



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

Project 2025-2019

DATED: August 28, 2025

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

I (WE) Woodhollow Contracting Corp _____ PRESENTLY

RESIDING AT NUMBER 103 School Street, Lindenhurst NY 11757

TELEPHONE NUMBER 516-827-5916

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:

Section 23, Block 2, Lot 1) _____ (TAX MAP DESIGNATION)

5306 Rte 9W, Newburgh NY _____ (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Provision of the Zoning Law Applicable

- §185-18 C(4)(b)
- §185-18 (Table of Bulk Requirements)
- §185-18 C(3)

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

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

_____ June 29, 2025 _____

4. DESCRIPTION OF VARIANCE SOUGHT:

The applicant seeks an area variance to permit the installation and operation of electric vehicle (EV) charging stations at 5306 Route 9W, Newburgh, NY, which is currently improved with a Valero gas station and convenience store. The property is subject to several **pre-existing nonconforming setbacks** as identified in the ZBA referral letter dated June 29, 2025:

- Rear yard setback: 30 feet required, 4.8 feet existing.
- Side yard setback: 15 feet required, 6.9 feet existing.
- Front yard setback: 60 feet required along Route 9W, where only 40 feet are identified.
- McCall Place, as a corner lot frontage, requires an additional 40-foot setback

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: NOT APPLICABLE

- 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:

The property at 5306 Route 9W is already developed and operating as a Valero gas station and convenience store. The proposed EV charging stations will be located within the existing paved service/parking areas and will not change the building footprint, circulation patterns, or visual appearance of the site. The use is compatible with the automotive service character of Route 9W and will enhance the neighborhood by providing clean energy infrastructure. Neighboring properties will not be negatively affected; instead, the project will contribute to improved amenities for residents and travelers.

- 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:

Due to the site's pre-existing nonconforming conditions — including a rear yard of only 4.8 feet where 30 feet are required, a side yard of 6.9 feet where 15 feet are required, and a front yard setback affected by Route 9W's 60-foot requirement — no feasible alternative placement exists for the EV charging stations without a variance. The site is already fully developed, and the lot's corner configuration with McCall Place designated as an additional front yard further restricts available space. Without relief from the setback provisions, installation of EV chargers cannot be reasonably accommodated on the property.

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

Although numerical differences in the setbacks appear large, these conditions are long-standing pre-existing nonconformities associated with the lot's unique layout and roadway adjacency. The proposed EV chargers will not expand or intensify these nonconformities, but will instead be located within the existing paved area and integrate into the current use of the site. The actual impact of the variance is modest and does not result in additional encroachment beyond what already exists.

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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:

The installation of EV chargers will not require significant grading, tree removal, or disturbance of natural resources. Equipment will be installed on the existing impervious parking lot surface, maintaining current drainage and stormwater conditions. The chargers are quiet, low-profile, and environmentally beneficial, supporting reductions in greenhouse gas emissions by enabling clean vehicle use. The variance will not introduce noise, traffic, or environmental hazards to the neighborhood.

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

The need for the area variance arises from the parcel's pre-existing nonconforming setbacks and unique corner lot designation, conditions that existed prior to the applicant's proposed improvements. The applicant did not create the lot shape, setbacks, or zoning requirements. The request for relief is directly tied to conditions outside the applicant's control, not from actions by the property owner.

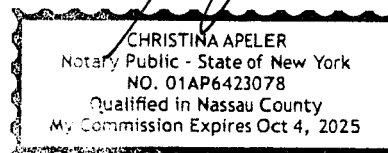
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF September 20 25


NOTARY PUBLIC



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

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

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

FRANK Hessari, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 8 Hidden Glen Dr. Highland Mills NY
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 5306 Rte
9W, Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Woodhollow Energy Contracting Corp / Partners
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/26/2025 Fahd A. Aeer
OWNER'S SIGNATURE

