



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: 8/29/23

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

I (WE) Matrix/PPF Newburgh 2 Matrix Drive, LLC PRESENTLY

DOING BUSINESS AT Forsgate Dr., CN 4000, Cranbury NJ 08512

TELEPHONE NUMBER 732 521-2900

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

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

1. LOCATION OF THE PROPERTY:

60-3-58 (TAX MAP DESIGNATION)

2 Matrix Drive (STREET ADDRESS)

IB Interchange Business (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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-D-1-(k)

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:
08/08/2023
- 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: Variance to allow a height

of 6.5 feet and area of 16.5 square feet for directional signs

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.

(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.

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

N.A.

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

N.A.

6. IF AN AREA VARIANCE IS REQUESTED:

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

See narrative

- 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:

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

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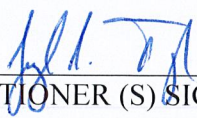
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

See narrative

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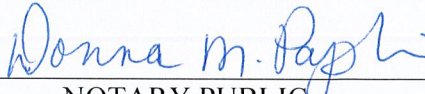
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

Joseph S. Taylor

STATE OF NEW JERSEY: COUNTY OF MIDDLESEX:

SWORN TO THIS 31ST DAY OF August 20 23


NOTARY PUBLIC

Donna M. Papkin
Notary Public of New Jersey
ID# 50090750
My Commission Expires October 1, 2023

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)

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: Proposed Directional Signage - Matrix Logistics Center			
Project Location (describe, and attach a location map): 2 Matrix Drive, Town of Newburgh, NY 12550			
Brief Description of Proposed Action: Erect a total of two directional signs throughout an existing industrial park to assist in wayfinding for tenants/employees and their customers and vendors.			
Name of Applicant or Sponsor: Matrix/PPF Newburgh 2 Matrix Drive, LLC		Telephone: 732 521-2900 E-Mail: raquino@matrixcompanies.com	
Address: Forsgate Drive, CN 4000			
City/PO: Cranbury		State: NJ	Zip Code: 08512
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 governmental Agency? If Yes, list agency(s) name and permit or approval: Proposed signs need variances from ZBA and building permits from Town of Newburgh Code Compliance		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		14.6 acres	
b. Total acreage to be physically disturbed?		0.005 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		14.6 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	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: A portion of the property outside of the proposed action was the site of a former gasoline station. A spill occurred in 1999 and was remediated. NYSDEC closed the spill case in 2007. _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>

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

Applicant/sponsor name: Joseph S. Taylor

Date: 8/31/23

Signature: _____

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



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: 15248 / 1588
INSTRUMENT #: 20220042962

Receipt#: 3042255
Clerk: KP
Rec Date: 06/08/2022 10:50:39 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: SMPR TITLE

Party1: MATRIX NEWBURGH ROUTE 300 LLC
Party2: MATRIX PPF NEWBURGH 2 MATRIX
DRIVE LLC
Town: NEWBURGH (TN)
60-3-41.3

Recording:

Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 325.00

Transfer Tax
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 325.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 10936
Commercial Transfer Tax
Consideration: 0.00

Total: 0.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

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 6/8/2022 and the same is a correct
transcript thereof in witness whereof, I have hereunto set my
hand and affixed my official seal 08/30/2023.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County

Record and Return To:

WHITEMAN ISTERMAN & HANNA LLP
ONE COMMERCE PLAZA
ALBANY, NY 12260

P/O 60-3-41.3
P/O 60-3-41.4
P/O 60-3-49.1
TO BE 60-3-58

2

Record & Return to:
Daniel Hubbell, Esq.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, New York 12260

BARGAIN & SALE DEED
with Covenant against Grantor's Acts

THIS INDENTURE made the 31st day of May, 2022 BETWEEN

MATRIX NEWBURGH ROUTE 300, LLC, a New York limited liability company having an address of c/o Matrix Development Group, Forsgate Drive, CN4000, Cranbury, New Jersey 08512 (hereinafter referred to as "Grantor") and

MATRIX/PPF NEWBURGH 2 MATRIX DRIVE, LLC, a New York limited liability company having an address of c/o Matrix Realty, Inc. Forsgate Drive, CN4000, Cranbury, New Jersey 08512 (hereinafter referred to as "Grantee")

WITNESSETH, that the Grantor, in consideration of ONE AND 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, the successors and assigns of the Grantee forever,

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND situate in the Town of Newburgh, County of Orange and State of New York and more particularly described as follows:

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

This conveyance is made in the ordinary course of business and with the consent of the sole member of the Grantor herein and constitutes a sale of all or substantially all of the assets of the Grantor.

SUBJECT TO all covenants, conditions, easements and restrictions of record affecting said premises.

BEING a portion of the premises conveyed to the Grantor herein by deed dated November 23, 2020 and recorded in the Orange County Clerk's Office on December 3, 2020 in Book 14853 of Deeds at Page 606.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the successors and assigns of the Grantee forever.

AND the Grantor covenants that it has not done or suffered anything whereby said premises have

been encumbered in any way whatever, except as aforesaid.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

[Remainder of Page Left Blank Intentionally; Signature Page Follows]

4867-1462-0445, v. 4

**WRITTEN DESCRIPTION
FOR
LOT B
IN THE TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK**

All that certain piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York identified as "Lot B" as shown on that certain lot line adjustment map entitled "Lot Line Change, Matrix Logistics Center at Newburgh" prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., dated July 30, 2021, and filed in the Orange County Clerk's Office as Map No. 145-22 and being bounded and described as follows:

BEGINNING at a point on the easterly line of Route 300 (Union Avenue) and distant 148.82 feet from the southerly line of lands now or formerly owned by 1400 Route 300 LLC & Gills Pride Inc. and running thence;

Easterly and Southerly through the lands hereon described the following nine courses:

1. North 58°11'50" East, a distance of 47.49 feet to a point; thence
2. North 58°12'48" East, a distance of 144.27 feet to a point; thence
3. North 58°10'04" East, a distance of 79.44 feet to a point; thence
4. Along a curve to the right having an arc length of 103.07 feet, a radius of 467.82 feet, and a central angle of 12°37'25" and being subtended by a chord which bears North 64°28'47" East, a distance of 102.86 feet; thence
5. North 72°51'22" East, a distance of 34.35 feet to a point; thence
6. North 74°57'01" East, a distance of 250.39 feet to a point; thence
7. Along a curve to the right having an arc length of 110.88 feet, a radius of 320.00 feet, and a central angle of 19°51'11" and being subtended by a chord which bears North 84°52'36" East, a distance of 110.33 feet; thence
8. South 21°55'20" East, a distance of 827.84 feet to a point; thence
9. South 39°59'04" East, a distance of 205.09 feet to a point on the northerly line of the westbound off ramp of Interstate 84; thence

Running Westerly along the northerly line of the westbound off ramp of Interstate 84 the following four courses:

10. North 76°58'52" West, a distance of 230.81 feet to a granite monument; thence
11. South 83°19'04" West, a distance of 428.55 feet to a granite monument; thence
12. North 78°45'25" West, a distance of 126.16 feet to a granite monument; thence
13. North 46°59'57" West, a distance of 143.86 feet to a granite monument on the easterly line of Route 300 (Union Avenue); thence

Running Northerly along the easterly line of Route 300 the following three courses:

14. North 27°20'14" West, a distance of 174.77 feet to a granite monument; thence
15. North 29°43'10" West, a distance of 288.26 feet to a granite monument; thence
16. North 20°36'10" West, a distance of 130.83 feet to the POINT or PLACE of BEGINNING

Encompassing an area of 634,805 square feet or 14.57313 acres, more or less.

TOGETHER WITH the easements set forth in the Declaration of Reciprocal Easements, Maintenance and Use made by Matrix Newburgh Route 300, LLC dated 2/26/2022 to be recorded in the Orange County Clerk's Office.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3003-23(5)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/08/2023

Application No. 23-0926

To: 4 Matrix Drive, LLC, Matrix / PPF Newburgh
Forsgate Drive, CN 4000
Cranbury, NJ 08512

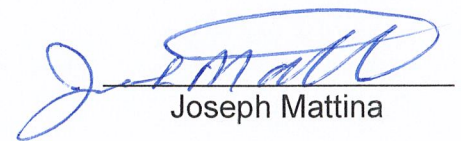
SBL: 60-3-58
ADDRESS: 2 Matrix Drive

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/07/2023 for permit to install 2 tenant directional signs on the premises located at 2 Matrix Drive is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-D-1-(k): Shall not exceed 4 square foot per face.
- 2) 185-14-D-1-(k): Shall not exceed 6' in height.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



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N.A.

