

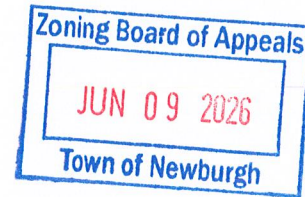


PLANNING CONSULTANTS, INC.

June 8, 2026

via email & hand delivery

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



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

Chairman Scalzo and Zoning Board Members,

Enclosed please find one (1) copy (*unless otherwise noted*) of the following:

1. Area Variance Application and Addendum dated June 8, 2026
 - a. Includes Proxy/Statement of Representation
2. Code Compliance Letter issued April 15, 2026
3. Email from Town Attorney re: ARB Approval and non-referral dated May 29, 2026
4. Property Metes & Bounds Descriptions prepared by Control Point dated December 15, 2025
5. SEAF prepared by KARC dated June 8, 2026
6. Town Assessor's List of Property Owners within 500 feet prepared May 7, 2026
7. Photographs (*four/4 copies*)
 - a. Four (4) angles of subject property
 - b. Signage on surrounding buildings/properties
8. Wall Sign Drawings (*eleven/11 copies*) prepared by GNS Group dated April 2, 2026
9. Per Chapter 104 entitled "Schedule of Fees", All other Area Variances:
 - a. \$500.00/application
 - b. \$50.00/meeting notification

KARC represents the Applicant and was currently before the Planning Board on May 21, 2026, at which time the Board granted ARB approval of the proposed signage for the building. On April 15, 2026, the Code Compliance Department issued a letter stating area variances would be required; the Planning Board Attorney advised that an official referral from the Planning Board to the Zoning Board of Appeals was not required.

The applicant is seeking approval for the following two (3) area variances

Per §185-14-J-1-c, In multi-story buildings, it shall be located no higher than the first floor.

Per §185-14-J-1-f, Attached wall signs shall not be located on the rear of the building.

VARIANCE	SIGN	REQUIRED	PROPOSED	DELTA
1	E1	Located no higher than the first floor	Located on the third floor	Two floors
2	N1	Located no higher than the first floor	Located on the third floor	Two floors
3	N1	Shall not be located on rear wall of a building	Located on rear wall of building	Rear wall

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

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

Thank you.

Sincerely,



Kelly Libolt



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza
Newburgh, NY 12550

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

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: June 8, 2026

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

I (WE) N&N Union LLC PRESENTLY

RESIDING AT NUMBER 1089 Little Britain Rd., New Windsor, NY 12553

TELEPHONE NUMBER c/o 845-594-1055

HEREBY MAKE APPLICATION TO THE ZONING BOARD THE FOLLOWING:

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

1. LOCATION OF THE PROPERTY:

96-1-6.2 (TAX MAP DESIGNATION)

38 Orr Avenue (STREET ADDRESS)

I-B (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).

#1) 185-14.J(1)(c)

#2) 185-14.N(1)(a)(1)

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:
Code Compliance Letter of June 1, 2026
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT:

- #1) Height Variance - E1: wall sign proposed on 3rd floor / code requires sign to be no higher than the first floor.
- #2) Height Variance - N1: wall sign proposed on 3rd floor / code requires sign to be no higher than the first floor.
- #3) Location Variance - N1: wall sign proposed is not located on wall that fronts on a street.

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

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

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

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

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

See attached Addendum

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

See attached Addendum

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

See attached Addendum

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

See attached Addendum

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

See attached Addendum

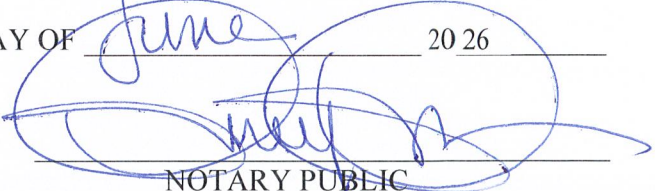
7. ADDITIONAL REASONS (IF PERTINENT):

N/A


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF June 20 26


NOTARY PUBLIC

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

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

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Nicolas Dibrizzi, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT Town of Newburgh
IN THE COUNTY OF Dutchess AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 1219-1221 Route 300

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

DATED: 6/10/2026 Nicolas Dibrizzi

S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June 2026

[Signature]
NOTARY PUBLIC

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

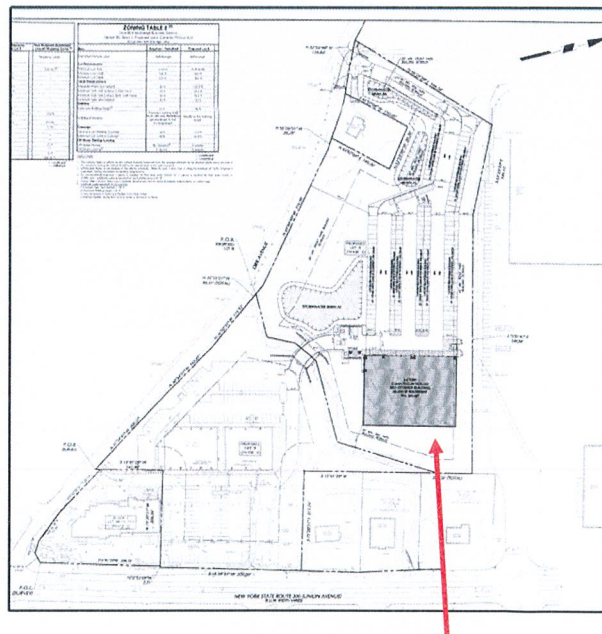
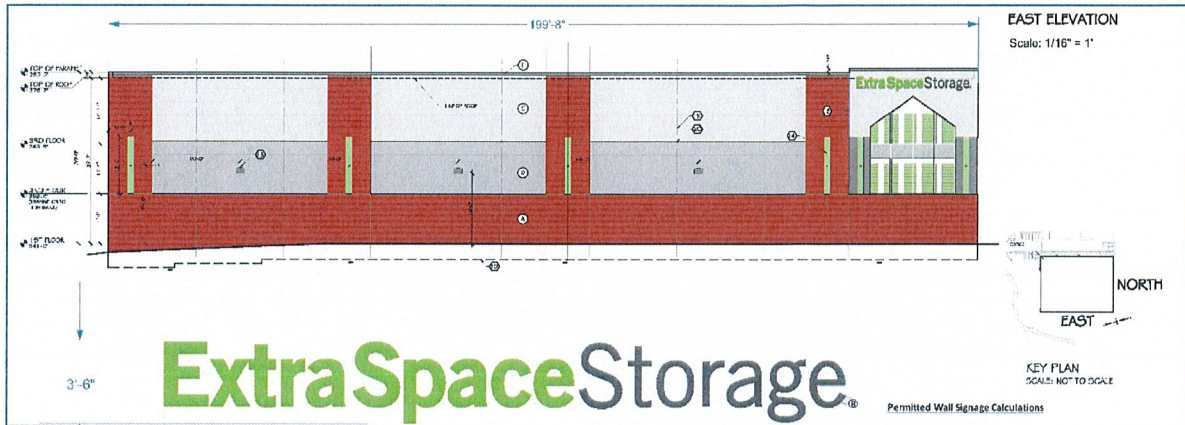
**Town of Newburgh
Zoning Board of Appeals
Area Variance Addendum for Sign Regulations
June 8, 2026**

Three (3) area variances are required for the proposed wall signage.

VARIANCE	SIGN	REQUIRED	PROPOSED	DELTA
1	E1	Located no higher than the first floor	Located on the third floor on the East side of the building	Two floors
2	N1	Located no higher than the first floor	Located on the third floor on the North side of the building	Two floors
3	N1	Shall not be located on rear wall of a building	Located on rear (on the North side of the building) wall of building	Rear wall

1. **Variance # 1, Sign E1**, is proposed to be located on the third floor on the East side of the Building where signs are to be located no higher than the first floor.

Town Code of Newburgh Zoning Code Section 185-14-J-1-c: In multistory buildings, it shall be located no higher than the first floor



East Elevation

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

Response: The proposed signs are consistent with the existing character of the neighborhood as there are multiple other businesses located within the Route 300 corridor which have wall mounted signage located at or near the top of their respective building height. Additionally, the proposed sign is located on the east side of the property which is partially buffered and screened due to elevation changes, vegetation and existing structures.