Lauren Conn

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26th DAY OF August 2025

JILL NIBE
Notary Public, State of New York
Registration #01NI6334308
Qualified In Orange County
Commission Expires Jan. 4, 2028

Jill Nibe
NOTARY PUBLIC

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information

Name of Action or Project: 5308 RT 9W, Prestige Petroleum VALERO		
Project Location (describe, and attach a general location map): 5308 RT 9W, NEWBURGH NY		
Brief Description of Proposed Action (include purpose or need): INSTALLING EV Chargers		
Name of Applicant/Sponsor: WOODHOLLOW CONTRACTING CORP		Telephone: 516-827-5916
		E-Mail: permits@woodhollowdesigns.com
Address: 103 SCHOOL ST		
City/PO: LINDENHURST	State: NY	Zip Code: 11767
Project Contact (if not same as sponsor, give name and title/role): Nicholas Gasparo		Telephone: 516-827-5916
		E-Mail: permits@woodhollowdesigns.com
Address: 103 School St		
City/PO: Lindenhurst	State: NY	Zip Code: 11757
Property Owner (if not same as sponsor): First Prestige Properties Inc		Telephone: 845-562-2670
		E-Mail: jms7174@aol.com
Address: 239 N. PLANK RD		
City/PO: NEWBURGH	State: NY	Zip Code: 12550

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources:		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1 Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2 Adopted land use plans.	
a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): Remediation Sites 338059	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☐ Yes ☒ No
 If Yes, what is the zoning classification(s) including any applicable overlay district? _____

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
 If Yes,
 1. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? NEWBURGH ENLARGED CITY SCHOOL DISTRICT

b. What police or other public protection forces serve the project site?
NEWBURGH POLICE DEPARTMENT

c. Which fire protection and emergency medical services serve the project site?
MIDDLE HOPE FIRE DISTRICT

d. What parks serve the project site?
RECREATION DEPARTMENT TOWN OF NEWBURGH

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? commercial, electric vehicle chargers

b. a. Total acreage of the site of the proposed action? 1.60 acres
 b. Total acreage to be physically disturbed? None acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.60 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
 1. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
 If Yes,
 1. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No
 1. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.			
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____
At completion of all phases	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations	
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

i. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
N/A

ii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
 If Yes:
 • acres of aquatic vegetation proposed to be removed: _____
 • expected acreage of aquatic vegetation remaining after project completion: _____
 • purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
 • proposed method of plant removal: _____
 • if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
 If Yes:
i. Total anticipated water usage/demand per day: _____ gallons/day
ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
 If Yes:
 • Name of district or service area: _____
 • Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☒ No
 • Is the project site in the existing district? ☐ Yes ☒ No
 • Is expansion of the district needed? ☐ Yes ☒ No
 • Do existing lines serve the project site? ☐ Yes ☒ No
iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 • Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
 If Yes:
i. Total anticipated liquid waste generation per day: _____ gallons/day
ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No
 If Yes:
 • Name of wastewater treatment plant to be used: _____
 • Name of district: _____
 • Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☒ No
 • Is the project site in the existing district? ☐ Yes ☒ No
 • Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources: _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p style="margin-left: 40px;">• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p style="margin-left: 40px;">• Will stormwater runoff flow to adjacent properties? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

If Yes:

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

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

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend

☐ Randomly between hours of _____ to _____

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/4 mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: 120 Kw

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): utility/grid

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>24-7</u> • Saturday: <u>24-7</u> • Sunday: <u>24-7</u> • Holidays: <u>24-7</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>24-7</u> • Saturday: <u>24-7</u> • Sunday: <u>24-7</u> • Holidays: <u>24-7</u>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No
 If yes:
 i. Provide details including sources, time of day and duration: _____

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

o. Will the proposed action have outdoor lighting? ☒ Yes ☐ No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
See Plans Pages E-302 and E-701