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

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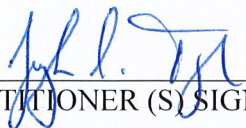
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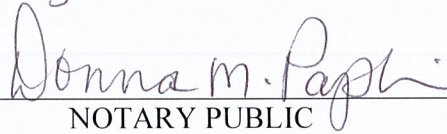
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Joseph S. Taylor

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SWORN TO THIS 31ST DAY OF August 20 23


NOTARY PUBLIC

Donna M. Papkin
Notary Public of New Jersey
ID# 50090750
My Commission Expires October 1, 2023

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Name of Applicant or Sponsor: Matrix/PPF Newburgh 4 Matrix Drive, LLC		Telephone: 732 521-2900 E-Mail: raquino@matrixcompanies.com	
Address: Forsgate Drive, CN 4000			
City/PO: Cranbury		State: NJ	Zip Code: 08512
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b. Total acreage to be physically disturbed?		0.005 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		104.4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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			

5. Is the proposed action, a. A permitted use under the zoning regulations? <div style="text-align: center;">Directional signs are permitted by Land Use Ordinance</div> b. Consistent with the adopted comprehensive plan? Yes, since they are permitted by Ordinance	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" 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: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Proposed action does not require potable water</u> _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Proposed action will not generate wastewater</u> _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <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? 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: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" 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: <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	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: A portion of the property outside of the proposed action was the site of a former gasoline station. A spill occurred in 1999 and was remediated. NYSDEC closed the spill case in 2007.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Joseph S. Taylor</u> Date: <u>8/31/23</u> Signature: <u>[Signature]</u>		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



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: 15248 / 1580
INSTRUMENT #: 20220042961

Receipt#: 3042255
Clerk: KP
Rec Date: 06/08/2022 10:50:39 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 8
Rec'd Frm: SMPR TITLE

Party1: MATRIX NEWBURGH ROUTE 300 LLC
Party2: MATRIX PPF NEWBURGH 4 MATRIX
DRIVE LLC
Town: NEWBURGH (TN)
60-3-41.3

Recording:

Recording Fee	60.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 335.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 335.00

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

***** Transfer Tax *****
Transfer Tax #: 10935
Commercial Transfer Tax
Consideration: 0.00

Total: 0.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

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 6/8/2022 and the same is a correct
transcript thereof in witness whereof, I have hereunto set my
hand and affixed my official seal 08/30/2023.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County

Record and Return To:

WHITEMAN ISTERMAN & HANNA LLP
ONE COMMERCE PLAZA
ALBANY, NY 12260

P/O 60-3-41.3
P/O 60-3-41.4
P/O 60-3-49.1
60-3-49.22
60-3-48
60-3-56

97-1-13.3
97-1-20.3

TO BE
60-3-57

Record & Return to:
Daniel Hubbell, Esq.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, New York 12260

BARGAIN & SALE DEED
with Covenant against Grantor's Acts

THIS INDENTURE made the 31ST day of May, 2022 BETWEEN

MATRIX NEWBURGH ROUTE 300, LLC, a New York limited liability company having an address of c/o Matrix Development Group, Forsgate Drive, CN4000, Cranbury, New Jersey 08512 (hereinafter referred to as "Grantor") and

MATRIX/PPF NEWBURGH 4 MATRIX DRIVE, LLC, a New York limited liability company having an address of c/o Matrix Realty, Inc. Forsgate Drive, CN4000, Cranbury, New Jersey 08512 (hereinafter referred to as "Grantee")

WITNESSETH, that the Grantor, in consideration of ONE AND 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, the successors and assigns of the Grantee forever,

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND situate in the Town of Newburgh, County of Orange and State of New York and more particularly described as follows:

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

This conveyance is made in the ordinary course of business and with the consent of the sole member of the Grantor herein and constitutes a sale of all or substantially all of the assets of the Grantor.

SUBJECT TO all covenants, conditions, easements and restrictions of record affecting said premises.

BEING a portion of the premises conveyed to the Grantor herein by deed dated November 23, 2020 and recorded in the Orange County Clerk's Office on December 3, 2020 in Book 14853 of Deeds at Page 606.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the successors and assigns of the Grantee forever.

AND the Grantor covenants that it has not done or suffered anything whereby said premises have

been encumbered in any way whatever, except as aforesaid.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

[Remainder of Page Left Blank Intentionally; Signature Page Follows]

4871-8772-4573, v. 5

**WRITTEN DESCRIPTION
FOR
LOT A
IN THE TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK**

All that certain piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York identified as "Lot A" as shown on that certain lot line adjustment map entitled "Lot Line Change, Matrix Logistics Center at Newburgh" prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., dated July 30, 2021, and filed in the Orange County Clerk's Office as Map No. 145-22 and being bounded and described as follows:

BEGINNING at a point on the southerly line of lands now or formerly owned by 1400 Route 300 LLC & Gills Pride Inc. and being distant 21.58 feet from the easterly line of Route 300 (Union Avenue) and running thence;

Easterly and Northerly along previously said division line the following three course:

1. North 74°56'58" East, a distance of 208.33 feet to a point; thence
2. North 74°57'01" East, a distance of 662.04 feet to a point in a stone wall; thence
3. Along a stone wall, North 15°48'03" East, a distance of 128.49 feet to a point at the southeasterly corner of lands now or formerly owned by LT Building Corp. c/o Thylan Associated Inc.; thence
4. Continuing Northerly along a stone wall and previously said division line, a course of North 16°26'10" East, a distance of 265.72 feet to a point; thence
5. Continuing Northerly along a stone wall and previously said division line, a course of North 15°06'34" East, a distance of 59.02 feet to a point witnessed by a one inch iron pipe distant 2.93 feet and bearing North 02°41'43" East at the southeasterly corner of lands now or formerly owned by Zamira Johnson; thence
6. Continuing Northerly along a stone wall and previously said division line, a course of North 15°03'04" East, a distance of 742.05 feet to a one inch iron pipe to the west of a stone wall and on the easterly line of lands now or formerly owned by JK Meadow LLC c/o Kunal Patel; thence
7. Continuing Northerly along previously said division line, a course of North 16°36'57" East, a distance of 39.61 feet to a point on the southerly line of Meadow Avenue; thence
8. Running Easterly along a recorded dedication to the Town of Newburgh, a course of South 72°53'17" East, a distance of 216.45 feet to a point; thence
9. Running Northerly along the previously said dedication, a course of North 01°06'04" East, a distance of 55.15 feet to a point on the southerly line of Meadow Avenue; thence
10. Running Easterly along the southerly line of Meadow Avenue, a course of South 87°38'45" East, a distance of 92.74 feet to a point; thence
11. Running Southerly along a recorded New York State Department of Transportation Acquisition, a course of South 03°06'13" West, a distance of 55.00 feet to a point; thence

Running Easterly & Southerly along the previously said acquisition the following five courses:

12. South 70°53'08" East, a distance of 31.00 feet to a point; thence
13. South 41°12'15" East, a distance of 57.32 feet to a point; thence
14. South 87°01'42" East, a distance of 77.31 feet to a point; thence
15. North 72°54'13" East, a distance of 42.55 feet to a point; thence
16. South 55°44'13" East, a distance of 166.01 feet to a point on the westerly line of lands now or formerly owned by Northern Enterprise NY LLC; thence
17. Running Southerly along previously said division line, a course of South 37°56'57" West, a distance of 259.63 feet to a rebar at a stone wall; thence
18. Running Easterly along a stone wall and previously said division line, a course of South 52°21'29" East, a distance of 134.55 feet to a point; thence
19. Continuing Easterly along a stone wall and previously said division line, a course of South 49°14'34" East, a distance of 474.38 feet to a point witnessed by a ¾" rebar distant 2.56 feet and bearing North 37°19'24" West at the southwesterly corner of lands now or formerly owned by Eugene M. & Vaughn Ghikas; thence
20. Continuing Easterly along a portion of a stone wall and previously said division line, a course of South 46°46'28" East, a distance of 750.65 feet to a point on the southerly line of lands now or formerly owned by Christopher J. & Jacqueline A Holsten; thence
21. Continuing Easterly along previously said division line, a course of South 49°12'56" East, a distance of 139.53 feet to a point at the center of New Street and the northwesterly corner of lands now or formerly owned by Erik Alvis Niedritis, MD; thence
22. Running Southerly along previously said division line of Erik Alvis Niedritis, MD, a course of South 41°27'18" West, a distance of 48.27 feet to a point; thence

Running Easterly and Southerly along previously said division line the following six course:

23. South 48°32'42" East, a distance of 240.00 feet to a point; thence
24. South 09°21'14" West, a distance of 429.77 feet to a point; thence
25. South 50°38'42" East, a distance of 460.01 feet to a point; thence
26. Along a stone wall, a course of North 33°10'11" East, a distance of 180.09 feet to a point; thence
27. Along a portion of a stone wall, South 68°07'54" East, a distance of 348.08 feet to a point; thence
28. North 59°08'13" East, a distance of 139.97 feet to a point on the southerly line of lands now or formerly owned by Skyline Real Estate Services LLC; thence
29. Running Easterly along previously said division line, a course of South 48°58'43" East, a distance of 233.26 feet to a rebar; thence
30. Continuing Easterly along previously said division line, a course of South 48°11'26" East, a distance of 196.78 feet to a stone wall at the southwesterly corner of lands now or formerly owned by George Contreras; thence
31. Continuing Easterly along a stone wall and previously said division line, a course of South 49°16'57" East, a distance of 450.01 feet to a point at the southwesterly corner of lands now or formerly owned by Christopher J. Frain & Jade C. Calub; thence

32. Continuing Easterly along previously said division line, a course of South 49°43'54" East, a distance of 104.91 feet to a point at the southeasterly corner of lands now or formerly owned by James Corbett; thence
33. Continuing Easterly along previously said division line, a course of South 49°40'32" East, a distance of 140.41 feet to a point on the northerly corner of lands of the New York State Thruway Authority; thence

Running Westerly and Southerly along previously said lands of the New York State Thruway Authority the following six courses:

34. North 71°23'27" West, a distance of 995.03 feet to a point; thence
35. North 85°05'53" West, a distance of 175.39 feet to a point; thence
36. South 21°44'48" East, a distance of 123.45 feet to a point; thence
37. Along a curve to the left having an arc length of 231.67 feet, a radius of 925.00 feet, and a central angle of 14°21'00" and being subtended by a chord which bears South 89°56'34" West, a distance of 231.07 feet; thence
38. South 82°46'03" West, a distance of 197.98 feet to a point; thence
39. South 05°04'50" East, a distance of 132.90 feet to a point on the northerly line of Interstate 84; thence

Running Westerly along the northerly line of Interstate 84 the following three courses:

40. North 88°43'11" West, a distance of 238.00 feet to a point; thence
41. North 81°37'07" West, a distance of 363.58 feet to a granite monument; thence
42. North 86°16'12" West, a distance of 746.74 feet to a point; thence

Running Westerly and Northerly along the northerly line of the westbound off ramp for Interstate 84 the following four courses:

43. North 62°08'11" West, a distance of 164.11 feet to a granite monument; thence
44. North 18°23'04" West, a distance of 177.86 feet to a granite monument; thence
45. North 29°50'09" West, a distance of 252.53 feet to a point; thence
46. North 60°38'36" West, a distance of 248.53 feet to a point on the southeasterly corner of the Proposed Lot B; thence

Running Northerly and Westerly through the hereon described lands and the easterly and northerly lines of the Proposed Lot B the following nine courses:

47. North 39°59'04" West, a distance of 205.09 feet to a point; thence
48. North 21°55'20" West, a distance of 827.84 feet to a point; thence
49. Along a curve to the left having an arc length of 110.88 feet, a radius of 320.00 feet, and a central angle of 19°51'11" and being subtended by a chord which bears South 84°52'36" West, a distance of 110.33 feet; thence
50. South 74°57'01" West, a distance of 250.39 feet to a point; thence
51. South 72°51'22" West, a distance of 34.35 feet to a point; thence

52. Along a curve to the left having an arc length of 103.07 feet, a radius of 467.82 feet, and a central angle of $12^{\circ}37'25''$ and being subtended by a chord which bears South $64^{\circ}28'47''$ West, a distance of 102.86 feet; thence
53. South $58^{\circ}10'04''$ West, a distance of 79.44 feet to a point; thence
54. South $58^{\circ}12'48''$ West, a distance of 144.27 feet to a point; thence
55. South $58^{\circ}11'50''$ West, a distance of 47.49 feet to a point on the easterly line of Route 300 (Union Avenue); thence
56. Running Northerly along said easterly line of Route 300, a course of North $20^{\circ}36'10''$ West, a distance of 148.82 feet to the POINT or PLACE of BEGINNING.