Views of the Site looking from East to West



Photo 1

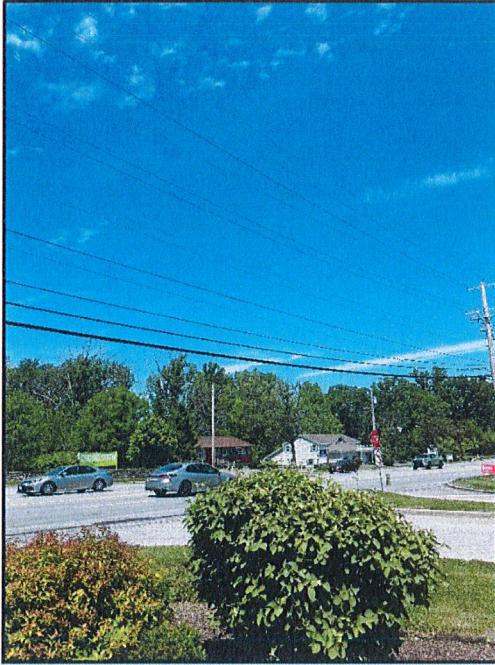


Photo 2

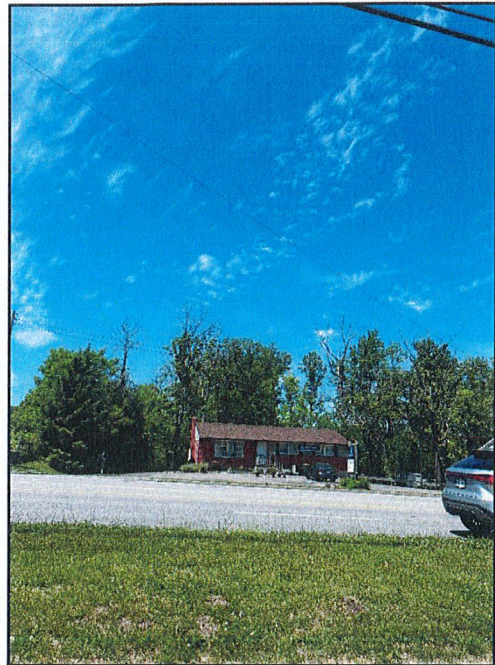
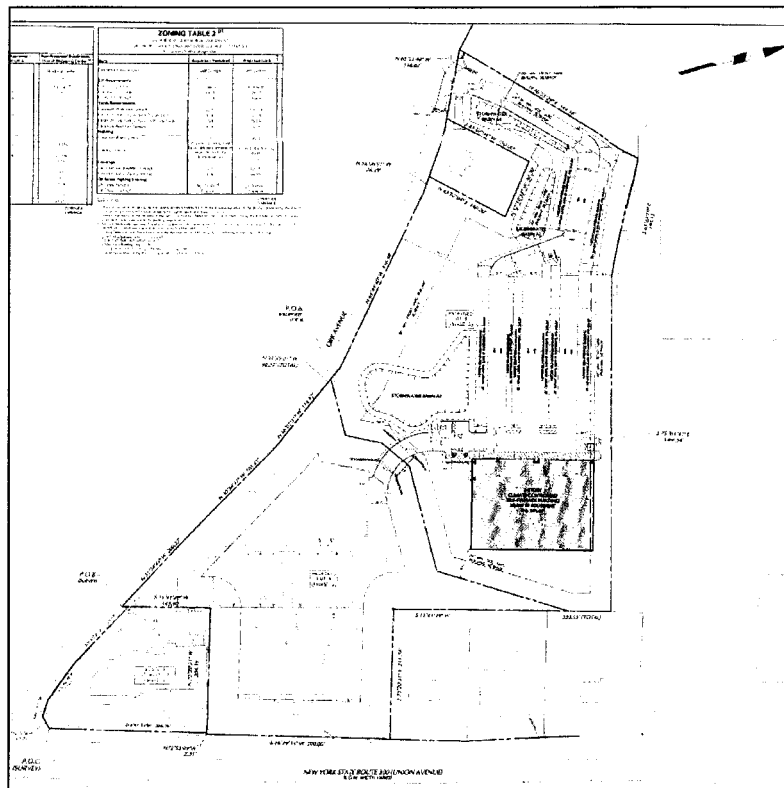


Photo 3



- 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:

Response: *The benefit sought cannot be achieved through a feasible alternative that complies with current zoning requirements while providing adequate identification of the business. The proposed sign location is necessary because the building is situated approximately 300 feet from Route 300, limiting its visibility from the roadway. In addition, access to the facility is provided through an existing shopping center rather than directly from Route 300, further reducing its visibility to passing motorists. Restricting the sign to the first-floor elevation, as required by the code, would not provide sufficient identification of the business. Therefore, the requested area variance is necessary to allow effective signage and ensure the facility can be readily identified by the public.*



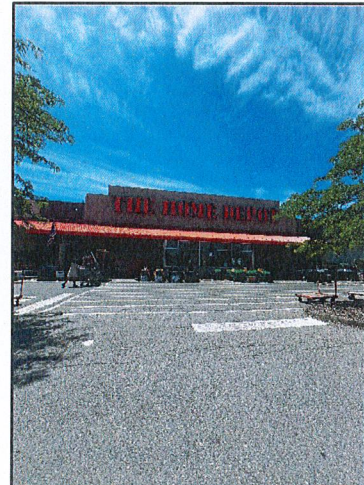
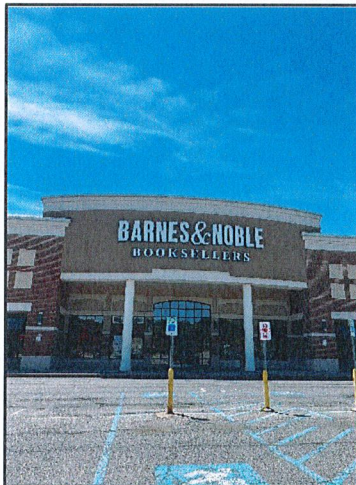
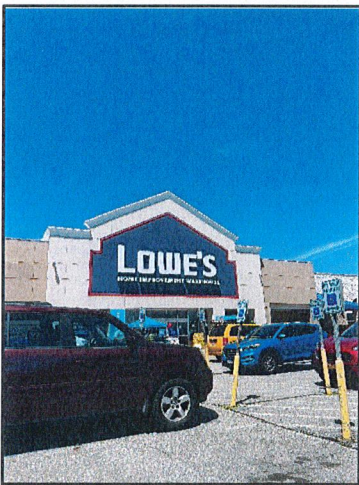
- c. THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Response: *The requested area variance is not substantial, given the existing setting. The proposed sign is minor in size and massing relative to the size of the wall it will be situated on. The proposed East sign is 94.2 sf placed on an approximately 76,000 sf wall. The new sign will be designed without significantly altering the existing character of the property and will not create a disproportionate or out-of-scale appearance relative to neighboring properties. It is well settled that the substantiality of a variance cannot be judged solely by comparison of the percentage deviation from the mandated requirement. A deviation cannot be viewed in the*

abstract because the deviation only becomes relevant if it is related to an adverse effect. The totality of the relevant circumstances must be evaluated in determining whether a deviation truly is substantial. Therefore, given the above, the variance, if granted, would not be substantial.