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

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

r. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No
 If Yes:
 i. Product(s) to be stored: _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

s. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No
 If Yes:
 i. Describe proposed treatment(s): _____

t. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☒ No

u. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation: _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____
 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____

a. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment; or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

b. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

N/A - No hazardous wastes involved

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes: i. Identify Facilities: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes - Spills Incidents database Provide DEC ID number(s): _____ <input checked="" type="checkbox"/> Yes - Environmental Site Remediation database Provide DEC ID number(s): 336059 <input type="checkbox"/> Neither database ii. If site has been subject of RCRA corrective activities, describe control measures: <u>Not Applicable</u> _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): 336059 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
• If yes, DEC site ID number: _____	
• Describe the type of institutional control (e.g., deed restriction or easement); _____	
• Describe any use limitations: _____	
• Describe any engineering controls: _____	
• Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
• Explain: _____ _____ _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site?	_____ feet
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	_____ _____ _____ % _____ % _____ %
d. What is the average depth to the water table on the project site? Average:	_____ feet
e. Drainage status of project site soils:	<input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site
f. Approximate proportion of proposed action site with slopes:	<input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____ _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name Federal Waters _____	Approximate Size _____
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: i. Name of aquifer: _____	

m.	Identify the predominant wildlife species that occupy or use the project site:	
	_____	_____
	_____	_____
	_____	_____
n.	Does the project site contain a designated significant natural community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If Yes:	
	i. Describe the habitat/community (composition, function, and basis for designation): _____	
	ii. Source(s) of description or evaluation: _____	
	iii. Extent of community/habitat:	
	• Currently: _____	acres
	• Following completion of project as proposed: _____	acres
	• Gain or loss (indicate + or -): _____	acres
o.	Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If Yes:	
	i. Species and listing (endangered or threatened): _____	
	Indiana Bat	

p.	Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If Yes:	
	i. Species and listing: _____	

q.	Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, give a brief description of how the proposed action may affect that use: _____	

E.3 Designated Public Resources On or Near Project Site		
a.	Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If Yes, provide county plus district name/number: ORANc01	
b.	Are agricultural lands consisting of highly productive soils present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	i. If Yes: acreage(s) on project site? _____	
	ii. Source(s) of soil rating(s): _____	
c.	Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If Yes:	
	i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature	
	ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	

d.	Is the project site located in or does it adjoin a state listed Critical Environmental Area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If Yes:	
	i. CEA name: _____	
	ii. Basis for designation: _____	
	iii. Designating agency and date: _____	

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

F. Additional Information

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

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

G. Verification

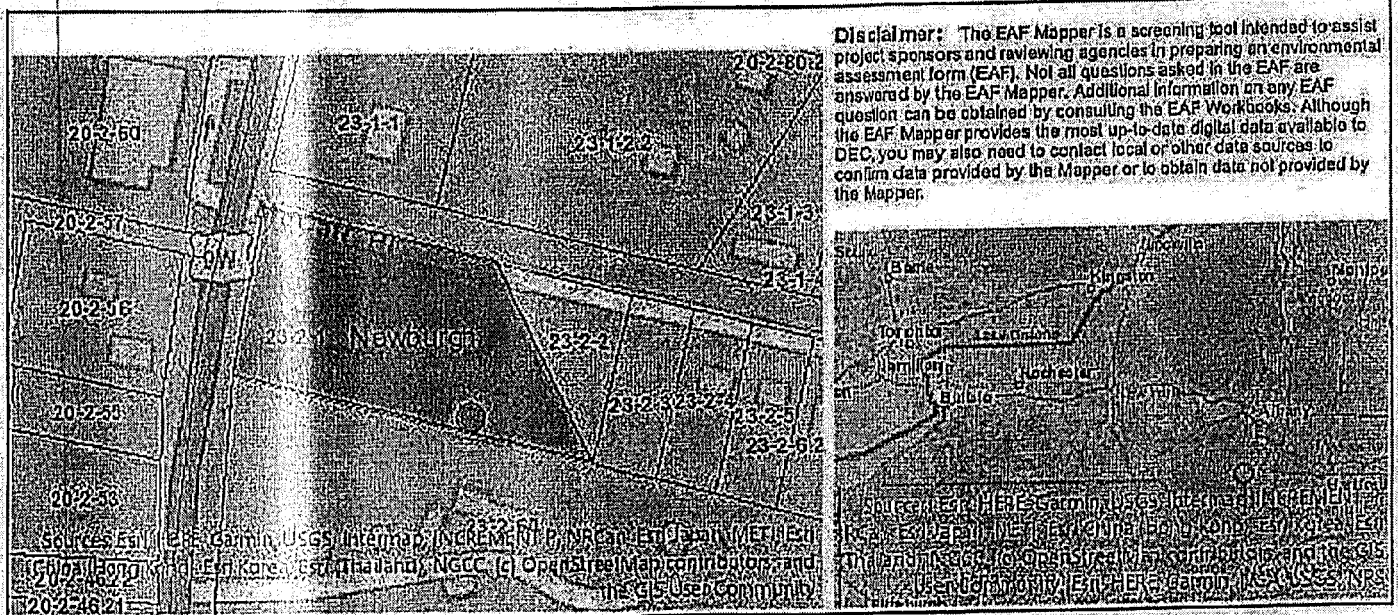
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Woodhollow Contracting Corp. Date 6-10-25