Encompassing an area of 4,546,248 square feet or 104.36748 acres, more or less.

TOGETHER WITH THE BENEFITS AND SUBJECT TO THE BURDENS of the Roadway Easement and the Sewer Line Easement from the State of New York in Liber 13627 page 609.

TOGETHER WITH THE BENEFITS AND SUBJECT TO THE BURDENS of that certain Agreement dated 5/15/85 between James E. Patsalos ("Patsalos") and Julie Miron, Kenneth L. Miron and Stephen E. Miron (collectively, "Miron"), recorded 5/20/85 in Liber 2362, page 212, as modified by that certain Modification Of Easement Agreement Dated May 14 [sic], 1985, Between James Z. Patsalos And Julie Miron, Kenneth L. Miron And Stephen E. Miron, dated 10/6/88 and recorded 10/7/88 in Liber 3020, page 139, which Agreement as modified established a non-exclusive easement, subject to the terms of the Agreement as modified, serving certain premises of Miron.

TOGETHER WITH the easements set forth in the Declaration of Reciprocal Easements, Maintenance and Use made by Matrix Newburgh Route 300, LLC dated 2/26/2022 to be recorded in the Orange County Clerk's Office.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3063-23-(A)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/08/2023

Application No. 23-0927

To: 4 Matrix Drive, LLC, Matrix / PPF Newburgh
Forsgate Drive, CN 4000
Cranbury, NJ 08512

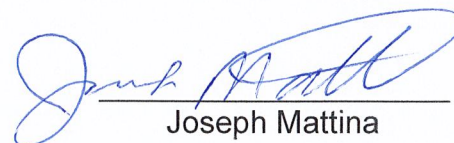
SBL: 60-3-57
ADDRESS: 4 Matrix Drive

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/07/2023 for permit to install 2 tenant directional signs on the premises located at 4 Matrix Drive is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-D-1-(k): Shall not exceed 4 square foot per face.
- 2) 185-14-D-1-(k): Shall not exceed 6' in height.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

September 6, 2023

VIA EMAIL & FEDERAL EXPRESS

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

Re: Variance Applications for Directional Signage

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

This firm represents Matrix/PPF Newburgh 2 Matrix Drive, LLC and Matrix/PPF Newburgh 4 Matrix Drive, LLC (collectively the "Applicants" or "Matrix") the owners of 2 & 4 Matrix Drive respectively, in the Town of Newburgh (the "Project Site"). *See Exhibit A* [Property Deeds].

As you may know, on October 28, 2021, Matrix received site plan approval from the Town of Newburgh Planning Board (the "Planning Board") to develop two (2) new warehouse distribution centers and related improvements on the Project Site (the "Project"). *See Exhibit B* [Resolution of Site Plan Approval]. Both warehouses have been fully constructed in compliance with the approval and the Town's Zoning Law ("Zoning Law").

Matrix has applied to the Zoning Board of Appeals (the "ZBA") seeking variances from the Zoning Law Section 185-14(D)(1)(k) to increase the area and height of four (4) directional signs on the Project Site. The variances are requested to enhance public safety on the Project Site and improve operational efficiency.

On April 20, 2023, Matrix representatives met with the Planning Board regarding the Project's proposed signage. At the meeting, the Planning Board approved the signage subject to review by the Building Department for code compliance. *See Exhibit C* [Planning Board Meeting Minutes]. On August 7, 2023, Matrix applied for a building permit for four (4) directional signs on the Project Site. On August 8, 2023, the Town of Newburgh Code Compliance Department

issued a Notice of Disapproval of Building Permit Application stating the four (4) tenant directional signs are not in compliance with Zoning Law Section 185-14(D)(1)(k). *See Exhibit D* [Notice of Disapproval of Building Permit Application].¹ Accordingly, Matrix is seeking the following variances:

Zoning Law Section	Requirement	Variance Requested
Zoning Law Section 185-14(D)(1)(k)	Directional signage shall not exceed four square feet.	Matrix is requesting a variance to allow 16.5 square feet for each of four directional signs
Zoning Law Section 185-14(D)(1)(k)	Directional signage shall not exceed six feet in height.	Matrix is requesting variance to allow for height of 6.5 feet. For each of four directional signs

Pursuant to Zoning Law Article 17, the Applicant respectfully submits these applications to the ZBA with respect to the variances cited above. *See Exhibit F* [ZBA Application]. As discussed in more detail below, we believe that the Project meets the standards for granting the requested variances.

SEQRA and County Referral

During the site plan approval process, the Project was deemed a Type I Action and the Planning Board designated itself lead agency and conducted a coordinate review of the Project. On September 2, 2021, the Board approved a Negative Declaration for the Project holding that it would not create any significant adverse impact on the environment pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”). At the time, the ZBA was not involved in the SEQRA process because signage variances were unknown. As a result, we believe that the ZBA can conduct its own SEQRA review for the proposed sign variances which constitute an unlisted action subject to SEQRA. Matrix has included a Short Environmental Assessment Form as required by SEQRA. *See Exhibit G* [Short Environmental Assessment Form].

Finally, because of the proximity of the Project Site to Route 300, a state highway, referral of the variance applications to the Orange County Planning Department for review pursuant to NYS General Municipal Law § 239-m will be necessary.

Variance Application Materials

In accordance with the ZBA Application requirements, please find the following documents in support of the variance applications:

Exhibit A: Original or Certified Copy of Deeds;

¹ It should be noted that Matrix has slightly revised the directional signage from what was approved originally by the Planning Board. The revised signage will still require the variances noted above.

- Exhibit B:** Resolution of Site Plan Approval, dated October 28, 2021;
- Exhibit C:** Town of Newburgh Planning Board Meeting Minutes, dated April 23, 2023;
- Exhibit D:** Notice of Disapproval letters from Building Department for 2 & 4 Matrix;
- Exhibit E:** Signage Renderings, dated July 18, 2023, prepared by Murdoch Engineering;
- Exhibit F:** ZBA Applications for Matrix/PPF Newburgh 2 Matrix Drive, LLC and Matrix/PPF Newburgh 4 Matrix Drive, LLC;
- Exhibit G:** Short Environmental Assessment Forms for Matrix/PPF Newburgh 2 Matrix Drive, LLC and Matrix/PPF Newburgh 4 Matrix Drive, LLC;
- Exhibit H:** Site Plan with proposed signs, dated July 18, 2023, prepared by Murdoch Engineering;
- Exhibit I:** Original copy of list of neighboring property owners within 500 ft of the Property.
- Exhibit J:** Matrix Newburgh I, LLC Signage Package;
- Exhibit K:** Matrix Newburgh I, LLC Signage Resolution; and
- Exhibit L:** Photographs of the Signage from 4 locations.

Additionally, the Applications include two checks for the applications fee in the amount of \$550.00 each to the Town of Newburgh.

Need For Variances

NYS Town Law § 267-B(3)(b) provides the applicable legal standards for review of variances by the ZBA. This law requires the ZBA, in deciding whether to grant the requested variances, 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.” As discussed below, we submit that the requested variances are justified under this “balancing test” as required by the NYS Town Law.

The benefit of the variances is that the Project will enhance the safety and wayfinding for the tenants, their vendors and customers and for the general public. Accordingly, the granting of the requested variances will not detrimentally affect the health, safety, and welfare of the neighborhood or community. Based on the balancing of the factors provided in NYS Town Law § 267-B(3)(b), Matrix respectfully submits that the requested variances should be granted for the following reasons:

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 variances.

Matrix's proposed sign variances will not produce an undesirable change in the neighborhood. As provided in the Site Plans, the Project Site is located in a commercial zoning district, the Interchange Business (IB) District, which allows industrial uses like the Project. The proposed directional signs will be located on internal private roads on the Project Site, out of sight of adjacent property owners and the surrounding neighborhood. *See Exhibit H* [Site Plans, dated July 18, 2023]. The Project and all other signs have already been constructed on the Project Site. The Project Site is across the street from I-84 where large highway signs direct traffic towards I-84 (both east and west) and I-87. Other surrounding properties include the Newburgh Mall with Flaming Grill & Buffet, Bed Bath & Beyond, Sears, Office Depot. All of the surrounding commercial uses have signage, which is necessary and usual for commercial areas. *See Exhibit I* [Property Owners within 500 feet].

Additionally, the ZBA previously approved variances to allow a similar directional sign for another Matrix facility owned by Matrix Newburgh I, LLC and located at 108 Rte. 17K. On November 24, 2015, the ZBA approved Matrix's variance application for a 150 square foot directional sign for its 565,320 square foot warehouse located on Route 17K. This existing warehouse is also located in the IB zoning district. *See Exhibit J* [Matrix Newburgh I, LLC Signage Package]; *See Exhibit K* [Matrix Newburgh I, LLC Signage Package Resolution].