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

Response: *The proposed variance will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood. The installation of the new sign will not require significant alteration to the surrounding land or infrastructure, and there will be no significant increase in lighting, noise, or other environmental impacts. Further, the sign is consistent with other wall signs in the area and from a massing analysis could be determined to be significantly smaller in mass than other signs on nearby commercial buildings, including Lowe's, Barnes & Noble, and Home Depot. As demonstrated in the photographs below and attached, the proposed sign will remain compatible with the visual character of the corridor and will not create any adverse aesthetic impacts on neighboring properties or the community.*

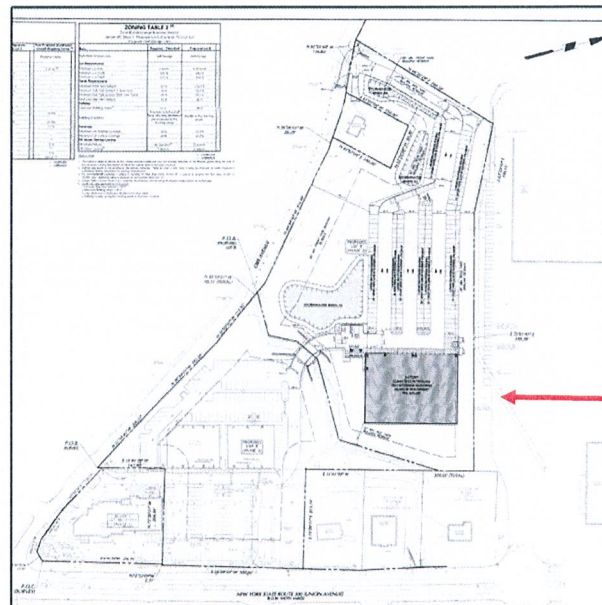
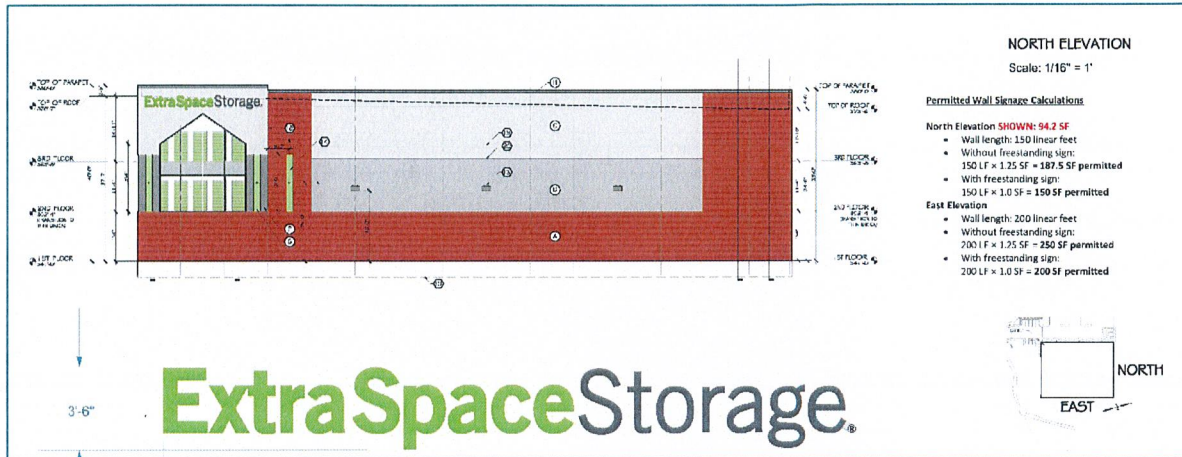


- e. THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

Response: *While the request arises from the desire to add a sign located above the first floor, the difficulty is not entirely self-created. Compliance with current zoning requirements would limit the ability to maintain effective visibility and identification for the property and in a largely commercial area consistent with the Route 300 corridor. Effective identification is important to the safety and well-being of all occupants and in case of an emergency for proper location for emergency services. Even if considered partially self-created, New York Law provides that its consideration is relevant to the decision of the ZBA but is not determinative, as the proposed signage will be in harmony with the neighborhood and will not produce any adverse impacts.*

2. **Variance # 2, Sign N1**, is proposed to be located on the third floor of the North wall where wall signs are to be located no higher than the first floor.

Town of Newburgh Zoning Code Section 185-14-J-1-c: In multistory buildings, it shall be located no higher than the first floor



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

Response: *The proposed signs are consistent with the existing character of the neighborhood as there are multiple other businesses located within the Route 300 corridor which have wall mounted signage located at or near the top of their respective building height. Additionally, the proposed sign is located on the north side of the property which is partially buffered and screened due to elevation changes and vegetation.*



Photo 1

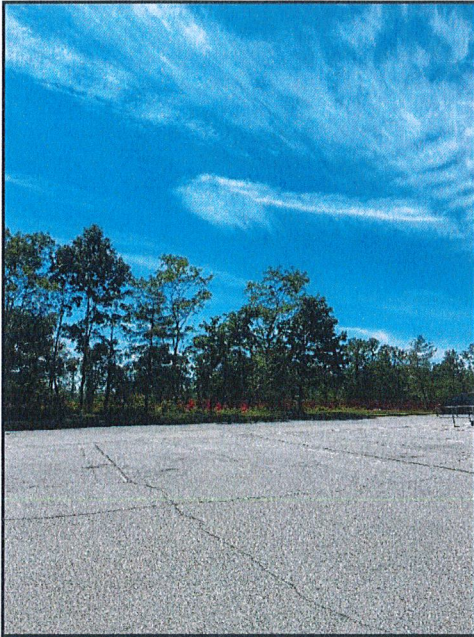


Photo 2



Photo 3



- 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:

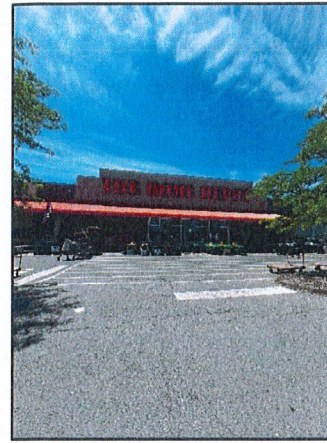
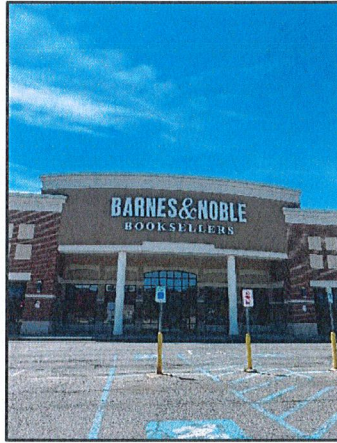
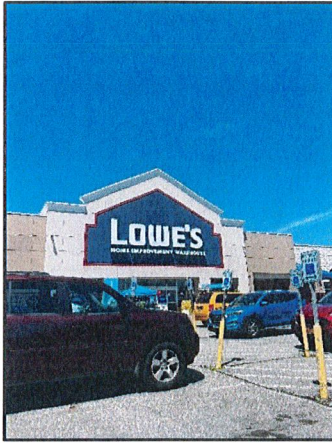
Response: *The benefit sought cannot be achieved through a feasible alternative that complies with current zoning requirements while providing adequate identification of the business. The proposed sign location is necessary because the building is situated approximately 300 feet from Route 300, limiting its visibility from the roadway. In addition, access to the facility is provided through an existing shopping center rather than directly from Route 300, further reducing its visibility to passing motorists. Restricting the sign to the first-floor elevation, as required by the code, would not provide sufficient identification of the business. Therefore, the requested area variance is necessary to allow effective signage and ensure the facility can be readily identified by the public.*

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

Response: *The requested area variance is not substantial, given the existing setting. The proposed sign is minor in size and massing relative to the size of the wall it will be situated on. The proposed North sign is 94.2 sf placed on an approximately 57,000 sf wall. The new sign will be designed without significantly altering the existing character of the property and will not create a disproportionate or out-of-scale appearance relative to neighboring properties. It is well settled that the substantiality of a variance cannot be judged solely by comparison of the percentage deviation from the mandated requirement. A deviation cannot be viewed in the abstract because the deviation only becomes relevant if it is related to an adverse effect. The totality of the relevant circumstances must be evaluated in determining whether a deviation truly is substantial. Therefore, given the above, the variance, if granted, would not be substantial.*

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

Response: *The proposed variance will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood. The installation of the new sign will not require significant alteration to the surrounding land or infrastructure, and there will be no significant increase in lighting, noise, or other environmental impacts. Further, the sign is consistent with other wall signs in the area and from a massing analysis could be determined to be significantly smaller in mass than other signs on nearby commercial buildings, including Lowe's, Barnes & Noble, and Home Depot. As demonstrated in the photographs below and attached, the proposed sign will remain compatible with the visual character of the corridor and will not create any adverse aesthetic impacts on neighboring properties or the community.*