Signature [Signature] Title CEO

EAF Mapper Summary Report

Tuesday, May 13, 2025 4:43 PM



B.I.I [Coastal or Waterfront Area]	Yes
B.I.II [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites 336059
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.iii [DEC Spills or Remediation Site - DEC ID Number]	336059
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336059
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v. [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.m. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Endangered or Threatened Species - Name]	Indiana Bat
E.2.q. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ORANc01
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Orange County



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Owner/Leases

Inventory

Improvements

Tax Info

Report

Comparables

Com Sites

1

SWIS: 334600

Tax ID: 23-2-1

5306 Route 9W

432 - Gas station

Site Property Class: 432 - Gas station

Ownership Code:

Site: Com 1

Zoning Code: 04 -

Neighborhood: 39014 -

Property Description: Legal description not given for property

Total/Acreage/Size: 1.60

Land Assessment: 2025 - Tentative \$60,600
2024 - \$60,600

Full Market Value: 2025 - Tentative \$2,630,100
2024 - \$2,208,700

Deed Book: 5975

Grid East: 627835

Bank Code: N/A

Equalization Rate: —

Total Assessment: 2025 - Tentative \$455,000
2024 - \$455,000

Deed Page: 334

Grid North: 991810

Stat: Active

Roll Section

Taxable

Address: 5306 Route 9W

Site Property Class: 432 - Gas station

In Ag District: No

Blg Style: Not Applicable

School District: Marlboro

Photographs

No Photo Available

Documents

No documents found for this parcel

Maps

View Tax Map

Print Property on GIS Map

View in Google Maps

View in Bing Maps

View in Near Map

Map Disclaimer

Newburgh

CODE COMPLIANCE
DEPARTMENT

SEP 09 2005

RECEIVED

Sign

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE
TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

Luba Properties, Inc

TO

First Prestige Properties
Inc

SECTION 23 BLOCK 2 LOT 1

RECORD AND RETURN TO:
(name and address)Mark Grossgung, Esq
2658 Route 9D
Wappinger Falls, NY 12590

THIS IS PAGE ONE OF THE RECORDING

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

51 18347

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)
2201 CHESTER (VLG)	4205 WALDEN (VLG)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)
3003 FLORIDA (VLG)	5200 WALLKILL (TN)
3005 CHESTER (VLG)	5489 WARWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)
3889 MINISINK (TN)	5801 HARRIMAN (VLG)
3801 UNIONVILLE (VLG)	
4089 MONROE (TN)	
4001 MONROE (VLG)	
4003 HARRIMAN (VLG)	
4005 KIRYAS JOEL (VLG)	