Project	Zoning District	Signage
Matrix Newburgh I, LLC on Rt 17K	IB District	The ZBA Approved One (1) 150 square foot directional sign ² 9.3 feet high
Matrix Projects on Matrix Drive	IB District	Proposed Four (4) 16.5 square feet directional signs 6.5 feet high

As seen above, the approved square footage and height of the directional sign for Matrix Newburgh I, LLC's project was vastly larger than the proposed directional signage for the Project. Also, the directional sign for Matrix Newburgh I, LLC was located on a private road and out of view from surrounding properties. Ultimately, Matrix Newburgh I, LLC's signage did not result in any undesirable change to the character of the neighborhood.

In this existing context, the Applicant's proposed directional signs for the Project will not produce an undesirable change or detriment to the commercial character of the area.

² The Zoning Law at the time only allowed 3 square feet for a directional signs.

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 area variances.

The requested variances will allow Matrix to meet its goals of providing safe and efficient navigation for drivers coming to the Project Site. As provided in the applications, Matrix is proposing four (4) directional signs, that are sixteen and a half (16.5) square feet each and 6.5 feet in height. The larger signs will allow increased visibility for all drivers, and will provide for safer stopping and turning, particularly for large trucks. Smaller signage would not be as safe or effective in promoting the visibility needed to allow safer and efficient circulation.

Accordingly, no feasible alternative exists for the Project Site layout or the necessary signage for the Project that does not requires the requested variances.

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

The requested variances are relatively modest in nature relative to the size and scale of the project, and the larger signs are consistent with the nature of the existing use. They do not create any adverse impacts on surrounding properties or the environment, given the developed commercial district where the Project Site is located. New York State courts have upheld area variances similar in size to the requested variances, 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, 1102 (3d Dept. 2007), the Appellate Division 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."

As shown on the Project's Site Plan (See **Exhibit H**) and in the context of the surrounding commercial corridor, the proposed directional signs will not result in any measurable adverse impacts to the character of the neighborhood or environment.

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

Granting the requested variances will have no adverse effects on the physical or environmental conditions in the neighborhood or district. As mentioned above, the Project was approved in the IB District in the Town's commercial corridor along I-84, characterized by commercial uses along a New York State highway. As demonstrated by the layout of the proposed signs, the Applicant's directional signage will be constructed on the Project Site's private roads internal to the project and will not be seen by surrounding property owners. See **Exhibit L** [Photographs of the Signage from 4 angles]. The size and location of the proposed signs are consistent with the size and scale of the project.

For the foregoing reasons, the requested variances will not adversely affect or impact the physical or environmental conditions in the neighborhood.

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 variances although self-created, will enhance public safety and operational efficiency on the Project Site. The size and height of the directional signage are required to provide more effective visibility and safety for all drivers, including truck drivers who sit higher up than passenger vehicles. The proposed directional signage is consistent with other commercial signage and will be beneficial to traffic flow on the Project Site. It is also consistent with the directional signage previously approved by the ZBA for Matrix's other warehouse located along Route 17k. Therefore, the requested variances are required in order for the Applicant to achieve its goals for the Project.

Conclusion

Based on the foregoing, granting the requested variances will not detrimentally affect the health, safety, and welfare of the surrounding properties or the community. By contrast, granting the variances will allow drivers to see directional signage further away, which will help improve operating efficiency and public safety on the Site.

Thank you kindly for your attention to these variance applications. We look forward to discussing this matter with you at the ZBA's upcoming meeting. Please let me know if you have any questions on the updated materials submitted.

Very truly yours,

David R. Everett

David R. Everett

Cc: Ray Aquino, P.E., Matrix Development Group

Exhibit A



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: 15248 / 1580
INSTRUMENT #: 20220042961

Receipt#: 3042255
Clerk: KP
Rec Date: 06/08/2022 10:50:39 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 8
Rec'd Frm: SMPR TITLE

Party1: MATRIX NEWBURGH ROUTE 300 LLC
Party2: MATRIX PPF NEWBURGH 4 MATRIX
DRIVE LLC
Town: NEWBURGH (TN)
60-3-41.3

Recording:

Recording Fee	60.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 335.00

Transfer Tax
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 335.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 10935
Commercial Transfer Tax
Consideration: 0.00

Total: 0.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

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 6/8/2022 and the same is a correct
transcript thereof in witness whereof, I have hereunto set my
hand and affixed my official seal 08/30/2023.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County

Record and Return To:

WHITEMAN ISTERMAN & HANNA LLP
ONE COMMERCE PLAZA
ALBANY, NY 12260



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

COUNTY CLERK'S RECORDING PAGE
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BOOK/PAGE: 15248 / 1588
INSTRUMENT #: 20220042962

Receipt#: 3042255
Clerk: KP
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Party1: MATRIX NEWBURGH ROUTE 300 LLC
Party2: MATRIX PPF NEWBURGH 2 MATRIX
DRIVE LLC
Town: NEWBURGH (TN)
60-3-41.3

Recording:

Recording Fee	50.00
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Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 325.00

Transfer Tax
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 325.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 10936
Commercial Transfer Tax
Consideration: 0.00

Total: 0.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

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 6/8/2022 and the same is a correct
transcript thereof in witness whereof, I have hereunto set my
hand and affixed my official seal 06/30/2023.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County

Record and Return To:

WHITEMAN ISTERMAN & HANNA LLP
ONE COMMERCE PLAZA
ALBANY, NY 12260

Exhibit B

RECEIVED

OCT 28 2021

TOWN OF NEWBURGH
TOWN CLERKS OFFICE

RESOLUTION OF APPROVAL

FOR

SITE PLAN, LOT LINE CHANGE

& ARCHITECTURAL REVIEW BOARD APPROVAL

FOR THE

MATRIX LOGISTICS CENTER AT NEWBURGH

PROJECT # 2020-17

Nature of Application

Matrix Newburgh Route 300, LLC (the "Applicant" or "Matrix") is the owner of real property located along NYS Route 300 across from the I-84/I-87 interchange in the Town of Newburgh, Orange County, New York (Tax IDs: 97-1-20.3 & 13.3; 60-3-56, 41.3, 49.22, 48, 49.1, 41.4) (the "Property" or "Site"). The Property is located in the Town's Interchange Business (IB) zoning district and is bounded by I-84 to the south, commercial uses and NYS Route 300 to the west, residential uses to the east, and NYS Route 52 to the north. The Property contains approximately 119 acres of vacant land and is located across Route 300 from the Newburgh Mall.

The Applicant proposes to improve the Property with two (2) new warehouse/distribution centers: (1) a 927,041 square foot distribution center in the middle of the Property and set back from Route 300; and (2) a 215,200 square foot distribution center on the western portion of the Property located adjacent to Route 300 (the "Proposed Action" or "Project"). The Proposed Action will also include off-street car and truck parking and loading facilities for each distribution center, a private road (to be offered for dedication to the Town) providing access to each distribution center from Route 300 with emergency access to Route 52, and related sitework including, among other things: lighting, signage, landscaping, utilities, and stormwater management facilities. The distribution centers will be fully enclosed and privately owned and operated.

The Applicant applied for site plan, lot line change and architectural review board approval for the Project.

Plans & Materials

The materials considered consist of the following:

1. Site plan application forms and related documents; and
2. Plans prepared for Matrix as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Langan Engineering	Cover Sheet	October 14, 2021
Langan Engineering	Legends and Notes	October 14, 2021
Langan Engineering	Existing Conditions and Site Removals Plan	October 14, 2021
Langan Engineering	Lot Line Change (1 of 2)	October 14, 2021
Langan Engineering	Lot Line Change (2 of 2)	October 14, 2021
Langan Engineering	Overall Site Plan	October 14, 2021
Langan Engineering	Site Plan (1 of 3)	October 14, 2021
Langan Engineering	Site Plan (2 of 3)	October 14, 2021
Langan Engineering	Site Plan (3 of 3)	October 14, 2021
Langan Engineering	Pavement Plan	October 14, 2021
Langan Engineering	Overall Grading Plan	October 14, 2021
Langan Engineering	Grading Plan (1 of 3)	October 14, 2021
Langan Engineering	Grading Plan (2 of 3)	October 14, 2021
Langan Engineering	Grading Plan (3 of 3)	October 14, 2021
Langan Engineering	Site Sections (1 of 2)	October 14, 2021
Langan Engineering	Site Section (2 of 2)	October 14, 2021
Langan Engineering	Overall Drainage Plan	October 14, 2021
Langan Engineering	Drainage Plan (1 of 3)	October 14, 2021
Langan Engineering	Drainage Plan (2 of 3)	October 14, 2021

Langan Engineering	Drainage Plan (3 of 3)	October 14, 2021
Langan Engineering	Drainage Profile (1 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (2 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (3 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (4 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (5 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (6 of 7)	October 14, 2021
Langan Engineering	Drainage Profile (7 of 7)	October 14, 2021
Langan Engineering	Overall Utility Plan	October 14, 2021
Langan Engineering	Utility Plan (1 of 3)	October 14, 2021
Langan Engineering	Utility Plan (2 of 3)	October 14, 2021
Langan Engineering	Utility Plan (3 of 3)	October 14, 2021
Langan Engineering	Sanitary Sewer Profile	October 14, 2021
Langan Engineering	Phasing Plan	October 14, 2021
Langan Engineering	Erosion & Sediment Control Plan (1 of 3)	October 14, 2021
Langan Engineering	Erosion & Sediment Control Plan (2 of 3)	October 14, 2021
Langan Engineering	Erosion & Sediment Control Plan (3 of 3)	October 14, 2021
Langan Engineering	Site Details (1 of 2)	October 14, 2021
Langan Engineering	Site Details (2 of 2)	October 14, 2021
Langan Engineering	Water Details	October 14, 2021
Langan Engineering	Sewer Details	October 14, 2021
Langan Engineering	Drainage Details (1 of 2)	October 14, 2021
Langan Engineering	Drainage Details (2 of 2)	October 14, 2021
Langan Engineering	Erosion & Sediment Control Details	October 14, 2021
Langan Engineering	Overall Planting Plan	October 14, 2021
Langan Engineering	Planting Plan (1 of 3)	October 14, 2021

Langan Engineering	Planting Plan (2 of 3)	October 14, 2021
Langan Engineering	Planting Plan (3 of 3)	October 14, 2021
Langan Engineering	Planting Notes & Details	October 14, 2021
Langan Engineering	Planting Notes & Details II	October 14, 2021
Langan Engineering	Overall Site Lighting Plan	October 14, 2021
Langan Engineering	Site Lighting Plan (1 of 3)	October 14, 2021
Langan Engineering	Site Lighting Plan (2 of 3)	October 14, 2021
Langan Engineering	Site Lighting Plan (3 of 3)	October 14, 2021
Langan Engineering	Site Lighting Notes & Details	October 14, 2021
Ford & Associates Architects	Speculative Building A – Building Elevations East	August 6, 2021
Ford & Associates Architects	Speculative Building A – Building Elevations West	August 6, 2021
Ford & Associates Architects	Speculative Building A – Building Elevations North & South	August 6, 2021
Ford & Associates Architects	Speculative Building B – Building Elevations East	August 6, 2021
Ford & Associates Architects	Speculative Building B – Building Elevations West	August 6, 2021
Ford & Associates Architects	Speculative Building B – Building Elevations North & South	August 6, 2021

3. An expanded Environmental Assessment Form; and
4. The SEQRA Negative Declaration and Determination of Consistency dated September 2, 2021.