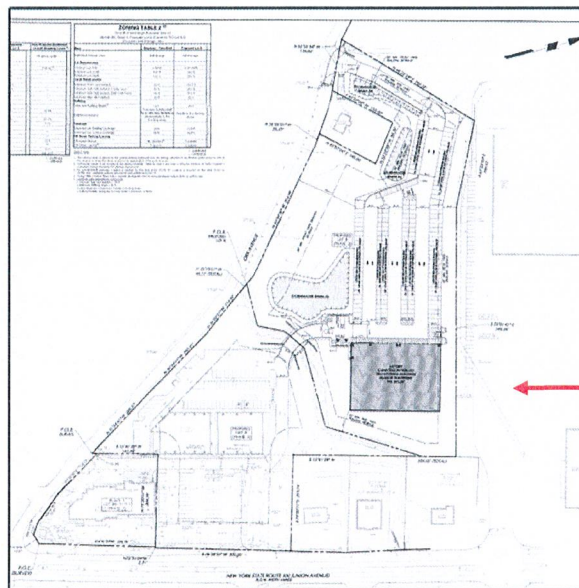
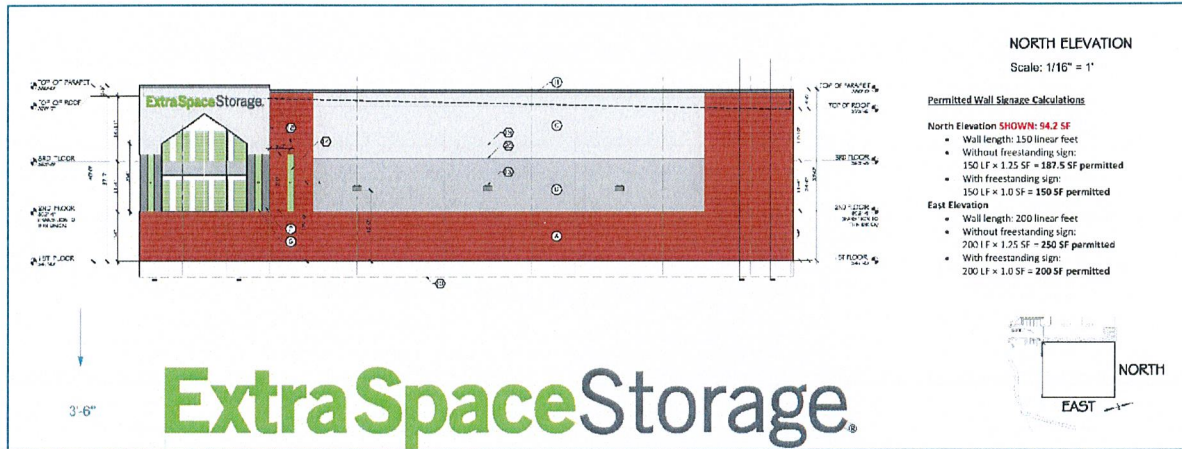


e. THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

Response: While the request arises from the desire to add a sign located above the first floor, the difficulty is not entirely self-created. Compliance with current zoning requirements would limit the ability to maintain effective visibility and identification for the property and in a largely commercial area consistent with the Route 300 corridor. Effective identification is important to the safety and well-being of all occupants and in case of an emergency for proper location for emergency services. Even if considered partially self-created, New York Law provides that its consideration is relevant to the decision of the ZBA but is not determinative, as the proposed signage will be in harmony with the neighborhood and will not produce any adverse impacts.

3. **Variance # 3, Sign N1**, is proposed to be located on the rear of the building (North elevation) where it is not permitted.

Town of Newburgh Zoning Code Section 185-14-J-1-f: Attached wall signs shall not be located on the rear of a building.



North elevation

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

Response: *The proposed sign is consistent with the existing character of the neighborhood, as numerous businesses along the Route 300 corridor utilize wall-mounted signage that is not located on building elevations directly fronting a public street and/or is oriented toward internal drive aisles within commercial retail developments. Examples include Lowe's, Michaels, and Barnes & Noble, which are located adjacent to the subject property, as shown below:*



Additional examples from throughout the Route 300 corridor are provided in the enclosed map and photographs. Accordingly, the proposed sign is consistent with the established signage patterns within the surrounding commercial district and will not alter the character of the neighborhood.

Additionally, the proposed sign will be located on the North side of the property which is partially buffered and screened by a tree line as depicted below:



Photo 1

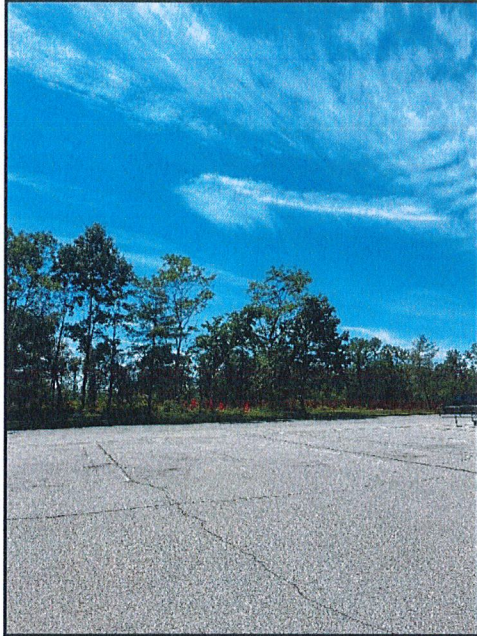


Photo 2

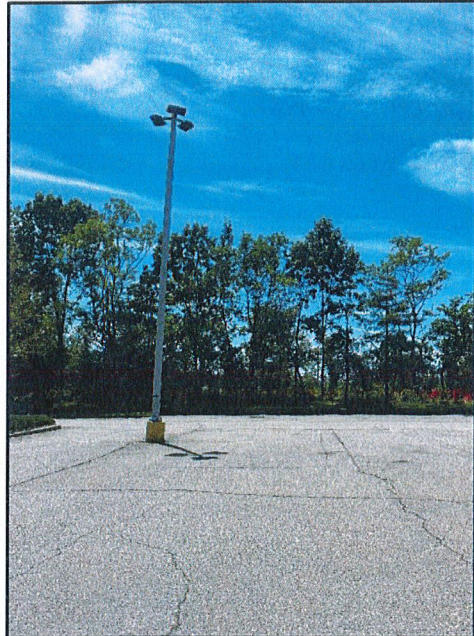


Photo 3



- 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:

Response: *The benefit sought (adequate identification of the business) cannot be achieved through a feasible alternative that would comply with current zoning requirements. The location of the sign is necessary to identify the business as the building is situated behind properties that front Route 300. The code requirement that the sign must be located on a wall that fronts a street would not allow the business to be adequately recognized as the other street side is a dead end road containing three single-family residences.*

