, the following courses and distances:**

**North 8 degrees 29' East 97.6 feet to an iron pipe;  
North 16 degrees 31' East 370.4 feet to an iron pipe;  
North 34 degrees 12' East 225.9 feet to an iron pipe;**

*For Conveyancing Only  
Together with all right, title and interest of, in and to any streets and roads abutting the above described premises.*

Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein. Now is the time to determine whether we have examined all of the property and easements which you desire to be insured. If there are appurtenant easements to be insured, please request such insurance. In some cases, our rate manual provides for an additional charge for such insurance.

**SCHEDULE A Description - continued**

Title Number: PAL27920

**North 18 degrees 57' East 253.7 feet to an elm tree;**

**THENCE crossing the stream and running along other lands formerly of Tighe and Cutter, South 69 degrees 49' East 190.7 feet to a stake set in the line of a post and wire fence;**

**THENCE RUNNING along the post and wire fence and also along other lands formerly of Tighe and Cutter, the following courses and distances:**

**South 10 degrees West 218.3 feet to a stake;**

**South 15 degrees 36' West 89.2 feet to a stake;**

**South 21 degrees 45' West 217.3 feet to a stake;**

**South 19 degrees 51' West 363.7 feet to a stake;**

**South 14 degrees 40' West 267.4 feet to a stake on the northerly side of the Cochection Turnpike;**

**THENCE RUNNING along the northerly side of the turnpike, North 30 degrees West 338.8 feet to the place of BEGINNING.**

**EXCEPTING from the above describe parcel a triangular piece of land bounded and described as follows:**

**BEGINNING at an iron pipe on the northerly side of the Cochection Turnpike, said point of beginning being the most southerly corner of the 5.94 acre parcel referred to above and runs thence on a course of North 30 degrees West 178.44 feet along the northerly side of said Cochection Turnpike to a stake;**

**THENCE North 58 degrees 20' East 181.70 feet to a stake in the line of lands now or formerly owned by Michael A. Tighe and Jennie M. Tighe;**

**THENCE along said last mentioned lands, South 14 degrees and 40' West 258.35 feet to the place of BEGINNING.**





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

STATE OF NEW YORK: COUNTY OF ORANGE:

I maria Rotundo, being duly sworn, depose and say that I did on or before

October 10, 2024, post and will thereafter maintain at

226 Route 17k 89-1-65 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.

Maria Rotundo

Sworn to before me this 9<sup>th</sup>

day of Oct, 2024.

Marie C Barone