History

Public Hearing

A public hearing on the site plan and subdivision applications was held and closed on September 16, 2021.

SEQRA

Since 2008 the Property has been approved for a large-scale retail/entertainment development known as the Ridge (aka at various times as the Marketplace & the Loop) (the "Ridge Project"). The Ridge Project originally proposed an 850,000 square foot shopping center on 128.1 acres of land. This development proposed to use nineteen (19) tax lots, including those proposed to be utilized by the Applicant, as well as four (4) residential parcels and four (4) parcels owned by the New York State Department of Transportation ("NYSDOT").

The Ridge Project was subject to an extensive and exhaustive SEQRA review by the Planning Board conducted over many years. The Planning Board required the prior developer of the Ridge Project to prepare a detailed Draft Environmental Impact Statement ("DEIS") (dated May 4, 2006) and a Final Environmental Impact Statement ("FEIS") (dated March 15, 2007) to evaluate all potentially significant environmental impacts of that project. Both the DEIS and FEIS evaluated the full build-out of the Project Site with as much as 850,000 SF of retail and commercial space. After completion of the FEIS, the Planning Board adopted a comprehensive SEQRA Findings Statement (dated May 3, 2007) which concluded that the large-scale development of the Ridge Project minimized or avoided, to the maximum extent practicable, adverse environmental effects discussed in the DEIS and FEIS by incorporating certain mitigating measures, where practicable. Thereafter, the developer proposed a variety of changes to the Ridge Project, and the Planning Board issued several Amended SEQRA Findings and SEQRA Consistency Determinations to address and mitigate the environmental impacts from those project changes.

The Planning Board of the Town of Newburgh, serving as SEQRA Lead Agency, determined that the Proposed Action is a Type I Action under SEQRA. The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, including the clearing and grading of the site, and concluded that the proposed action will not create any significant adverse environmental impacts and an environmental impact statement will not be prepared. The Planning Board adopted a Negative Declaration and Determination of Consistency on September 2, 2021.

GML 239 Referral

The application for site plan approval met the requirements for referral to the Orange County Planning Department for its review and recommendations pursuant to New York General Municipal Law §§ 239-l, m and n. The Orange County Planning Department provided its comments to the Planning Board. The Orange County Planning Department recommended approval of the project subject to three binding comments.

The first binding comment recommended that the Project should include roof-mounted solar arrays, which the Applicant has stated it is considering and will likely occur depending on the end user(s) of the site and incentives available at the time of occupancy.

The second binding comment recommended certain measures regarding lighting, which recommendations were already incorporated in the plans, with the exception of the recommendation to lower the light pole height to a "more pedestrian friendly 20 feet." However, this recommendation cannot be incorporated into the plans as the reduced lighting pole height would not only decrease safety lighting in parking areas, but it would also require an increase in light fixtures to maintain adequate lighting coverage for the site. As a result, the second binding comment regarding the reduction in height of lighting poles has not been incorporated into the Project.

The third binding comment related to the need for the Project to obtain the approval of the NYSDOT for the highway improvements, which is a requirement of this approval.

Findings

The Planning Board determined that the application meets the requirements of Town of Newburgh Town Code, including Chapter 163 (Subdivision of Land), Chapter 185 (Zoning), including the elements of Section 185-57 (H) and Article X (Architectural Review Board) of the Town of Newburgh Zoning Law.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the proposed site plan, lot line change and architectural review board approval upon satisfaction of the conditions noted below.

Special Conditions

Plan Revisions

1. The Applicant shall revise the plans to address any and all outstanding comments from the Planning Board and its consultants, including the comments made by the Planning Board Consulting Engineer in his memorandum dated October 20, 2021.
2. The Applicant shall add the standard Town of Newburgh water and sewer notes to the plans.

Outside Agency Approvals

3. The Applicant shall obtain all outside agency approvals required for the Project, including but not limited to all permits and approvals identified in the EAF for the Project.
4. The Applicant must obtain all permits for any rock crushing processing

equipment on the site, with copies provided to the Town of Newburgh's Code Enforcement Office.

Stormwater

5. The Applicant shall obtain coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage (the "SPDES General Permit"), and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.
6. The Applicant shall obtain from the Town Board of the Town of Newburgh a waiver from the 5-acre disturbance limitation contained in the SPDES General Permit.
7. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon their approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.
8. Prior to the signing of plans or issuance of a building permit, the Applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the Applicant.

Highway Improvements

9. The Applicant shall obtain conceptual approval and authorization from the NYSDOT for access and utilities prior to the signing of the Site Plan. The Applicant shall obtain the Highway Work Permit for such work prior to the issuance of any building permits for the project.
10. At the recommendation of NYSDOT, the Applicant shall coordinate with NYSDOT and the Town of Newburgh to identify a roadway dedication in the vicinity of Meadow Avenue, Powder Mill Road, and NYS Route 52. Resolution of this roadway dedication to the satisfaction of the NYSDOT and the Town Board is required.

Developer's Agreement

11. The Applicant shall comply with all applicable requirements of the previously executed Developer's Agreement for the Ridge Project, subject to the requirements of condition 12 below.
12. The Applicant shall confer with the Town Board to either (1) obtain an re-
placement or amendment of the previously executed Developer's Agreement for the Ridge Project, should the Town Board determine that such a
replacement or amendment to the Developer's Agreement is necessary to ensure that all previously agreed to mitigation measures for the Ridge Project – and any new mitigation measures or other commitments associated with this Project – are committed to and undertaken in an appropriate manner and time; or alternatively, (2) confirmation from the Town Board that no such amendment is necessary. The new or amended Developer's Agreement may include a commitment from the Applicant to fund its fair share contribution of the necessary traffic improvements.
13. The Applicant shall submit an updated well monitoring program including the complete package of responses to the groundwater monitoring of nearby residential properties.
14. The Applicant shall prepare and submit documentation regarding the circumstances that would trigger the requirement to construct the land-banked parking areas shown on the site plan, which documentation shall be submitted to the Town Attorney and the Town Engineer for their review, and upon their approval, if a the document is to be recorded, the Applicant shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.

Deleted: an

Water

15. The Applicant shall obtain approval from the Orange County Department of Health for the water main extension.
16. The Applicant shall obtain approval from the Town of Newburgh Water Department for potable water and fire flow connections.
17. The Applicant shall obtain approval from Town Engineer's office and Code and Building Departments regarding the design of fire protection systems.
18. An inspection fee for the required water main extension shown on the plans in an amount in accordance with Section 179 of the Code of Ordinances of the Town of Newburgh shall be paid to the Town prior to signing of the plans.
19. The Applicant shall submit a complete set of fire protection/water

storage/fire pump design drawings to the Town of Newburgh representatives for their review and approval.

Sewer Main

20. Prior to the signing of plans or issuance of a building permit, the Applicant shall deliver a performance security to the Town Clerk, pursuant to Section 163-9 of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed the required sewer main extension improvements. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. It shall be in an amount sufficient to cover the entire cost of the sewer main extension as shown on the approved plans. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.
21. The Applicant shall obtain approval from the Sewer Department for the sewer force main connections.

Town Road

22. Should the Town Board be willing to accept the access road as a town road, then prior to the signing of the plat or issuance of a building permit, the Applicant shall deliver a performance and maintenance security to the Town Clerk, pursuant to Section 161-41 (B) & (C) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed within a reasonable term the roads proposed to be offered to the town (together with all related improvements [161-41 (A)]) and convey the required lands and improvements to the town free and clear of encumbrances. The security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans.

Private Road

23. Prior to the signing of the plat or issuance of a building permit, the Applicant shall deliver a performance and maintenance security to the Town Clerk, pursuant to Sections 161-20 and 161-22 of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the subdivider will faithfully cause to be constructed and completed within a reasonable term the private roads proposed to be constructed (together with all related improvements). The security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior

to signing of the plans.

24. This approval is conditioned upon the Town Board approving the name(s) of the private roadway(s).

Offers of Dedication

25. Before signing of the final plat or plans, the Applicant shall deliver appropriate offer(s) of dedication, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such lands as are shown on the plans to be so offered. The offer shall include a metes and bounds description of said parcel(s). The documents shall be in form suitable for recording and shall be satisfactory to the Town Attorney.

Cross Easements

26. Before signing of the final plat or plans, the Applicant shall deliver appropriate cross easements for all utilities and access, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such easements as are shown on the plans. The easements shall include either a metes and bounds description of said area(s) or a plan showing the location of the easement area. The documents shall be in form suitable for recording and shall be satisfactory to the Town Attorney.