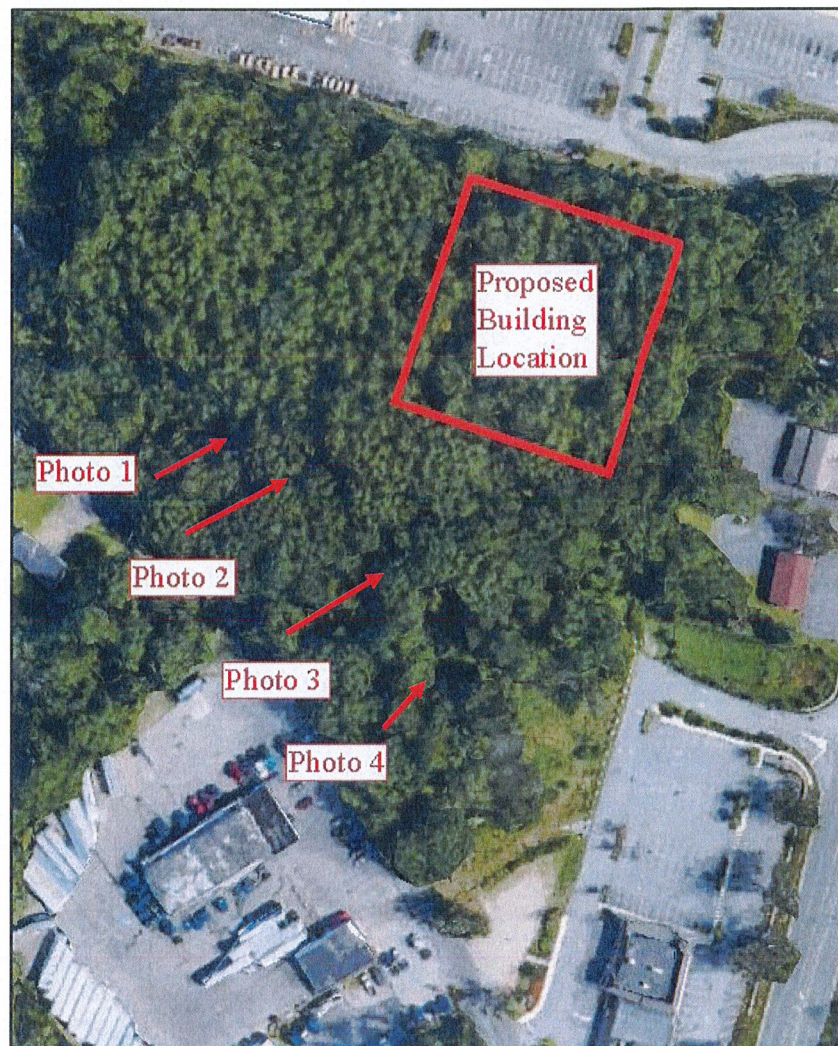


Photo 1

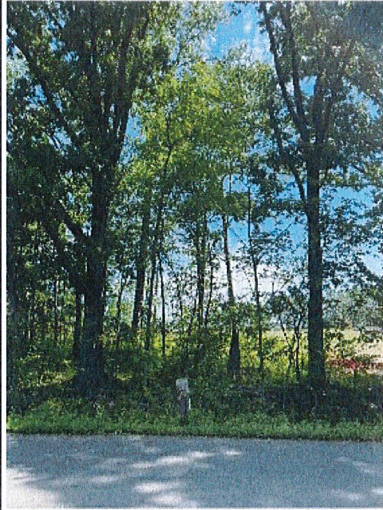


Photo 2

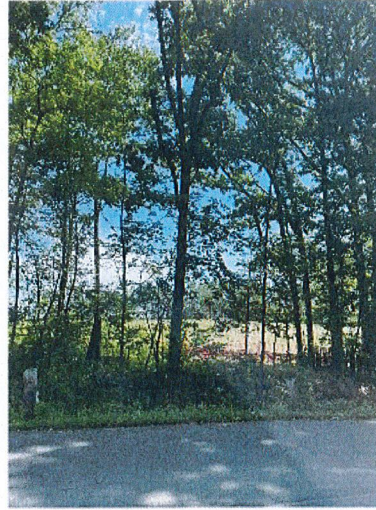


Photo 3

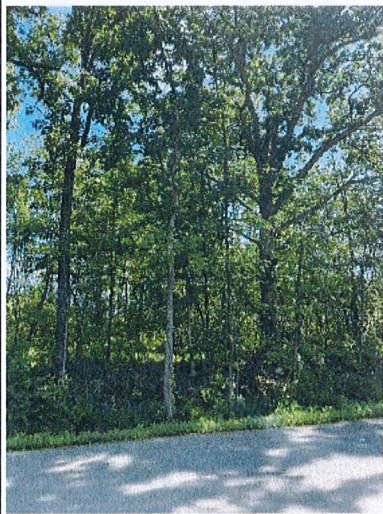
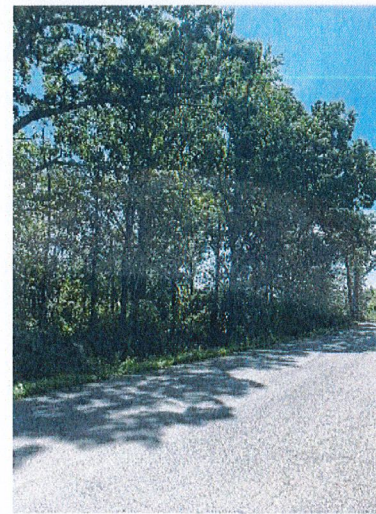


Photo 4



To mitigate this issue, we are proposing the sign facing an existing commercial retail development located directly adjacent to the site. Therefore, an area variance is necessary to provide clear and effective signage that meets the operational needs of the business.

c. THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Response: The proposed sign is minor in location relative to the nearby area that contains businesses with signs of the same placement. The retail development located directly to the North contains three major businesses that have signs that do not immediately face a street and/or face interior travel lanes located within the development.



The placement of the new sign is done so in a way without substantially altering the existing character of the property and nearby area and will not create a disproportionate or out-of-scale appearance relative to neighboring properties. It is well settled that the substantiality of a variance cannot be judged solely by comparison of the percentage deviation from the mandated requirement. A deviation cannot be viewed in the abstract because the deviation only becomes relevant if it is related to an adverse effect. The totality of the relevant circumstances must be evaluated in determining whether a deviation truly is substantial. Therefore, given the above, the variance, if granted, would not be substantial.

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

Response: The proposed variance will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood. The installation of the new sign will not require significant alteration to the surrounding land or infrastructure, and there will be no significant increase in lighting, noise, or other environmental impacts. Further, the proposed sign is consistent with other wall signs in the area as noted in our response to question c. above. The Lowes, Barnes and Noble and Michaels signs, to name a few, are located

immediately to the North of the site and are located on sides of the building that do not immediately front a street.

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

Response: *While the request arises from the desire to add a sign that is not located on a wall fronting a street, the difficulty is not entirely self-created. Compliance with current zoning requirements would limit the ability to maintain effective visibility and identification for the property/business in an area that is largely commercial, consistent with the rest of the Route 300 corridor. If the other wall sign were to be installed on a wall fronting another street, the sign would not be visible to anyone except residents of Orr Avenue, which contains three single-family residences. Even if considered partially self-created, New York Law provides that its consideration is relevant to the decision of the ZBA but is not determinative, as the proposed signage will be in harmony with the neighborhood and will not produce any adverse impacts.*



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

#2046-12

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/01/2026

Application No. 26-0300

To: N&N Union LLC
1089 Little Britian Rd
New Windsor, NY 12553

SBL: 96-1-6.22
ADDRESS: 38 Orr Ave

ZONE: IB

PLEASE TAKE NOTICE that your application dated 04/10/2026 for permit to install 2 wall mounted signs on the premises located at 38 Orr Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-J-1-C: Shall not be located higher than the first floor. N-1
- 2) 185-14-J-1-F: Shall not be located on the rear of the building. N-1
- 3) 185-14-J-1-C: Shall not be located higher than the first floor. E-1


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

TOWN OF NEWBURGH SIGNAGE ZONING CHART



NAME: N & N Union LLC OWNER: _____

ADDRESS: 38 Orr Ave APPLICANT: KARC

S:B:L: 96-1-6.22 DATE: 6/1/2026 APPLICATION # 26-0300

DISCRPTION	SIZE	CODE SECTION	REQUESTED	PERMITTED	VARIANCE	%
Sign N-1	3.5' x 27'	185-14-J-1-C	Shall not be located higher than the first floor			
Sign N-1	3.5' x 27'	185-14-J-1-F	Shall not be located on the rear of the building			
Sign E-1	3.5' x 27'	185-14-J-1-C	Shall not be located higher than the first floor			

COMMENTS: _____

REVIEWED BY: JOSEPH MATTINA 25A - 2026-12



DECEMBER 15, 2025
01-200004-02

PROPOSED LOT "A"
METES AND BOUNDS DESCRIPTION
BEING ALL OF SECTION 30, BLOCK 1, EXISTING LOT 1
AND A PORTION OF SECTION 29, BLOCK 1, LOT 9.2
TOWN OF MONTGOMERY, ORANGE COUNTY
STATE OF NEW YORK

