



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

TONZBA

Town of Newburgh

MUNICIPALITY: Zoning Board of Appeals

TAX MAP ID: 89-1-67
(Section-Block-Lot)

Local File #: Z321-12

Project Name:

Applicant: HDL Route 17K LLC

Address: 50 SYLVAN AVENUE, ENGLEWOOD CLIFFS, NJ 07632

Attorney, Engineer, Architect:

Location of Site: 160 Route 17K GOVERNOR DRIVE
(Street, highway, nearest intersection)

Size of Parcel: 5.6 acres Existing Lots: Proposed Lots/Units

Present Zoning District: I/B A overlay

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):

AREA (AV): MAXIMUM ALLOWED SIGNAGE

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch

Preliminary

Final

DATE: 10/11/12

Shawn Cardone

Signature and Title

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID #

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.

Stuart L. Kossar
Benjamin M. Wilkinson
Nicholas A. Pascale

*LL.M. in Taxation

September 27, 2012

Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: HDL Route 17K, LLC, Newburgh Toyota Variance Application
Our File No.: 13091 - 63045

Dear Board Members:

HDL Route 17K, LLC respectfully submits this variance application to erect signage attached to the new Toyota Scion dealership currently under construction at 160 N.Y.S. Route 17K, located in the Interchange Business zoning district. The applicant is requesting the placement of 63.8 square feet of additional signage with 375.8 square feet of total signage proposed to be attached to applicant's buildings. This is necessary to add a "Scion" sign to the front of the Scion dealership for sales of the Scion brand.

The Newburgh Town Code §185-14(B)(1)(c), permits a sign or signs freestanding or attached to a building, so long as the total area of the signs does not exceed one half of the total length of street frontage of the lot in linear feet. This proposed signage is greater than one half the total length of the street frontage, requiring a variance in accordance with Newburgh Town Code §185-14(B)(1)(c), which would permit one half of 624 square feet or 312 square feet of signage.

We request to be placed on the next available Zoning Board of Appeals agenda for discussion. If you have any questions or comments, please feel free to contact me.

Very truly yours,



DOMINIC CORDISCO

DRC/tmp/63045

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: September 27, 2012

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

I (WE) HDL Route 17K, LLC PRESENTLY
RESIDING AT NUMBER 2934 Route 9W, New Windsor NY 12553
TELEPHONE NUMBER (201) 944-3300

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- ACCESSORY APARTMENT

1. LOCATION OF THE PROPERTY:

(S-B-L) 89-1-67 (TAX MAP DESIGNATION)
160 N.Y.S. Route 17K, Town of Newburgh, NY 12553 (STREET ADDRESS)
(IB) Interchange Business District/ (A) Airport Overlay District (ZONING DISTRICT)

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

Town Code § 185-14(b)(1)(c) permits a sign or signs freestanding or attached to a building, so long as the total area of the signage does not exceed one half of the total length of street frontage of the lot in linear feet.

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: N/A October 9, 2012
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: N/A

4. DESCRIPTION OF VARIANCE SOUGHT: The applicant is requesting the placement of 63.8 square feet of additional signage with 375.8 square feet of total signage. This proposed signage is greater than 1/2 the total length of the street frontage, requiring a variance in accordance with Town Code § 185-14(B)(1)(c) which would permit 1/2 of 624 square feet or 312 square feet of signage.

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

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

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

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

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

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

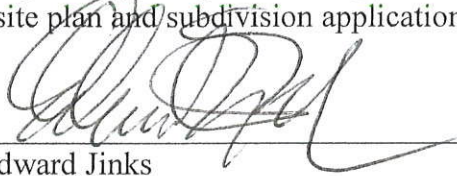
6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:
The surrounding businesses have similar signs both freestanding and attached to their buildings. Therefore, this requested signage would not be inconsistent with the character of the Interchange Business District. There would be limited potential negative visual impacts. Due to the nature of the site, the signage would primarily be visible only when passing the site.
- 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:
In accordance with the signage requirements established by the Toyota corporate, the signage requirements for a Toyota Scion dealership include signage for the Scion brand. When the applicant initially obtained approval from the Town of Newburgh Planning Board for its signage, the Scion signage was not included. As a result of the shape of the lot, the amount of street frontage is not enough under the current zoning. Consequently, an insufficient sign is the only possibility within the code and a variance must be sought early in the process. Since there are no other feasible means of obtaining the necessary signage and lot area and positioning, this variance must be sought. The benefit sought by the applicant cannot be achieved by any other method.
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, the proposed signage will be affixed to the dealership, and not freestanding. Furthermore, as a result of the insufficient frontage and limited space, the signage which would be available under the code would be insufficient. In regard to attached signage, the permitted signage allowed is 312 square feet, equal to one half of the total length of street frontage for a business. The proposed signage would be only 375.8 square feet. This is not a significant difference and therefore, 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:
As noted above, because of the insufficient frontage of the lot, the amount of signage permitted by the Town Code would be insufficient. The surrounding businesses have signs of similar size. This variance is not substantial and will have no adverse impacts on the district.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
As noted by Terry Rice in his Practice Commentaries for Town Law § 274-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variances are required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the proposed development meets the Code's requirements.