Landscape Security & Inspection Fee

27. Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the Applicant posting, with the Town Clerk, a performance security, in an amount recommended by the Town's Landscape Architect in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The Applicant shall be required to pay the required landscaping security and inspection fee to the town before the plans are signed or any building permits are issued.

Emergency Access

28. The Applicant shall coordinate with all jurisdictional emergency services for provisions of keys for emergency access gates.

Architectural Review Board Approval

29. No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to insure compliance with the approved architectural renderings. Karen Arent, the Town's Landscape Architect, shall also inspect the work before a certificate of occupancy is issued to insure compliance with the approved architectural renderings.

Outdoor Fixtures & Amenities

30. This site plan approval allows construction of only that which is shown on the plans identified above. No amenities or accessory structures or outdoor fixtures—including but not limited to walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

SEORA Mitigation Measures

31. Each and every mitigation measure identified in the Negative Declaration and Determination of Consistency previously adopted for this project shall be undertaken by the Applicant, and are conditions of this approval as though set forth fully herein.

Narrative as Limit of Use

32. This approval is for the construction and operation of two (2) new warehouse/distribution centers: (1) a 927,041 square foot distribution center in the middle of the Property and set back from Route 300; and (2) a 215,200 square foot distribution center on the western portion of the Property located adjacent to Route 300, together with related amenities as shown on the Site Plan and the scope and contour of the proposal is described on the site plans enumerated above. This site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses are proposed in the future then the Applicant shall be required, pursuant to Section 185-57 (B), to return to the planning board for amended site plan approval.

[CONTINUED ON NEXT PAGE]

General Conditions

This approval is conditioned upon the Applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.


This approval is further conditioned upon the Applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The Applicant shall also be required to deliver proof that all required Public Improvement, Erosion Control and Landscaping inspection fees and escrow have been deposited with the Town. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid and all escrow deposits made.

Approval of this site plan shall, pursuant to Section 185-58 (e) of the Zoning Ordinance, be valid for two years from the date this resolution is filed in the office of the Town Clerk, after which time this approval shall be null and void unless a building permit has been issued. If no building permit has been issued within that time, the plan must be resubmitted to the Planning Board for approval. If there is not substantial change in the condition of the site, and/or its environs and/or the zoning requirements, site plan approval may be extended by the Planning Board for one year.

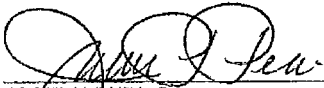
A Failure to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 7 Against Abstain Absent

Dated: October 21, 2021


JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

I, JOSEPH PEDI, Clerk of the Town of Newburgh, do hereby certify that the
foregoing Resolution was filed in the Office of the Town Clerk on 10/28/2021.



JOSEPH PEDI, CLERK
TOWN OF NEWBURGH

Exhibit C

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

In the Matter of

MATRIX
(PB 15-26)

PROJECT ARB/SIGNAGE DISCUSSION

Date: April 6, 2023
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
CLIFF BROWNE
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 CHAIRMAN EWASUTYN: This evening
2 we have six items of board business.
3 Mr. Mennerich will read the e-mail for
4 the first item.

5 MR. MENNERICH: The first item
6 is Matrix which was discussed in the
7 work session.

8 "John, per our discussion today,
9 we'd be happy to meet informally with
10 the Board's consultants to address any
11 remaining concerns about signage for
12 the project. I anticipate that we
13 would bring along the plans/exhibits
14 we submitted to the Board and our sign
15 vendor for the meeting. Could you
16 schedule and confirm a date? Thank
17 you. Raymond Aquino, PE, Director of
18 Land Development."

19 There was a discussion at the
20 work session on signage and the entry
21 pylon signs and we agreed to what the
22 applicant has proposed. I guess we
23 have to get an official vote for it.

24 CHAIRMAN EWASUTYN: Yeah. I
25 think the applicant presented the

1 Newburgh project signage location map
2 dated March 30th, 2023. And we
3 discussed -- Pat, the signage that we
4 discussed was?

5 MR. HINES: There are proposed
6 Matrix logo signs on two locations of
7 each of the buildings and they are
8 10-foot by 10-foot and they are blue
9 during the day and lighted with the
10 Matrix kind of like a checkerboard for
11 lack of a better word logo. Those are
12 two locations of each building.
13 There's the entrance signs at the
14 Route 300 entrance drive of either
15 side which they identified as campus
16 entrance signs that are incorporated
17 into the retaining walls for the
18 landscaping features at the entrance
19 side. They have identified four
20 potential tenant sign locations, two
21 on each building in the vicinity of
22 the areas that have the store front
23 window glass office areas. Those were
24 identified as 64 plus or minus square
25 feet which the actual look of those

1 will be determined upon the tenant's
2 selecting those. There was several
3 directional signs on the site
4 indicated in orange on the map that
5 was just referenced and those are
6 provided in kind of a way finding
7 signage for those people entering the
8 site. And then there was a discussion
9 of a temporary leasing sign, a typical
10 real estate sign that pop up
11 throughout the town for properties
12 that are for sale or leased and that
13 would be temporary until such time as
14 the tenants are secured for each of
15 the structures. They provided the
16 details of the sign in the sign packet
17 that consists of eight sheets
18 including the referenced plan that is
19 dated 30 March, 2023. And I think the
20 board generally found the signage
21 package acceptable and is in position
22 to issue the ARB for the signage.

23 CHAIRMAN EWASUTYN: Jim
24 Campbell, anything?

25 MR. CAMPBELL: Yes, I would add

1 that calculations and stuff haven't
2 been done to confirm that they are
3 code compliant. This disclaimer added
4 to the approval.

5 CHAIRMAN EWASUTYN: All right.
6 Let the record show that the Planning
7 Board is approving the signage being
8 proposed for the Newburgh project
9 signage location map dated March 30th
10 of 2023 presented by Matrix and that
11 any discrepancy as far as the
12 permitted area will be reviewed and
13 commented on by the Building
14 Department.

15 MR. MENNERICH: Agreed.

16 CHAIRMAN EWASUTYN: Someone make
17 that motion.

18 MR. MENNERICH: So moved.

19 MR. GALLI: Second.

20 CHAIRMAN EWASUTYN: Motion by
21 Ken Mennerich, second by Frank Galli.
22 Roll call vote starting with John
23 Ward.

24 MR. WARD: Aye.

25 MR. BROWNE: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

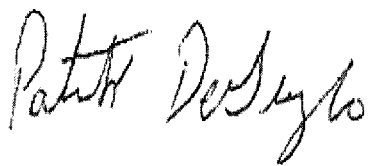
MR. GALLI: Aye.

1 STATE OF NEW YORK)

2) ss:

3 COUNTY OF ORANGE)

4
5
6 I, PATRICK M. DeGIORGIO, a Shorthand
7 Reporter and Notary Public within and for the
8 State of New York, do hereby certify that the
9 foregoing is a true and accurate record of the
10 minutes having been stenographically recorded by
11 me and transcribed under my supervision to the
12 best of my knowledge and belief.

13
14
15
16
17
18 X 
19 PATRICK M. DeGIORGIO

20
21 Dated: April 17th, 2023
22
23
24
25

Exhibit D



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3003-23(6)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/08/2023

Application No. 23-0926

To: 4 Matrix Drive, LLC, Matrix / PPF Newburgh
Forsgate Drive, CN 4000
Cranbury, NJ 08512

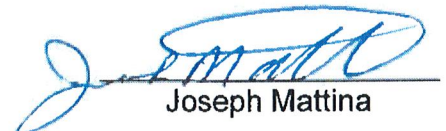
SBL: 60-3-58
ADDRESS: 2 Matrix Drive

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/07/2023 for permit to install 2 tenant directional signs on the premises located at 2 Matrix Drive is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-D-1-(k): Shall not exceed 4 square foot per face.
- 2) 185-14-D-1-(k): Shall not exceed 6' in height.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3063-23-(A)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/08/2023

Application No. 23-0927

To: 4 Matrix Drive, LLC, Matrix / PPF Newburgh
Forsgate Drive, CN 4000
Cranbury, NJ 08512

SBL: 60-3-57
ADDRESS: 4 Matrix Drive

ZONE: IB

PLEASE TAKE NOTICE that your application dated 08/07/2023 for permit to install 2 tenant directional signs on the premises located at 4 Matrix Drive is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-D-1-(k): Shall not exceed 4 square foot per face.
- 2) 185-14-D-1-(k): Shall not exceed 6' in height.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Exhibit E

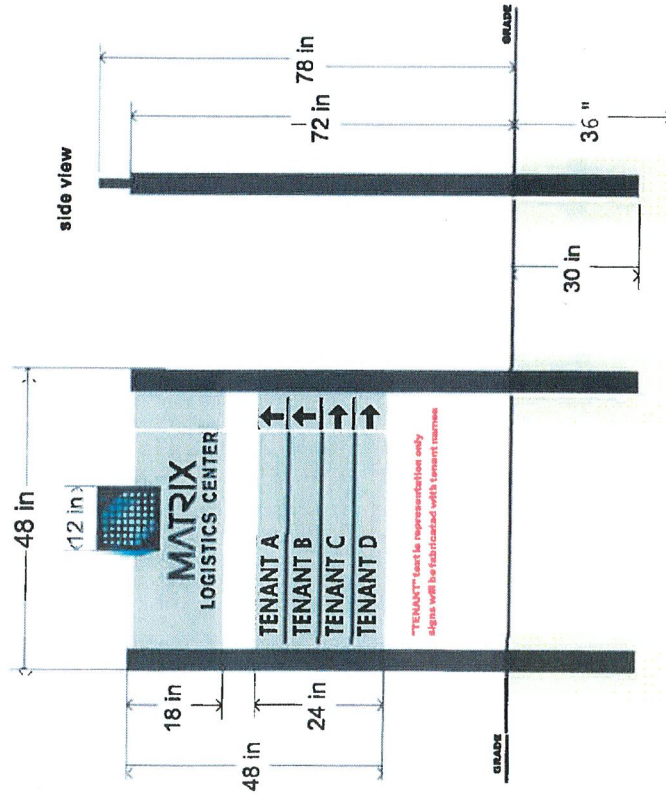


FUTURE SIGNS

2 & 4 Matrix Drive, Newburgh, NY

DESIGN SPECIFICATIONS	
ACI 318-14	Building Code 2010
ACI 318-14	Building Code 2010
ANSI/HSC 900-10	Building Code 2010
DESIGN LOADS	
Wind	V = 115 mph
Seismic	I
Dead Load	11
Live Load	30 psf

