



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#: \_\_\_\_\_  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Local Referring Board:

Zoning Board of Appeals

Applicant:

5182 Route 9W, LLC

Project Name:

Depew Energy Company

Location of Project Site

5182 Route 9W

Tax Map #:

43-5-42

Tax Map #:

41.2

Tax Map #:

Local File No.:

PBuff

Size of Parcel\*:

32,580

\*If more than one parcel, please include sum of all parcels.

Reason for County Review:

on US Route 9W

Current Zoning District (include any overlays):

B'-LHTO

**Type of Review:**

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan

Sq. feet proposed (non-residential only): \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

AREA / USE (circle one)

front yard setback

Other

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

*Grace Cardone 7/1/14*

Signature of local official

Date

Chairperson  
Zoning Board of Appeals

Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: June 11, 2014

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

I (WE) 5182 Route 9w, LLC. PRESENTLY

RESIDING AT NUMBER 5182 Route 9W, Newburgh NY 12550

TELEPHONE NUMBER 845-568-0072

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

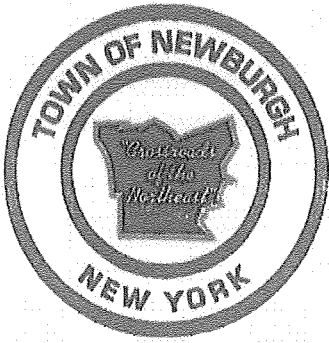
43-5-42 #41, 2 (TAX MAP DESIGNATION)

5184 Route 9W, Newburgh, NY 12550 (STREET ADDRESS)

B (Business) (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).

Section 185 - Attachment 11 - front setback and Section 185 - 18 C. (4) (b)



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_ ✓

4. DESCRIPTION OF VARIANCE SOUGHT: A front yard setback of 38.3' for an  
existing building where 50' is required.

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



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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 condition is existing

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:

The building is existing and has been for many years.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The variance requested is only 4.25% less than the total setback required.

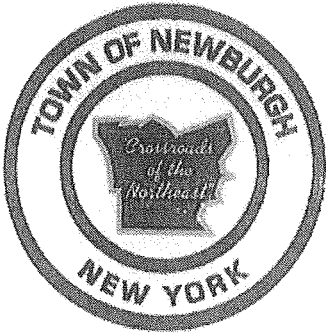
(50 feet required, 38.3 feet existing)

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

This is an existing condition

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

The structure was a pre-existing non-conforming issue



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## 7. ADDITIONAL REASONS (IF PERTINENT):

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

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF June 2014

**JENNIFER L. WILSON**  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01CL6099571  
Commission Expires 11/24/15

  
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.

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



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## PROXY

5182 Route 9W, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 5182 US Route 9W, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF Tax lot 43-5-42 in the Town of

Newburgh, County of Orange, State of New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Engineering & Surveying Properties, PC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/11/14 

OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF June 2014

JENNIFER L. WILSON  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01CL6099571  
Commission Expires 11/24/15

  
NOTARY PUBLIC

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

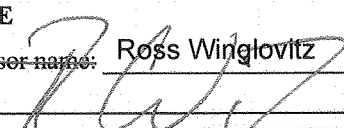
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Depew Energy Co.			
Project Location (describe, and attach a location map): 5182 & 5184 Route 9W; Newburgh, NY 12550			
Brief Description of Proposed Action: 1) Addition to existing service building 2) Additional propane bulk storage tank 3) Second story addition to office for storage			
Name of Applicant or Sponsor: 5182 Route 9W, LLC		Telephone: 845-568-0072	
		E-Mail:	
Address: 5182 Route 9W			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.04 acres	
b. Total acreage to be physically disturbed?		< 0.50 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.04 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	<b>NO</b>	<b>YES</b>	<b>N/A</b>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>YES</b>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>YES</b>
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
Existing on-site stormwater infrastructure _____ _____			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Engineer Applicant/sponsor name: <u>Ross Winglovitz</u>	Date: <u>6-12-14</u>	
Signature: 		

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

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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

***Dickover, Donnelly & Donovan, LLP***  
**Attorneys and Counselors at Law**

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

James B. Biagi, of Counsel

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

**28 Bruen Place**  
**P.O. Box 610**  
**Goshen, NY 10924**  
**Phone (845) 294-9447**  
*mail@ddtblaw.com*  
**Fax (845) 294-6553**  
*(Not for Service of Process)*

June 11, 2014

Town of Newburgh Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, NY 12550

RE: Depew Energy Company  
Section 43, Block 5, Lots 41.2 & 42  
5182 Route 9W / Zone B

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Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on June 5, 2014 seeking site plan approval which would allow the applicant to add a second storage addition to its existing building. In order to accomplish this, two variances will be required.