7. ADDITIONAL REASONS (IF PERTINENT):

Please see the attached signage design images and a copy of the narrative that accompanied the Planning Board site plan and subdivision application.



Edward Jinks
 HDL Route 17K, LLC,
 PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 1st DAY OF October 20 12

EVE FLANIGAN
 Notary Public, State of New York
 Qualified in Orange County
 No. 4771149
 Commission Expires February 28, 2015



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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

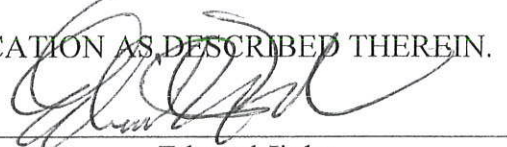
PROXY

Edward Jinks, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 2934 Route 9W, New Windsor, NY 12550
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF HDL Route 17K, LLC,
(Newburgh Toyota)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Shaw Engineering, and
Drake Loeb Heller Kennedy Gogerty Gaba & Rodd PLLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/1/12



Edward Jinks
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1st DAY OF October 2012



NOTARY PUBLIC

EVE FLANIGAN
Notary Public, State of New York
Qualified in Orange County
No. 4771149
Commission Expires February 28, 2015

ENCLOSURES:

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR HDL ROUTE 17K, LLC	2. PROJECT NAME HDL ROUTE 17K, LLC
3. PROJECT LOCATION: Municipality: TOWN OF NEWBURGH County: ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 160 N.Y.S. ROUTE 17K, TOWN OF NEWBURGH, NEW YORK, OPPOSITE OF STEWART AIRPORT AND 2,000 FEET EAST OF ROUTE 84.	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: THE APPLICANT PROPOSES TO ERECT SIGNAGE ATTACHED TO THE BUILDINGS AT THE APPLICANT'S TOYOTA SCION DEALERSHIP CURRENTLY UNDER CONSTRUCTION.	
7. AMOUNT OF LAND AFFECTED: Initially __ acres Ultimately __ acres N/A	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly: THE APPLICANT REQUESTS THE PLACEMENT OF 63.8 SQUARE FEET OF ADDITIONAL SIGNAGE WITH 375.8 SQUARE FEET OF TOTAL SIGNAGE. THE PROPOSED SIGNAGE IS GREATER THAN ONE HALFTHE TOTAL LENGTH OF THE STREET FRONTAGE, 312 SQUARE FEET, PURSUANT TO THE TOWN OF NEWBURGH ZONING CODE, SECTION 185-14(B)(1)(c).	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: AIRPORT OVERLAY DISTRICT	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY, FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permits/Approvals: N/A	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A If yes, list agency(s) and permits/Approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor Name: HDL ROUTE 17K, LLC	Date: SEPTEMBER 27, 2012
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another Involved Agency. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:</p>
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important, or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a Positive Declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency	
Print or type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
DATE :	

TOWN OF NEWBURGH

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2321-12 Date: October 9, 2012

To: HDL Route 17K LLC SBL 89-1-67
50 Sylvan Avenue ADD: 160 Route 17K, Newburgh
Englewood Cliffs, NJ 07632 ZONE I B / A Overlay

PLEASE TAKE NOTICE that your application dated October 5,
20 12 for permit to erect signage on building
At the premises located at 160 Route 17K, Newburgh

Is returned herewith and disapproved on the following grounds:

185 - 14 - B - 1 - (c) -
TOTAL AREA OF ALL SIGNS ON A LOT SHALL NOT EXCEED 1 / 2 OF TOTAL
LENGTH OF STREET FRONTAGE OF THE LOT IN LINEAR FEET.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

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



206 ROUTE 17K LLC
TO
JJ REALTY DEVELOPMENT INC

SECTION 89 BLOCK 1 LOT 67

RECORD AND RETURN TO: (name and address)

RIDER WEINER & FRANKEL, PC
P.O. BOX 2280
NEWBURGH, NY 12550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED X MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 4289 MONTGOMERY (TN) NO PAGES 6 CROSS REF.
2003 SO. BLOOMING GROVE (VLG)
2001 WASHINGTONVILLE (VLG) 4201 MAYBROOK (VLG) CERT. COPY ADD'L X-REF.
2289 CHESTER (TN) 4203 MONTGOMERY (VLG) MAP# PGS.
2201 CHESTER (VLG) 4205 WALDEN (VLG)
2489 CORNWALL (TN) 4489 MOUNT HOPE (TN) PAYMENT TYPE: CHECK X
2401 CORNWALL (VLG) 4401 OTISVILLE (VLG) CASH
2600 CRAWFORD (TN) X 4600 NEWBURGH (TN) CHARGE
2800 DEERPARK (TN) 4800 NEW WINDSOR (TN) NO FEE
3089 GOSHEN (TN) 5089 TUXEDO (TN) Taxable
3001 GOSHEN (VLG) 5001 TUXEDO PARK (VLG) CONSIDERATION \$ 1,150,000.00
3003 FLORIDA (VLG) 5200 WALLKILL (TN) TAX EXEMPT
3005 CHESTER (VLG) 5489 WARWICK (TN) Taxable
3200 GREENVILLE (TN) 5401 FLORIDA (VLG) MORTGAGE AMT. \$
3489 HAMPTONBURGH (TN) 5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG) 5405 WARWICK (VLG)
3689 HIGHLANDS (TN) 5600 WAWAYANDA (TN) MORTGAGE TAX TYPE:
3601 HIGHLAND FALLS (VLG) 5889 WOODBURY (TN) (A) COMMERCIAL/FULL 1%
3889 MINISINK (TN) 5801 HARRIMAN (VLG) (B) 1 OR 2 FAMILY
3801 UNIONVILLE (VLG) 5809 WOODBURY (VLG) (C) UNDER \$10,000
4089 MONROE (TN) CITIES (E) EXEMPT
4001 MONROE (VLG) 0900 MIDDLETOWN (F) 3 TO 6 UNITS
4003 HARRIMAN (VLG) 1100 NEWBURGH (I) NAT.PERSON/CR. UNION
4005 KIRYAS JOEL (VLG) 1300 PORT JERVIS (J) NAT.PER-CR.UNI/1 OR 2
9999 HOLD (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Hill n Dale

RECORDED/FILED
12/21/2007/ 09:34:01
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20070135665
DEED C / BK 12585 PG 0794
RECORDING FEES 213.00
TTX# 003768 T TAX 4,700.00
Receipt#025953 pete

12-21-07
9-6-12
ORANGE COUNTY CLERK'S OFFICE
RECORDED AND RETURNED BY ORIGINAL SEAL



HN 39080

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)**

STANDARD NYBTU FORM 8007

**CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND
REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.**

THIS INDENTURE, made the 18th day of December, two thousand and seven,
between

[name and residence] 206 Route 17K LLC, a New York Limited Liability Company, with an address of
160 Route 17K, Newburgh, New York 12550 and JJ Realty Development, Inc., a New York Corporation
with an address of 155 Lafayette Avenue, White Plains, New York 10603, party of the first part, and

[name and residence], HDL Route 17K, 50 Sylvan avenue, Englewood Cliffs, New Jersey
07632, party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND NO/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, more particularly described on Schedule "A" attached hereto and made part hereof.

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.

William B. Hildreth
Land Surveying, P.C.