BEGINNING AT THE TERMINUS OF THE LINE CONNECTING THE WESTERLY SIDE OF NY-208 (A.K.A. SCOTTS CORNERS - BURNSIDE - STATE HIGHWAY 414) TO THE SOUTHERLY LINE OF NY-17K (ALSO KNOWN AS COCHECTON TURNPIKE), AND RUNNING THENCE;

ALONG THE WESTERLY LINE OF NY-208 THE FOLLOWING SIX (6) COURSES:

1. SOUTH 05 DEGREES 51 MINUTES 44 SECONDS WEST, A DISTANCE OF 90.08 FEET TO A POINT, THENCE;
2. SOUTH 05 DEGREES 50 MINUTES 21 SECONDS WEST, A DISTANCE OF 49.22 FEET TO A POINT, THENCE;
3. SOUTH 06 DEGREES 03 MINUTES 43 SECONDS WEST, A DISTANCE OF 41.75 FEET TO A POINT, THENCE;
4. SOUTH 05 DEGREES 56 MINUTES 36 SECONDS WEST, A DISTANCE OF 98.42 FEET TO A POINT, THENCE;
5. SOUTH 05 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 34.86 FEET TO A POINT, THENCE;
6. SOUTH 05 DEGREES 59 MINUTES 02 SECONDS WEST, A DISTANCE OF 113.99 FEET TO A POINT, THENCE;
7. ALONG THE NORTHERLY LINE OF SECTION 30, BLOCK 1 LOT 7, NORTH 81 DEGREES 52 MINUTES 02 SECONDS WEST, A DISTANCE OF 301.37 FEET TO A POINT IN THE EASTERLY LINE OF SECTION 30, BLOCK 1, LOT 9.2, THENCE;

ALONG THE NORTHERLY LINE OF LOT 9.2 THE FOLLOWING TWO (2) COURSES:

8. NORTH 32 DEGREES 46 MINUTES 59 SECONDS EAST, A DISTANCE OF 71.72 FEET TO A POINT, THENCE;
9. NORTH 06 DEGREES 35 MINUTES 58 SECONDS EAST, A DISTANCE OF 203.53 FEET TO A POINT, THENCE;

BY A NEW LINE THROUGH LOT 9.2 THE FOLLOWING FOUR (4) COURSES:

10. NORTH 83 DEGREES 26 MINUTES 13 SECONDS WEST, A DISTANCE OF 63.89 FEET TO A POINT, THENCE;
11. NORTH 00 DEGREES 10 MINUTES 03 SECONDS WEST, A DISTANCE OF 77.41 FEET TO A POINT, THENCE;
12. NORTH 19 DEGREES 28 MINUTES 22 SECONDS WEST, A DISTANCE OF 7.18 FEET TO A POINT, THENCE;

13. NORTH 08 DEGREES 44 MINUTES 36 SECONDS EAST, A DISTANCE OF 100.91 FEET TO A POINT, TO A POINT IN THE SOUTHERLY LINE OF ROUTE NY-17K, THENCE;

ALONG SAID SOUTHERLY LINE OF ROUTE NY-17K THE FOLLOWING FIVE (5) COURSES:

14. SOUTH 86 DEGREES 57 MINUTES 10 SECONDS EAST, A DISTANCE OF 72.53 FEET TO A POINT, THENCE;
15. SOUTH 86 DEGREES 41 MINUTES 27 SECONDS EAST, A DISTANCE OF 47.17 FEET TO A POINT, THENCE;
16. NORTH 89 DEGREES 51 MINUTES 43 SECONDS EAST, A DISTANCE OF 70.16 FEET TO A POINT, THENCE;
17. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 28 MINUTES 48 SECONDS, AN ARC LENGTH OF 1.21 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 23 MINUTES 53 SECONDS EAST, AND A CHORD DISTANCE OF 1.21 FEET TO A POINT OF TANGENCY, THENCE;
18. SOUTH 86 DEGREES 39 MINUTES 29 SECONDS EAST, A DISTANCE OF 96.08 FEET TO A POINT, THENCE;
19. SOUTH 37 DEGREES 17 MINUTES 31 SECONDS EAST, A DISTANCE OF 73.22 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 138,876 SQUARE FEET OR 3.188 ACRES

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A MAP ENTITLED "PROPOSED MINOR SUBDIVISION, LOTS 1, 6.1 & 6.2, BLOCK 1, SECTION 30, 2209-2211 STATE ROUTE 208, TOWN OF MONTGOMERY, ORANGE COUNTY, STATE OF NEW YORK" PREPARED BY CONTROL POINT ASSOCIATES, INC. PC, DATED 02-07-2025, LAST REVISED 06-12-2025 AS REV 2.

CONTROL POINT ASSOCIATES INC PC

12/15/2025
JAMES D. SENS
STATE OF NEW YORK
PROFESSIONAL LAND SURVEYOR #050846-1

JDS/KO\\P:\surveys\2020\01-200004-BENU-QuickChek-Montgomery-NY-JDS\01-200004-02 - KARC\M&B\2025-12-08 LOTS A & B\PROPOSED LOT A M&B-formatted.docx
PREPARED BY: KO
REVIEWED BY: JDS



DECEMBER 15, 2025
01-200004-02

PROPOSED LOT "B"
METES AND BOUNDS DESCRIPTION
BEING A PORTION OF SECTION 29, BLOCK 1, LOT 9.2
TOWN OF MONTGOMERY, ORANGE COUNTY
STATE OF NEW YORK

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF ROUTE NY-17K (ALSO KNOWN AS COCHECTON TURNPIKE) SAID POINT BEING THE FOLLOWING COURSES ALONG SAME FROM THE BEGINNING OF THE LINE LEADING FROM SAID SOUTHERLY LINE TO THE WESTERLY LINE OF ROUTE NY-208 (ALSO KNOWN AS SCOTTS CORNERS - BURNSIDE - STATE HIGHWAY 414):

- A. NORTH 86 DEGREES 39 MINUTES 29 SECONDS WEST, A DISTANCE OF 96.08 FEET TO A POINT OF CURVATURE, THENCE;
- B. ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 28 MINUTES 48 SECONDS, A CHORD OF NORTH 88 DEGREES 23 MINUTES 53 SECONDS WEST, 1.21 FEET, FOR AN ARC LENGTH OF 1.21 FEET TO A POINT, THENCE;
- C. SOUTH 89 DEGREES 51 MINUTES 43 SECONDS WEST, A DISTANCE OF 70.16 FEET, THENCE;
- D. NORTH 86 DEGREES 41 MINUTES 27 SECONDS WEST, A DISTANCE OF 119.70 FEET TO THE POINT OF PLACE OF BEGINNING, AND RUNNING THENCE;

BY A NEW LINE THROUGH LOT 9.2 THE FOLLOWING FOUR (4) COURSES:

- 1. SOUTH 08 DEGREES 44 MINUTES 36 SECONDS WEST, A DISTANCE OF 100.91 FEET TO A POINT, THENCE;
- 2. SOUTH 19 DEGREES 28 MINUTES 22 SECONDS EAST, A DISTANCE OF 7.18 FEET TO A POINT, THENCE;
- 3. SOUTH 00 DEGREES 10 MINUTES 03 SECONDS EAST, A DISTANCE OF 77.41 FEET TO A POINT, THENCE;
- 4. SOUTH 83 DEGREES 26 MINUTES 13 SECONDS EAST, A DISTANCE OF 63.89 FEET TO A POINT IN THE WESTERLY LINE OF PROPOSED LOT "A", THENCE;

ALONG THE WESTERLY LINE OF PROPOSED LOT "A" THE FOLLOWING TWO (2) COURSES:

- 5. SOUTH 06 DEGREES 35 MINUTES 58 SECONDS WEST, A DISTANCE OF 203.53 FEET TO A POINT, THENCE;
- 6. SOUTH 32 DEGREES 46 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.72 FEET TO A POINT, THENCE;
- 7. ALONG THE WESTERLY LINE OF SECTION 30, BLOCK 1, LOT 7, SOUTH 32 DEGREES 34 MINUTES 48 SECONDS WEST, A DISTANCE OF 446.43 FEET TO A POINT, THENCE;
- 8. ALONG THE NORTHERLY LINE OF SECTION 30, BLOCK 1 LOT 7 AND SECTION 30, BLOCK 1 LOT 21.222, SOUTH 88 DEGREES 14 MINUTES 58 SECONDS WEST, A DISTANCE OF 730.30 FEET TO A POINT, THENCE;