NO PAGES 4 CROSS REF.
CERT.COPY ADD'L X-REF.
MAP# PGS.PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐Taxable
CONSIDERATION \$207,296.35
TAX EXEMPT
Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

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

CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS

9999 HOLD

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: River City Absc

LIBER 5975 PAGE 334

LIBER 5975 PAGE 334

ORANGE COUNTY CLERKS OFFICE 55898 LMS
RECORDED/FILED 08/22/2002 02:24:50 PMFEES 47.00 EDUCATION FUND 20.00
SERIAL NUMBER: 000816
DEED CNTL NO 62998 RE TAX 830.00

STATE OF NEW YORK COUNTY OF ORANGE SS:
I, CLERK OF THE COUNTY OF ORANGE, DO HEREBY
CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT
COPY OF THE INSTRUMENT AS FILED IN MY OFFICE
ON 08/22/02.

10/17/14
COUNTY CLERK & CLERK OF THE SUPREME COURT
ORANGE COUNTY

#129208

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 30th day of January, Two Thousand Two

BETWEEN

Luba Properties Inc., a New York corporation with offices for the transaction of business at 7 Morris Drive, Newburgh, New York 12550, party of the first part, and

First Prestige Properties Inc., a New York corporation with offices for the transaction of business at 618 Route 9W North, Middlehope, New York, 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being further bounded and described in Schedule A attached hereto.

BEING and intended to be the same premises conveyed in a certain deed dated 6/2/88 by Helchar Realty Corp. to Luba Properties Inc. and recorded in the office of the Orange County Clerk in Liber 2951 of deeds at page 250 on 6/7/88.

SUBJECT to covenants, rights-of-way, easements, and restrictions of record.

This transaction is being made in the usual course of business actually conducted by the grantor and does not constitute a sale, transfer, or alienation of all or substantially all of the assets of grantor. This conveyance is authorized by the Board of Directors and no other consent is required.

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

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

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

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

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

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

Schedule A

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

BEGINNING at a point at the intersection of the southeasterly line of the existing U. S. Route 9W with the southwesterly line of the existing McCall Place;

THENCE from said point of beginning and along the southwesterly line of McCall Place, S 64 degrees 46' E 283.30 feet to a point on the division line between the lands now or formerly of Trapini on the East and the parcel herein described on the West;

THENCE along the last mentioned division line, S 14 degrees 16' E 262.03 feet to a point on the division line between the lands now or formerly of Filiberti on the southwest and the parcel herein described on the northeast;

THENCE along the last mentioned division line, N 63 degrees 55' W 443.09 feet to a point in the aforementioned southeasterly line of U S Route 9W;

THENCE along the last mentioned line, N 23 degrees 41' E 196.10 feet to the point or place of BEGINNING.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Luba Properties Inc.
By: Robert Marino Pres.
Robert Marino, President

STATE OF NEW YORK)
)SS.:
COUNTY OF ORANGE)

On the 30 day of January, 2002, before me, the undersigned, a notary public in and for said state, personally appeared Robert Marino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.

JEANNE N. TULLY
Notary Public, State of New York
No. 02TU6032043
Qualified in Orange County
Commission Expires October 18, 2005

Jeanne N. Tully
Notary Public

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

LUBA PROPERTIES, INC.
to

FIRST PRESTIGE PROPERTIES, INC.