4 - 4' X 4' x 78" Double-Sided Directory Signs
Fabricated of 1/4" Thick Aluminum
(2) 4" x 4" x 8.5' 3/16" Thk. Aluminum Posts
Commercial Extrusions (All Welded Construction)
Primed & Painted with Automotive Finish.
All Lettering 3M vinyl
Install with Concrete Footings
(2) 1'-6" Diam Footer 3'-0" Deep 3000 Min psi



Jaye Murdoch, PE
Professional Engineer
No. 71402023



19 BOWHILL AVENUE • HAMILTON, NJ • 08610
609-695-6263 FAX: (609) 695-2253

SCALE = NONE	CHECK BY KA	DATE 7/03/23	SHEET 1 OF 1
--------------	-------------	--------------	--------------

1. ALL MATERIALS AND WORK SHALL CONFORM TO THE REQUIREMENTS OF THE APPLICABLE INTERNATIONAL BUILDING CODE (IBC).
2. CONSTRUCTION METHODS AND PROJECT SAFETY: DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE AND DO NOT INDICATE METHODS, PROCEDURES, OR SEQUENCE OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE BEST METHOD TO CONSTRUCT THE STRUCTURE. NECESSARY PRECAUTIONS TO MAINTAIN AND ENSURE THE INTEGRITY OF THE STRUCTURE DURING CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL ENFORCE SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, MAINTAIN, AND OPERATE ALL SAFETY DEVICES AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE, AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS, AND REGULATIONS.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND SITE CONDITIONS PRIOR TO THE START OF CONSTRUCTION AND NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES OR INCONSISTENCIES THAT ARE FOUND. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE DRAWINGS.
4. ALL OMISSIONS AND/OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND FIELD INSPECTOR. THE ENGINEER SHALL PROVIDE A SOLUTION PRIOR TO PROCEEDING WITH ANY WORK AFFECTED BY THE DISCREPANCY.
5. WHERE NO CONSTRUCTION DETAILS ARE SHOWN OR NOTED FOR ANY PART OF THE WORK, CONSTRUCT IN ACCORDANCE WITH THE STEEL CONSTRUCTION MANUAL, 14TH EDITION OR 2010 AISC DESIGN MANUAL.
6. WHEN A DETAIL IS ORIENTED AS TYPICAL, THE CONTRACTOR IS TO APPLY THIS DETAIL IN ESTIMATING AND CONSTRUCTION TO EVERY LIKE CONDITION WHETHER OR NOT THE REFERENCE IS REPEATED IN EVERY INSTANCE.
7. ANY CHANGE TO THE DESIGN AS SHOWN ON THE DRAWINGS REQUIRES PRIOR WRITTEN APPROVAL FROM THE ENGINEER OF RECORD BEFORE CONSTRUCTION.
8. WORK PERFORMED IN CONFLICT WITH THE STRUCTURAL DRAWINGS OR APPLICABLE BUILDING CODE REQUIREMENTS SHALL BE AT THE CONTRACTOR'S RISK AND EXPENSE OF THE CONTRACTOR.
9. VERIFICATION: VERIFY ALL DIMENSIONS, LEVELS, AND ELEVATIONS OF THE STRUCTURE PRIOR TO STARTING WORK. NOTIFY THE EOR IMMEDIATELY OF ANY DISCREPANCIES.

IF EXISTING CONDITIONS ARE NOT AS DETAILED IN THIS DESIGN, THE INSTALLER SHALL CEASE WORK AND NOTIFY MURDOCH ENGINEERING IMMEDIATELY.

2. MURDOCH ENGINEERING WILL NOT BE PERFORMING ON-SITE INSPECTIONS OR VERIFICATIONS. IT IS THE RESPONSIBILITY OF THE INSTALLER, STRUCTURE OWNER, AND PROPERTY OWNER TO NOTIFY EXISTING INSTALLATIONS AND CONTACT MURDOCH ENGINEERING WITH ANY DISCREPANCIES OR CONCERNS.

3. THE INSTALLER SHALL CONFIRM THE DIAMETER AND THICKNESS OF EXISTING MEMBERS AND NOTIFY MURDOCH ENGINEERING OF ANY DISCREPANCIES.

4. MURDOCH SHALL INSPECT AND CONFIRM THE QUALITY OF EXISTING STRUCTURE AS "IN GOOD REPAIR". IF THERE ARE ANY INDICATIONS THAT THIS IS NOT THE CASE, THE INSTALLER SHALL CEASE WORK IMMEDIATELY AND NOTIFY MURDOCH ENGINEERING.

5. ANY EXISTING INFORMATION THAT HAS BEEN FURNISHED BY THE PERSON(S) OR COMPANY THIS DOCUMENT WAS PREPARED FOR (SEE TITLE BLOCK), MURDOCH ENGINEERING IN NO WAY CERTIFIES THIS INFORMATION AS "AS-BUILT", IF THERE IS ANY REASON TO BELIEVE THE EXISTING CONDITIONS DETAILED HEREIN ARE NOT ACCURATE, MURDOCH ENGINEERING SHALL BE NOTIFIED IMMEDIATELY.

STEEL

ROUND NSS	ASTM A500, GR B	Fy=42 KSI MIN.
SQUARE/RECT HSS	ASTM A500, GR B	Fy=46 KSI MIN.
THREADED ROD	F1554 GR 55	Fy=55 KSI MIN.
STEEL PLATE STD.	ASTM A36 ASTM	Fy=36 KSI MIN.
PIPE	A53, GR B	Fy=35 KSI MIN.

2. BOLTS SHALL CONFORM TO ASTM A325 UNO.

3. BOLTS AND THREADED ROD SHALL BE HOT-DIP GALVANIZED PER ASTM F329 UNO.

5. NUTS SHALL CONFORM TO ASTM A563.

6. WASHERS SHALL CONFORM TO ASTM F844.

7. STEEL HARDWARE SHALL BE HOT-DIP GALVANIZED PER ASTM A153 UNO

8. WELDING:

- a. **WELD STRUCTURAL STEEL IN COMPLIANCE WITH ANSI/AWS D1.1 AND AISC SPECIFICATION, CHAPTER J.** WELDERS SHALL BE CERTIFIED AS REQUIRED BY GOVERNING CODE AUTHORITY. WELDING SHALL BE DONE BY ELECTRIC ARC PROCESS USING LOW-HYDROGEN ELECTRODES WITH SPECIFIED TENSILE STRENGTH NOT LESS THAN 70 KSI UNLESS NOTED OTHERWISE.
- b. **ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AWS OR ICC CERTIFIED WELDER WITH ACTIVE STATUS AT TIME OF WELDING.**

c. UNLESS A LARGER WELD SIZE IS INDICATED, PROVIDE MINIMUM SIZE WELDS PER AISC SPECIFICATION, SECTION J2, TABLE J2.4

d. **BASE PLATES SHALL BE WELDED ON TOP AND BOTTOM WITH CONTINUOUS WELDS OF AT LEAST 1/4" (IF PLATE IS CUT TO FIT TUBE INTO PLATE)**

Information contained in this drawing is confidential. The recipient of this drawing hereby acknowledges and agrees that it is the property of Murdoch Engineering and that they shall neither use nor reveal any of the design, details and specifications contained in this drawing, without the contractual agreement expressed written permission from Murdoch Engineering.

from this drawing shall be made without consulting Murdoch Engineering. In case of inconsistency between drawings, specifications, and details included in contract documents, Murdoch Engineering shall decide which indication must be followed and their decision shall be final.

Murdoch Engineering,
Inc.

1. FABRICATE AND ERECT ALUMINUM IN COMPLIANCE WITH THE ALUMINUM ASSOCIATION (AA) 2010 SPECIFICATION, DESIGN MANUAL (ADM) 1, THE SPECIFICATIONS FOR ALUMINUM SHEET METAL WORK (ASME) AND THE ALUMINUM DESIGN MANUAL (ADM) 2.
2. PIPE AND TUBE SHALL BE 6061-T6 PER ASTM B241 OR B429 WITH Ftu=38 KSI MIN, Fty=35 KSI MIN, Ftube=24 KSI MIN, Fyw=15 KSI MIN.
3. STD STRUCTURAL PROFILES SHALL BE 6061-T6 PER B308 WITH Ftu=38 KSI MIN, Fty=35 KSI MIN, Ftube=24 KSI MIN, Fyw=15 KSI MIN.
4. STD STRUCTURAL PROFILES SHALL BE 6061-T6 PER ASTM B241 OR B429 WITH Ftu=38 KSI MIN, Fty=35 KSI MIN, Ftube=24 KSI MIN, Fyw=15 KSI MIN.
5. EXTRUSIONS SHALL BE 6061-T6 PER ASTM B241 OR B429 WITH Ftu=38 KSI MIN, Fty=35 KSI MIN, Ftube=24 KSI MIN, Fyw=15 KSI MIN.
6. ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AWS OR ICC CERTIFIED WELDER WITH UNLESS A LARGER WELD SIZE IS SPECIFIED, PROVIDE MINIMUM SIZE WELD PER ADM. ALL ALUMINUM WELDED JOINTS SHALL HAVE WELD SIZES OF AT LEAST $\frac{1}{4}$ INCH
7. FILLET WELDS SHALL NOT EXCEED 60% OF THE THIN MEMBER WALL THICKNESS JOINED.
8. ALUMINUM WELD RILLER SHALL BE 5/16 INCH
9. UNWELDING PROCESS GMAW OR GTAW SHALL BE IN ACCORDANCE WITH AWS D12.2
10. ALUMINUM CHANNEL LETTERS SHALL BE CONSTRUCTED OF 0.090" RETURNING AND 0.125" BACKS MINIMUM. UNLESS A LARGER SIZE IS INDICATED ON DRAWINGS, THIS NOTE SHALL SUPERCEDE DRAWING
11. PROVIDE NEOPRENE GASKET BETWEEN DISSIMILAR METALS TO PREVENT GALVANIC CORROSION
12. ALUMINUM DIRECTLY EMBEDDED INTO CONCRETE SHALL BE CARPOURED AND COATED WITH BITUMINOUS COATING OR POLYURETHANE WHERE IN CONTACT WITH CONCRETE.
13. FASTENERS BETWEEN DISSIMILAR METALS SHALL BE STAINLESS STEEL 316.