9. ALONG THE WESTERLY LINE OF SECTION 30, BLOCK 1 LOT 21.222, SOUTH 04 DEGREES 29 MINUTES 59 SECONDS WEST, A DISTANCE OF 687.10 FEET TO A POINT, THENCE;
10. ALONG THE LINE OF SECTION 30, BLOCK 1 LOT 21.222, NORTH 89 DEGREES 37 MINUTES 02 SECONDS WEST, A DISTANCE OF 224.70 FEET TO A POINT, THENCE;
11. ALONG THE LINE OF SECTION 29, BLOCK 1, LOT 32.11, NORTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, A DISTANCE OF 365.09 FEET TO A POINT, THENCE;
12. ALONG THE EASTERLY LINE OF SECTION 29, BLOCK 1, LOT 5.5, NORTH 14 DEGREES 02 MINUTES 50 SECONDS EAST, A DISTANCE OF 815.48 FEET TO AN IRON ROD FOUND, THENCE;
13. ALONG THE EASTERLY LINE OF SECTION 29, BLOCK 1, LOT 6, NORTH 14 DEGREES 48 MINUTES 40 SECONDS EAST, A DISTANCE OF 815.97 FEET TO A POINT IN THE SOUTHERLY LINE OF ROUTE NY-17K, THENCE;
14. ALONG THE SOUTHERLY LINE OF ROUTE NY-17K, NORTH 89 DEGREES 41 MINUTES 10 SECONDS EAST, A DISTANCE OF 99.73 FEET TO A POINT, THENCE;

ALONG SECTION 29, BLOCK 1 LOT 7.1 THE FOLLOWING EIGHT (8) COURSES:

15. SOUTH 02 DEGREES 53 MINUTES 28 SECONDS WEST, A DISTANCE OF 339.48 FEET TO A POINT, THENCE;
16. SOUTH 21 DEGREES 53 MINUTES 05 SECONDS EAST, A DISTANCE OF 65.79 FEET TO A POINT, THENCE;
17. SOUTH 89 DEGREES 19 MINUTES 09 SECONDS EAST, A DISTANCE OF 162.04 FEET TO A POINT, THENCE;
18. NORTH 09 DEGREES 12 MINUTES 07 SECONDS EAST, A DISTANCE OF 104.92 FEET TO A POINT, THENCE;
19. NORTH 04 DEGREES 21 MINUTES 11 SECONDS EAST, A DISTANCE OF 109.21 FEET TO A POINT, THENCE;
20. NORTH 40 DEGREES 12 MINUTES 31 SECONDS EAST, A DISTANCE OF 75.57 FEET TO A POINT, THENCE;
21. NORTH 01 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 18.45 FEET TO A POINT, THENCE;
22. NORTH 87 DEGREES 47 MINUTES 03 SECONDS EAST, A DISTANCE OF 151.60 FEET TO A POINT, THENCE;

ALONG THE LINE OF SECTION 29, BLOCK 1 LOT 8 THE FOLLOWING FOUR (4) COURSES:

23. NORTH 87 DEGREES 47 MINUTES 11 SECONDS EAST, A DISTANCE OF 185.87 FEET TO A POINT, THENCE;
24. NORTH 00 DEGREES 36 MINUTES 38 SECONDS WEST, A DISTANCE OF 67.39 FEET TO A POINT, THENCE;
25. SOUTH 83 DEGREES 55 MINUTES 05 SECONDS EAST, A DISTANCE OF 4.59 FEET TO A POINT, THENCE;

26. NORTH 02 DEGREES 39 MINUTES 52 SECONDS EAST, A DISTANCE OF 14.61 FEET TO A POINT IN THE SOUTHERLY LINE OF ROUTE NY-17K, THENCE;
27. ALONG ROUTE NY-17K, SOUTH 86 DEGREES 57 MINUTES 10 SECONDS EAST, A DISTANCE OF 534.62 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 1,369,030 SQUARE FEET OR 31.429 ACRES

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A MAP ENTITLED "PROPOSED MINOR SUBDIVISION, LOTS 1, 6.1 & 6.2, BLOCK 1, SECTION 30, 2209-2211 STATE ROUTE 208, TOWN OF MONTGOMERY, ORANGE COUNTY, STATE OF NEW YORK" PREPARED BY CONTROL POINT ASSOCIATES, INC. PC, DATED 02-07-2025, LAST REVISED 06-12-2025 AS REV 2.

CONTROL POINT ASSOCIATES INC PC

	12/15/2025
JAMES D. SENS	DATE
STATE OF NEW YORK	
PROFESSIONAL LAND SURVEYOR #050846-1	

JDS/KO\P:\surveys\2020\01-200004-BENJ-QuickChek-Montgomery-NY-JDS\01-200004-02 - KARC\M&B\2025-12-08 LOTS A & B\PROPOSED LOT B M&B-formatted.docx
PREPARED BY: KO
REVIEWED BY: JDS

Short Environmental Assessment Form

Part 1 - Project Information

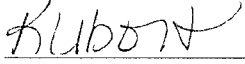
Instructions for Completing

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:			
Wall Signage			
Project Location (describe, and attach a location map):			
1219-1221 Route 300, Newburgh, NY 12550 / Tax ID No. 96-1-6.21 & 96-1-6.22 / Orange County 38 Orr Ave			
Brief Description of Proposed Action:			
Area Variances for proposed Wall Signage Variance 1: Sign E1 - In multi-story buildings, wall signs to be no higher than the first floor; third floor placement is proposed. Variance 2: Sign N1 - In multi-story buildings, wall signs to be no higher than the first floor third floor placement is proposed. Variance 3: Sign E1 - Signage shall not be located on rear of building; rear of building placement is proposed.			
Name of Applicant or Sponsor:		Telephone: c/o 845-594-1055	
N&N Union, LLC		E-Mail: c/o kelly@karcpc.com	
Address:			
1089 Little Britain Rd.			
City/PO:		State:	Zip Code:
New Windsor		NY	12553
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Architectural Review Board Approval, granted May 21, 2026			YES
			☒
3. a. Total acreage of the site of the proposed action? 11.39 acres			
b. Total acreage to be physically disturbed? 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.39 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Site Habitat Assessment completed July 2024	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
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	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? 336019 and 336089, completed If Yes, describe:	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Kelly Libolt, KARC Planning Consultants, Inc.</u> Date: <u>June 8, 2026</u>		
Signature: <u></u> Title: <u>Applicant Rep.</u>		