SECTION 23
BLOCK 2
LOT 1
COUNTY/TOWN/CITY
Orange/Newburgh

RETURN BY MAIL TO:

R & R
Mark Gross jungs Esq
2658 Route 9D
Weppingers Falls, NY 12590

DRAKE LOEB

ATTORNEYS AT LAW

New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235

www.drakeloeb.com

James R. Loeb*
Richard J. Drake**
Glen L. Heller^o
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglione, Jr.
Alang R. Bartley^{oo}
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield^{oo}
Ivan M. Bonet^{oo}

Jennifer L. Schneider
Managing Attorney

* Retired 2025
** Retired 2015; d. 2025

^o LL.M. in Taxation
^{oo} Member NY & NJ Bar

June 29, 2025

BY EMAIL ONLY

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

Re: First Prestige Properties, Inc. / Planning Board Project No. 25-19

Dear Chairman Scalzo and Board Members:

At the Planning Board's June 25, 2025 meeting, the Planning Board resolved to refer this site plan amendment application to the Zoning Board of Appeals for certain side yard variances.

This property is located at 5306 Route 9W, designated on the tax map as Section 23, Block 2, Lot 1, and is improved with an existing Valero gas station and convenience store. The applicant proposes to improve the site with the addition of an EV charging station.

The project is identified as having pre-existing nonconforming conditions as follows:

- rear yard: 30 feet is required where 4.8 exists;
- side yard: 15 foot required where 6.9 feet exists;
- front yard setback: 40 feet identified, however setbacks along State Highways are 60 feet in accordance with Town Code Section 185-18 C (4) (b);
- McCall Place is identified as a side yard, yet as a corner lot is an additional front yard, requiring a setback of 40 feet.

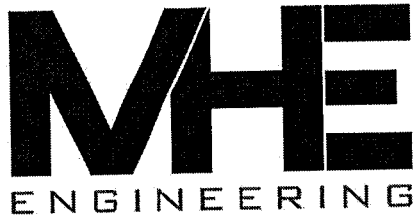
This matter is a Type II action under SEQRA, and as a result the Planning Board has not declared its intent to serve as lead agency.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

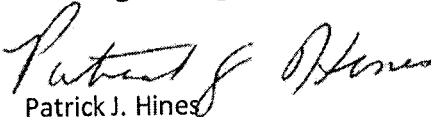


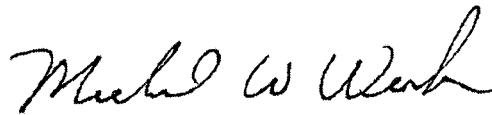
**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: FIRST PRESTIGE PROPERTIES, INC. - EV CHARGING STATION
PROJECT LOCATION: 5306 ROUTE 9W
SECTION 23, BLOCK 2, LOT 1
REVIEW DATE: 18 JUNE 2025
MEETING DATE: 25 JUNE 2025
PROJECT REPRESENTATIVE: STEPHEN GIANNONA, PE

1. Adjoiners' Notices must be circulated.
2. Project is located on a State Highway County Planning referral is required.
3. The project is identified as having pre-existing nonconforming conditions rear yard 30 feet is required where 4.8 exists. Side yard 15 foot required where 6.9 feet exists. See comment 7 below. It is also noted that the front yard setback is identified as 40 feet, however setbacks along State Highways are 60 feet in accordance with Town Code Section 185-18 C (4) (b).
4. The proposed EV charging stations are located to the rear of the existing facility. Access to them from McCall Place will any signage to added to the site to identify the EV charging to the rear of the structure?
5. Two vacuum stations exist in the vicinity of the proposed EV chargers. Are they proposed to be relocated on the site?
6. In accordance with Section 185-17A, corner lots front setbacks are required on both street frontages. McCall Place setback is a front yard setback at 40 feet rather than a side yard setback depicted.
7. The existing and proposed parking count should be revised in the bulk table.
8. The proposed transformers are located in the front yard setback. Code Compliance comments regarding location of transformer structure in the front yard should be received.

Respectfully submitted,
MHE Engineering, D.P.C.


Patrick J. Hines
Principal
PJH/kmm


Michael W. Weeks, P.E.
Principal

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Nathan Dent, being duly sworn, depose and say that I did on or before

September 11, 2025, post and will thereafter maintain at

5306 Route 9w 23-2-1 B 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 8th

day of Sept. 2025.