407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550
TEL: (845) 566-6650

LAND SURVEYS
SUBDIVISIONS

SITE PLANNING
LOCATION SURVEYS

5 December 2007

Page 1 of 2

DESCRIPTION
for
HDL Route 17K, LLC
Town of Newburgh, Orange County, New York

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

BEGINNING at a point in the northeasterly line of N.Y.S. Route 17K (Cochecton Turnpike, S.H. 43) where said line is intersected by the westerly line of lands now or formerly Kasinki, said point being marked by a stone highway monument found set in the ground, running thence, the following courses:

1. Along said highway line, N 39 37' 22" W 624.61' to a point;
2. Running thence along lands now or formerly The Stewart Project, Inc., being along a stone wall, N 72 53' 05" E 72.52' to a point;
3. Along the same, N 77 37' 05" E 62.83' to a point;
4. Along the same, N 73 07' 56" E 42.46' to a point;
5. Along the same, N 81 14' 50" E 72.99' to a point;
6. Along the same, N 79 33' 39" E 130.45' to a stone wall corner;
7. Still along said lands and along a stone wall, N 4 42' 05" E 321.62' to a point marked by an iron pipe found set in the stone wall;
8. Along lands now or formerly Kasinki, S 63 37' 00" E 318.78' to a point near the northerly side of an old farm lane;
9. Still along said lands, S 24 51' 08" W 389.01' to a point marked by an iron pipe found at the junction of two stone walls;
10. Still along said lands and along a stone wall, S 10 20' 16" W 125.27' to a point;

HILL-N-DALE ABSTRACTERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581

11. Along the same, S 3 39' 47" W 77.10' to a point;
12. Leaving the stone wall and running still along said lands, S 5 57' 59" W 100.48' to a point;
13. Still along said lands, N 69 14' 00" W 45.54' to a point marked by an iron pipe found set in the ground at the end of a stone wall;
14. Along said lands and along a stone wall, S 24 43' 11" W 67.73' to a point;
15. Along the same, S 16 49' 10" W 45.33' to the point or place of BEGINNING.

Containing 5.56 acres of land more or less.

BEING the same premises as described in that deed dated the 23rd day of January, 1995 from Anna M. O'Dell to JJ Realty Development Inc., which deed was recorded in the Orange County Clerk's Office on the 1st day of February 1995 in Liber 4174 at page 271, as to an undivided one-half interest; and

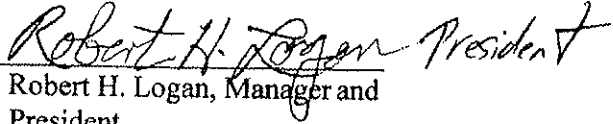
Deed dated the 27th day of December, 2002 from Marilyn Logan to 206 Route 17K, LLC, which deed was recorded in the Orange County Clerk's Office on the 30th day of December, 2002, in Liber 6132 at page 14, as to the remaining undivided one-half interest.

This conveyance is made during the ordinary course of business of the party of the first part, and with the unanimous consent of its shareholders.

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

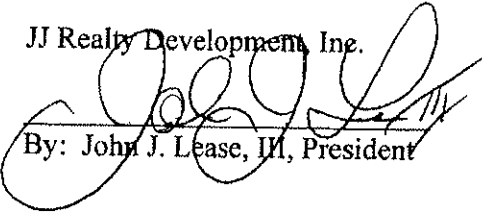
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

206 Route 17K LLC

 President

By: Robert H. Logan, Manager and President

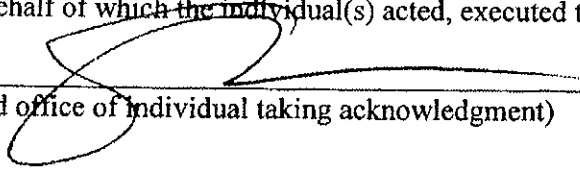
JJ Realty Development, Inc.


By: John J. Lease, III, President

Acknowledgment

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

On the 17th day of December, in the year 2007 before me, the undersigned, personally appeared Robert H. Logan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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.


(signature and office of individual taking acknowledgment)

STEPHEN P. DUGGAN, III
Notary Public, State of New York
Qualified in Orange County
Reg. No. 02DU1038120
Commission Expires June 30, 2011

NOTARY PUBLIC

Acknowledgment

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

On the 18 day of December, in the year 2007 before me, the undersigned, personally appeared John J. Lease, III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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.