1. Finklestein & Partners



2. Longhorn Steakhouse



3. Various Retail/Food Businesses – Part 1



3. Various Retail/Food Businesses – Part 2



3. Various Retail/Food Businesses – Part 3



4. Safe Haven Self Storage



5. Hampton Inn & Suites



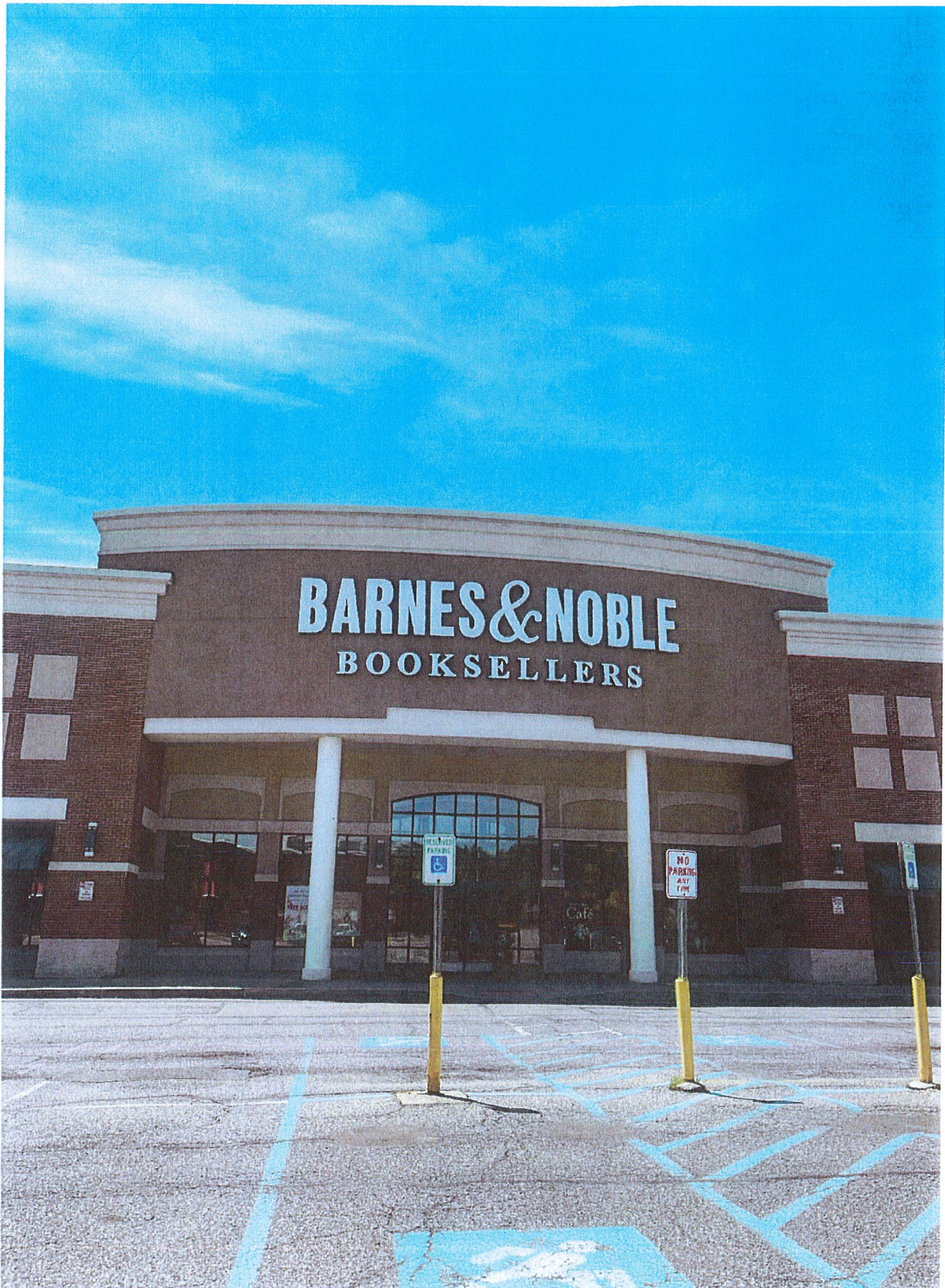
6. Lowes



7. Lena Carbon



8. Barnes & Noble



9. Michaels



10. Pet Smart



11. Kohls



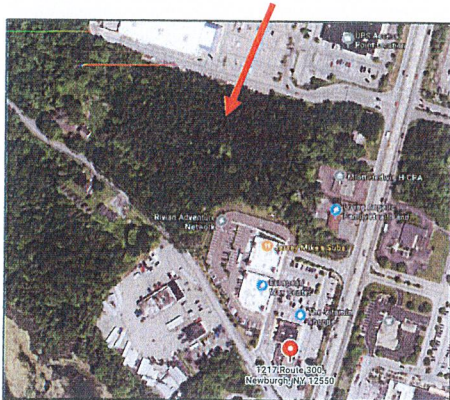
12. The Home Depot



13. Crystal Run Healthcare



North View: Photo taken from Lowes parking lot looking to the proposed North Elevation of the new building.



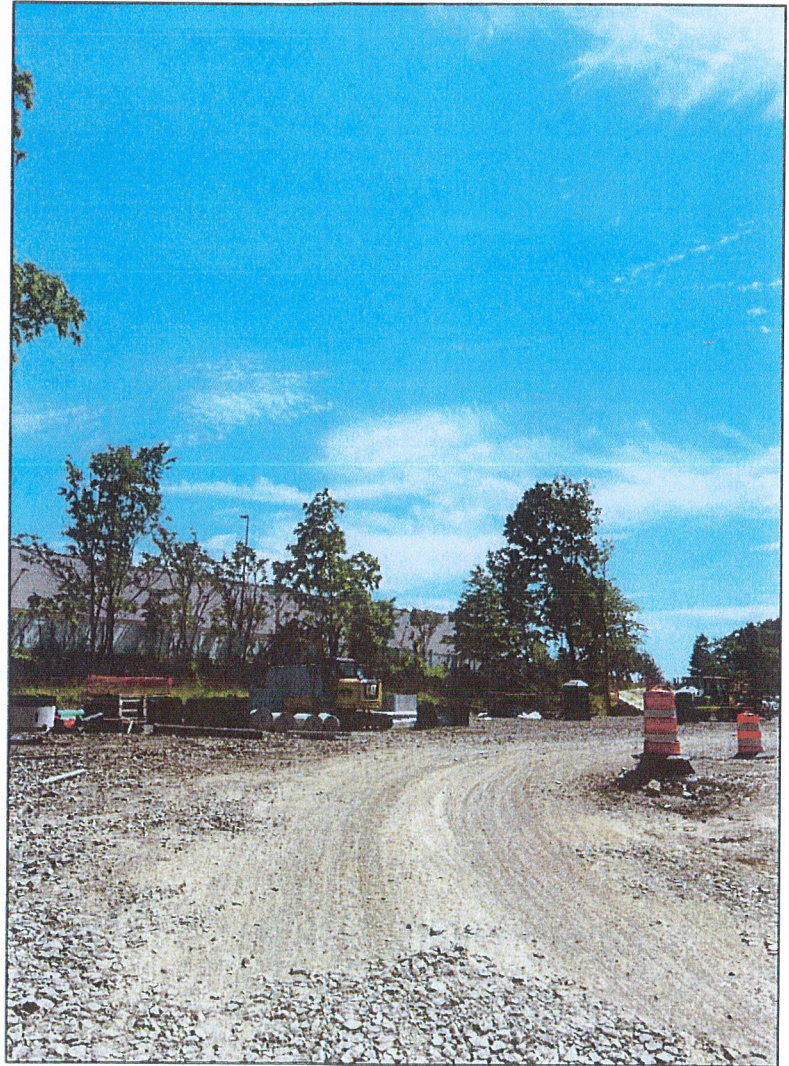
South View: Photo taken from Orr Avenue looking to the proposed South Elevation of the new



East View: Photo taken from Route 300 looking to the proposed East Elevation of the new building.



West View: Photo taken from the site entrance looking to the proposed West Elevation of the new building.



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Patrick Rutbell, being duly sworn, depose and say that I did on or before

June 11, 2026, post and will thereafter maintain at

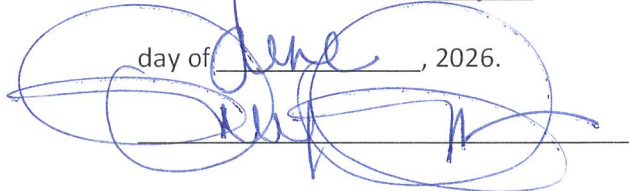
38 Orr Ave 96-1-6.22 IB Zone in the Town of Newburgh, New York, at or near the front

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

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 11th

day of June, 2026.


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

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



Amy Argyrakis

From: Amy Argyrakis
Sent: Thursday, June 11, 2026 8:28 AM
To: Siobhan Jablesnik
Cc: Patrick Rutbell
Subject: Shoppes Phase III - Area Variance for Wall Signage / Posted Notice

Good morning, Siobhan!
Please see photos below of posted signs.
Kindly advise if these are acceptable, thank you.
Amy



Amy Argyrakis
KARC Planning Consultants
PO Box 924
Poughkeepsie NY 12602
845.249.8288 (cell)

ORR AVE – PHOTO 1/2



ORR AVE – PHOTO 2/2



Sent from my iPhone

ROUTE 300 – PHOTO 1/2



ROUTE 300 – PHOTO 2/2