- a front yard setback variance resulting from the loss of protection of noncomplying building status for lot 42 due to the proposed enlargement of that building.
- a variance for the existing sign located on the premises which does not meet the 15-foot setback requirement.

While the planning board has issued a lead agency notice of intent, you may wish to process this matter on an uncoordinated review basis.

Very truly yours,



MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board  
Engineering Properties

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

LOUIS W. COLANDREA and  
BERNICE J. COLANDREA

TO

5182 ROUTE 9W, LLC

SECTION 43 BLOCK 5 LOT 42

RECORD AND RETURN TO:  
(name and address)

Stewart P. Glenn, Esq.  
372 South Plank Road, Suite 2  
Newburgh, New York 12550

RD-

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  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

PROPERTY LOCATION

___ 2089 BLOOMING GROVE (TN)	___ 4289 MONTGOMERY (TN)	NO. PAGES <u>4</u> CROSS REF. ___
___ 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)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
___ 2489 CORNWALL (TN)	___ 4489 MOUNT HOPE (TN)	CASH <input type="checkbox"/>
___ 2401 CORNWALL (VLG)	___ 4401 OTISVILLE (VLG)	CHARGE <input type="checkbox"/>
___ 2600 CRAWFORD (TN)	<input checked="" type="checkbox"/> 4600 NEWBURGH (TN)	NO FEE <input type="checkbox"/>
___ 2800 DEERPARK (TN)	___ 4800 NEW WINDSOR (TN)	CONSIDERATION \$ <u>340,000</u>
___ 3089 GOSHEN (TN)	___ 5089 TUXEDO (TN)	TAX EXEMPT <input type="checkbox"/>
___ 3001 GOSHEN (VLG)	___ 5001 TUXEDO PARK (VLG)	MORTGAGE AMT. \$ ___
___ 3003 FLORIDA (VLG)	___ 5200 WALKKILL (TN)	DATE ___
___ 3005 CHESTER (VLG)	___ 5489 WARWICK (TN)	MORTGAGE TAX TYPE:
___ 3200 GREENVILLE (TN)	___ 5401 FLORIDA (VLG)	___ (A) COMMERCIAL/FULL 1%
___ 3489 HAMPTONBURGH (TN)	___ 5403 GREENWOOD LAKE (VLG)	___ (B) 1 OR 2 FAMILY
___ 3401 MAYBROOK (VLG)	___ 5405 WARWICK (VLG)	___ (C) UNDER \$ 10,000
___ 3689 HIGHLANDS (TN)	___ 5600 WAWAYANDA (TN)	___ (E) EXEMPT
___ 3601 HIGHLAND FALLS (VLG)	___ 5889 WOODBURY (TN)	___ (F) 3 TO 6 UNITS
___ 3889 MINISINK (TN)	___ 5801 HARRIMAN (VLG)	___ (I) NAT.PERSON/CR. UNION
___ 3801 UNIONVILLE (VLG)		___ (J) NAT.PER-CR.UN/1 OR 2
___ 4089 MONROE (TN)		___ (K) CONDO
___ 4001 MONROE (VLG)		
___ 4003 HARRIMAN (VLG)		
___ 4005 KIRYAS JOEL (VLG)		

CITIES

\_\_\_ 0900 MIDDLETOWN  
\_\_\_ 1100 NEWBURGH  
\_\_\_ 1300 PORT JERVIS  
\_\_\_ 9999 HOLD

*Donna L. Benson*

DONNA L. BENSON  
Orange County Clerk

RECEIVED FROM: Hardenburgh

RECORDED/FILED  
01/10/2007 11:31:12  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY

FILE # 20070003674  
DEED C / BK 12340 PG 0682  
RECORDING FEES 207.00  
TTX# 004811 T TAX 1,360.00  
Receipt#678429 dab

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON 01-10-07 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*01-14-07 Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY



**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

THIS INDENTURE, made this 27<sup>th</sup> day of December, Two Thousand Six

**BETWEEN LOUIS W. COLANDREA and BERNICE J. COLANDREA, both residing at 4 River's Edge, Newburgh, Orange County, New York 12550**

party of the first part, and

**5182 ROUTE 9W, LLC, a New York Limited Liability Company, with offices located at 5182 Route 9W, Newburgh, Orange County, New York 12550**

party of the second part,

**WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other 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,**

**SEE ATTACHED SCHEDULE A**

**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.

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

**IN PRESENCE OF:**

  
\_\_\_\_\_  
**LOUIS W. COLANDREA**

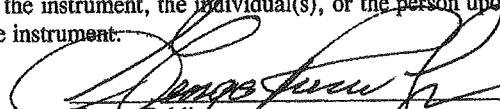
  
\_\_\_\_\_  
**BERNICE J. COLANDREA**

STATE OF NEW YORK )

ss:

COUNTY OF ULSTER )

On the 27<sup>th</sup> day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Louis W. Colandrea and Bernice J. Colandrea, 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument:

  
\_\_\_\_\_  
Notary Public

**R & R to:** *Stewart P. Glenn, Esq.*  
*372 South Plank Road, Suite 2*  
*Newburgh, New York 12550*

**GEORGE RUSK, JR.**  
Notary Public, State of New York  
Qualified in Ulster County  
Commission Expires June 30, 20 07

**SCHEDULE A**  
**Tax Lot 42**

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 bounded and described as follows:

**BEGINNING** at a concrete monument set in the easterly right-of-way line of New York State Highway Route 9W (formerly Valley Road) at the northwest corner of lands now or formerly of James McConnell and running thence along the northerly line of lands of said McConnell south 60 degrees 43 3/4' east for 200.41 feet to a point. Thence north 16 degrees 42' East for a distance of 117 feet, more or less, to a point in the southerly line of lands formerly of Allen, now of Remer. Thence North 60 degrees 33 1/2' West 204.77 feet, more or less, to a point in the easterly right-of-way line of the New York state Highway Route 9W. Thence along said right-of-way line south 12 degrees 2' West for 52.15 feet and South 16 degrees 58' West for 66.85 feet to the point or place of beginning.

**ALSO** all that certain piece, parcel or lot of land situate, lying and being in the Town of Newburgh, County of Orange and state of New York, bounded and described as follows:

**BEGINNING** at a point in the line of lands formerly of McConnell at the southeasterly corner of lands conveyed by John H. Dixon and wife to John J. Dixon and wife as recorded in Book 1618, page 1065; thence along the northerly line of lands of McConnell South 60 degrees 43 3/4' East 100 feet to an iron pipe set; thence thru the lands of John H. Dixon North 16 degrees 42' East, 117 feet to an iron pipe set in the southerly line of lands now or formerly of Allen, later of Remer; thence North 60 degrees 33 1/2' West along lands of the said Allen, 100 feet to the northeasterly corner of lands of the aforesaid John J. Dixon and wife; thence along the same South 16 degrees 42' West, 117 feet more or less to the place of beginning.

Further Bounded & Described  
As follows

Title No. 730-O-1696

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 and being more particularly bounded and described as follows;

Beginning at a point on the easterly side of U.S. Route 9W, said point being the southwesterly most corner of the lands reputedly of Camacho; thence from said point or place of beginning and along the lands reputedly of said Camacho, South 61 degrees 01 minutes 05 seconds East a distance of 304.64 feet; thence along the lands reputedly of Reyes, South 16 degrees 14 minutes 25 seconds West a distance of 117.02 feet; thence along the lands reputedly of 5182 Route 9W, LLC, North 61 degrees 11 minutes 20 seconds West a distance of 300.41 feet; thence the following two (2) courses and distances along the easterly side of said U.S. Route 9W, 1) North 16 degrees 30 minutes 25 seconds East a distance of 66.85 feet; 2) North 11 degrees 34 minutes 25 seconds East a distance of 52.15 feet to the point or place of beginning, as surveyed by Howard W. Weeden, P.L.S. Walden, New York, on 11 December 2006 and containing 0.793 acres of land, more or less.

**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

DEPEW CORP.  
  
TO  
  
5182 ROUTE 9W, LLC

SECTION 43 BLOCK 5 LOT 41.1

RECORD AND RETURN TO:  
(name and address)

Philip W. Schunk, P.C.  
P.O. Box 10009  
Newburgh, NY 12552-0009



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  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

2089 BLOOMING GROVE (TN)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
4800 NEW WINDSOR (TN)  
5089 TUXEDO (TN)  
5001 TUXEDO PARK (VLG)  
5200 WALKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
5801 HARRIMAN (VLG)

**CITIES**  
0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS  
  
9999 HOLD

NO PAGES 4 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ \_\_\_\_\_  
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

*Donna L. Benson*  
DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: *Philip Schunk*

RECORDED/FILED  
11/10/2003/ 07:00:00  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY

FILE # 20030143401  
DEED / BK 11265 PG 1374  
RECORDING FEES 92.00  
TTX# 003903 TRANS TAX 0.00  
Receipt#183602 linda

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON 11-10-03 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*06-11-14 Ann G Rabbitt*  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY





**DEED**

THIS INDENTURE, made the 28<sup>th</sup> day of August, 2003  
between

**DEPEW CORP.**, a corporation duly organized and existing under and by virtue of the laws of the State of New York, with offices at 5182 Route 9W, Newburgh, New York 12550, party of the first part, and

**5182 ROUTE 9W, LLC**, a limited liability company duly organized and existing under and by virtue of the laws of the State of New York, with offices at 5182 Route 9W, Newburgh, New York 12550, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten and no/100 Dollars (\$10.00), 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, its successors and assigns forever, the 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, as described in Schedule A attached hereto and made a 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 also 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, its successors and assigns forever.

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

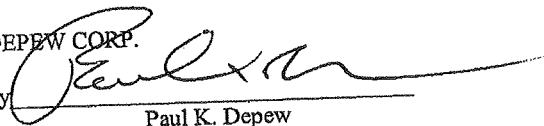
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that it will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and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

**THIS** conveyance was authorized by the unanimous vote of all of the Directors of the Corporation and of the holders of all of the issued and outstanding shares of stock of the corporation entitled to vote thereon at a special joint meeting held upon due notice.

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

DEPEW CORP.

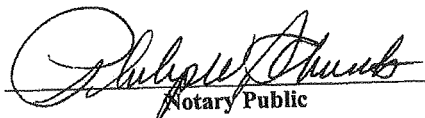
by



Paul K. Depew  
President

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

On this 28<sup>th</sup> day of AUGUST, in the year 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **PAUL K. DEPEW**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

PHILIP W. SCHUNK  
Notary Public, State of New York  
No. 02SC6040616  
Qualified in Ulster County 2006  
Commission Expires May 15, 2006

## SCHEDULE A

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York and designated as Parcel "A" on a map entitled "Lot Line Change Plan, Lands of Louis W. & Bernice J. Colandrea" dated January 11, 2002 and filed in the Orange County Clerk's Office on March 20, 2002 as Map #55-02 and being more bounded and described as follows:

**BEGINNING** at a point in the easterly line of U.S. Route 9W said point being on the division line between the lands now or formerly of Colandrea, Tax Parcel 43-5-42, on the northeast and Parcel "A" herein described on the southwest; thence along the last said division line, South 58 degrees 58 minutes 15 seconds East 306.25 feet to a point; thence, through the lands of Colandrea, south 17 degrees 49 minutes 07 seconds West 186.68 feet to a point on the division line between the lands now or formerly of Huang, Tax Parcel 43-5-38, on the southwest and Parcel "A" herein described on the northeast; thence, along the last said division line, North 59 degrees 29 minutes 03 seconds West 305.59 feet to a point in the easterly line of the aforementioned U.S. Route 9W; thence, along the last said line, North 17 degrees 48 minutes 45 seconds East 189.05 feet to the point or place of beginning, containing 56,075 square feet of land more or less.

**SUBJECT** to covenants, easements and restrictions of record.

**BEING** and intended to be a portion of the premises conveyed in a certain deed dated May 10, 1963 by Samuel Konkol and Daniel Konkol to Louis W. Colandrea and Bernice J. Colandrea and recorded in the office of the Orange County Clerk on May 13, 1963 in Liber 1638 of deeds at page 597.

**ALSO BEING** and intended to be a portion of the premises conveyed in a certain deed dated January 10, 2000 by Bernice J. Colandrea and Louis W. Colandrea, husband and wife to Bernice J. Colandrea and Louis W. Colandrea, as tenants in common, recorded in the Orange County Clerk's Office on January 27, 2000 in Liber 5230 of deeds at page 107; and

**ALSO BEING** and intended to be a portion of the premises conveyed in a certain deed dated January 10, 2000 by Bernice J. Colandrea and Louis W. Colandrea, husband and wife to Bernice J. Colandrea and Louis W. Colandrea, as tenants in common, recorded in the Orange County Clerk's Office on February 1, 2000 in Liber 5234 of deeds at page 193.

**ALSO BEING** and intended to be the premise conveyed by Louis W. Colandrea and Bernice J. Colandrea to Depew Corp. by deed dated May 20, 2002 and recorded in the Orange County Clerk's Office on May 28, 2002 in Liber 5889 of Deeds at page 80.