[Signature]
(signature and office of individual taking acknowledgment)
NOTARY PUBLIC

M. JUSTIN RIDER
Notary Public, State of New York
No. 02R16100694
Qualified In Orange County
Commission Expires October 27, 20 11

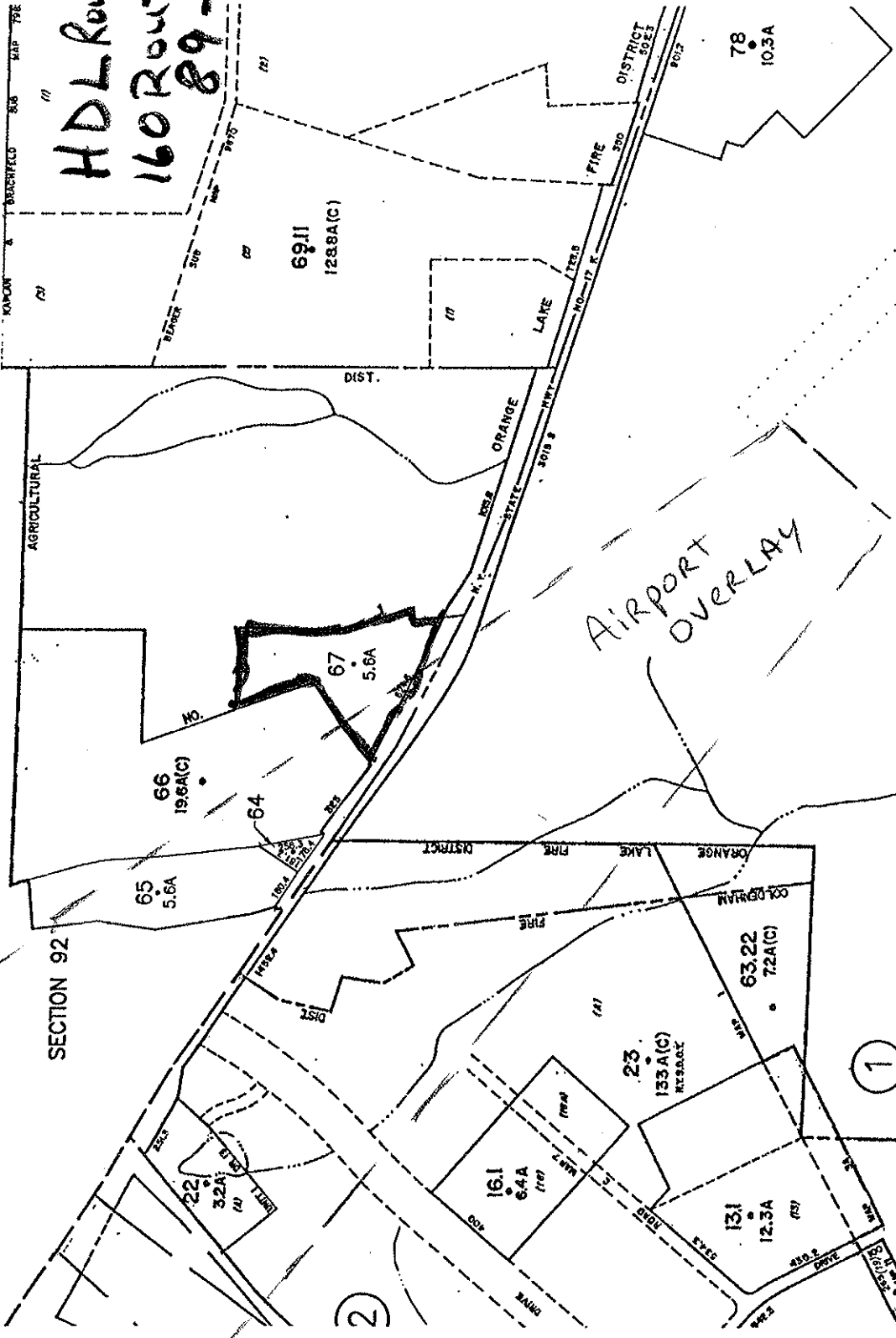
Acknowledgment by a Subscribing Witness

STATE OF _____)
) ss.:
COUNTY OF _____)

On the ___ day of _____ in the year _____ before me, the undersigned, personally appeared _____ the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in _____ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they know(s) _____ to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said _____ execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as witness(es) thereto.

(signature and office of individual taking acknowledgment)

HDL Route 17K LLC
160 Route 17K
89-1-67



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739.8A(C)
N.Y.S.D.O.T.

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10.3A

SECTION 92

AIRPORT
OVERLAY

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