1. MINIMUM 28-DAY COMPRESSIVE STRENGTH (f'_c) SHALL BE 3,000 PSI. THE MAXIMUM WATER TO CEMENT RATIO SHALL BE 0.45 BY WEIGHT. A MINIMUM OF 5-3/4 BAGS OF CEMENT SHALL BE USED PER CUBIC YARD WITH A SLUMP OF 4" - 7".
2. REINFORCEMENT TO BE ASTM A615 GR. 60, Fw-60 KSI UNO
3. REINFORCEMENT SHALL BE 1/2" DIA. UNO PERMITTED
4. REINFORCEMENT SHALL BE 1/2" DIA. UNO PERMITTED
5. VIBRATION: ALL REINFORCED CONCRETE SHALL BE CONSOLIDATED WITH MECHANICAL VIBRATORS
6. CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH ACI 118.4
7. PROVIDE A MINIMUM OF 2-1/2" COVER OF ALL EMBEDDED STEEL REBAR AND A MINIMUM OF 6 INCHES OF COVER FOR DIRECT BURIED PIPE OR TUBE MEMBERS.

1. CONCRETE POURED INTO RESTRAINED EARTH ELEVATIONS MUST CURE UNDER PROPER CONDITIONS FOR A MINIMUM OF 7 DAYS PRIOR TO SIGNING. EXCEPTION: IF THE OVERALL HEIGHT OF THE SIGN IS LESS THAN 20 FEET AND THE SIGN IS LOCATED AT THE FOOTING, A MINIMUM OF 4 DAYS, THE BOX MAY BE INSTALLED THE SAME DAY AS THE FOOTING IS POURED.

2. FOOTINGS MUST BE POURED AGAINST UNDISTURBED EARTH. SOIL BACKFILL IS UNACCEPTABLE. WHEN A SONOTUBE IS USED AS THE FORM, 3/4" BALLASTONE OR CONCRETE SHALL BE USED TO BACKFILL THE SPACE BETWEEN THE SONOTUBE AND UNDISTURBED EARTH.

3. GOLD PAPER PLACEMENT: PROTECT CONCRETE WORK FROM PHYSICAL DAMAGE OR REDUCED STRENGTH DURING CURE. PROTECT, FREEZING ACTIONS OR LOW TEMPERATURES. DO NOT POUR CONCRETE DURING OR WHEN FREEZING TEMPERATURES ARE ANTICIPATED WITHIN 3 DAYS OF POUR.

REINFORCEMENT IS NOT REQUIRED FOR DIRECT BURIAL TYPE SIGN FOOTINGS FOR SIGNS OF 25 FEET OVERALL HEIGHT OR LESS. DIRECT BURIED STEEL SHALL EXTEND TO 6 INCHES FROM BOTTOM OF FOOTING.

O.C.* OFF-SET FROM PERIMETER, TOP AND BOTTOM OF FOOTING; PROVIDE A MINIMUM OF 5 VERTICAL REBAR @ 12" O.C. UNLESS OTHERWISE NOTED.

R.O.B.* RADIUS OF BENT BAR AT ROUND FOOTINGS; PROVIDE A MINIMUM OF SIX (6) VERTICAL AS REBAR, EVENLY SPACED. #* OFFSET FROM FOOTING PERIMETER & #* HORIZONTAL TIES @ 12" O.C. UNLESS OTHERWISE NOTED.

UNLESS OTHERWISE NOTED, ANCHOR BOLTS SHALL BE TIED TO REBAR CAGE AT A MINIMUM OF TWO LOCATIONS PER ANCHOR BOLT.

FOOTING DESIGN ASSUMES FOOTING SHALL BE EXCAVATED AND POURED IN UNDISTURBED NATURAL EARTH, CAPABLE OF WITHSTANDING A MINIMUM 1,500 PSF VERTICAL DESIGN BEARING PRESSURE AND 150 PSF/FT OF DEPTH OF LATERAL BEARING PRESSURE BASED ON SOIL DATA OBTAINED FROM THE LIFE-SIZE SOIL PILEWAYS.

IF CLAY, SILTY - CLAY, ORGANIC OR FILL SOIL IS ENCOUNTERED UPON EXCAVATION, CONTACT MURDOCH ENGINEERING FOR FOOTING DESIGN MODIFICATION PRIOR TO CONSTRUCTION. PORTION OF STEEL SUPPORT EMBEDDED INTO CONCRETE SHALL BE:

5. PORTION OF STEEL SUPPORT EMBEDDED INTO CONCRETE SHALL NOT BE PAINTED. IT SHALL BE CLEAN BARE METAL FOR PROPER ADHESION TO CONCRETE

LIMITS OF LIABILITY TO EXTEND ONLY TO THE QUANTITY INDICATED. ATTEMPTS IN PART OR IN WHOLE TO INSTALL GREATER QUANTITIES THAN THOSE SPECIFIED WITHOUT CONSULTING MURDOCH ENGINEERING SHALL VOID ALL PROFESSIONAL LIABILITY AND COVERAGE.

DESIGN SPECIFICATIONS	
ASCE 7-16	Impulse-Resistant Load for Buildings & Other Structures
ACI 318-14	Building Code Requirements for Reinforced Concrete
ANSI/AISC 360-16	Specification for Structural Steel Buildings
DESIGN LOADS	
Wind	$V = 115$ mph
Exposure	C
Roof Cat	II
Wg	30 psf
Wind Snow	

**murdockengineering.com
(973) 570-8215
2399 NJ-34 A-2
Manasquan, NJ 08736**

RESEARCHER'S NAME: _____

MATRIX

MATRIX

PROJECT TITLE:



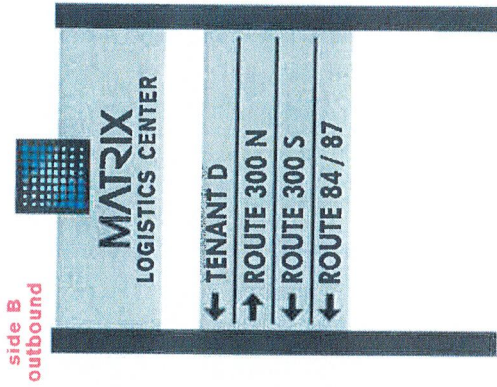
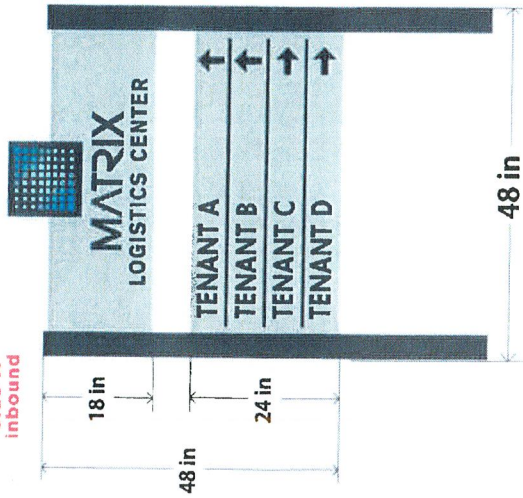
2399 A-2 NJ-34
MANASQUAN, NJ 08735
973) 510-8215

7/12/2023

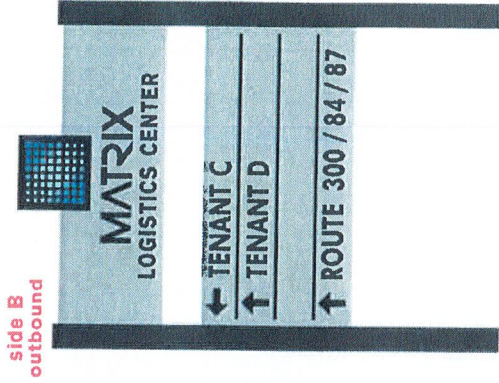
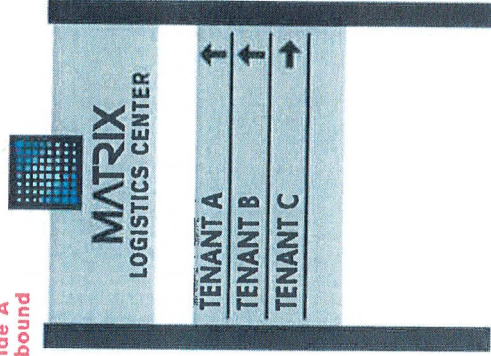
Jere Murdoch, PE
Professional Engineer
JPE Lic. #0089982

DWG TITLE: GENERAL NOTES

DS-01
side A
inbound

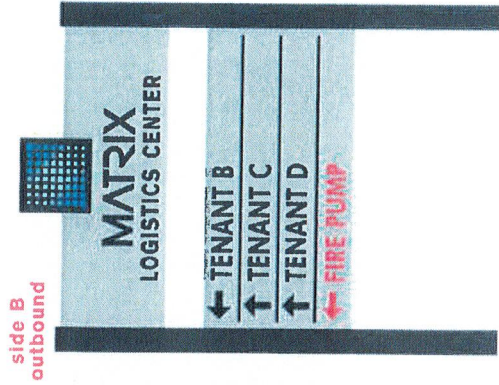


DS-02
side A
inbound



"TENANT" text is representation and to be fabricated with tenant names.
All Lettering to be black, except "FIRE PUMP" to be Reflective Red

DS-03
side A
inbound



DS-04
side A
inbound

