



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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: 2/23/2015
- 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: Appellant seeks to install 10' high electric security fence behind existing chain link fence,

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:

SEE ATTACHED

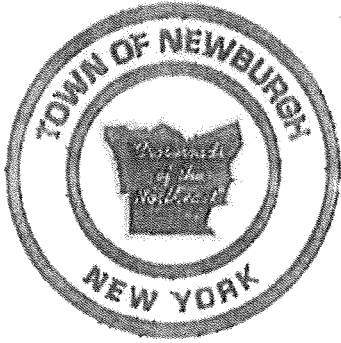
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

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

SEE ATTACHED

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

SEE ATTACHED



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

SEE ATTACHED

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:

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):



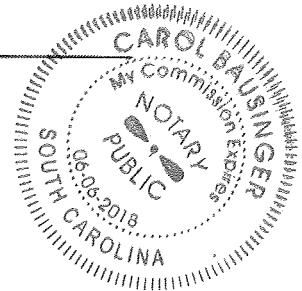
PETITIONER (S) SIGNATURE

~~SOUTH CAROLINA~~ ~~LEXINGTON~~
STATE OF NEW YORK: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 28th DAY OF March 20 16



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 10 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

Crossroads of the Northeast

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

PROXY

Peter A Latta, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 650 Westtown Rd, West Chester PA 19381

IN THE COUNTY OF Chester AND STATE OF PA

AND THAT HE/SHE IS THE OWNER IN FEE OF 1000 Corporate Blvd
Newburgh, NY (95-12-69.1)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED EGD, LLC c/o Cindy Williams and/or Michael Pate and/or Donald McLellan

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/30/2016

P. A. Latta, CEO

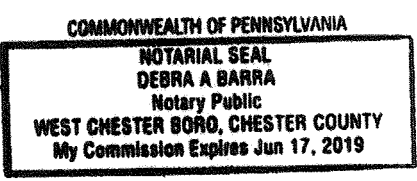
OWNER'S SIGNATURE

[Handwritten Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30 DAY OF March 2016.



Debra A. Barra
NOTARY PUBLIC



650 Westtown Road, P.O. Box 564
West Chester, PA 19381-0564
800.523.5020 www.aduiepyle.com

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

RE: 1000 Corporate Blvd, New Motor Express Application

Gentlemen:

Please be advised that in my capacity as Chairman and CEO of A. Duie Pyle, Inc., I have signatory authority relative to the building modification approvals New Penn Motor Freight is seeking on the property they lease from us at 1000 Corporate Blvd, Newburgh, NY.

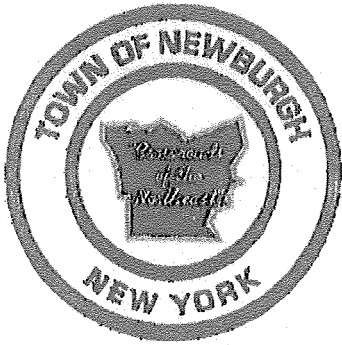
Sincerely,

A handwritten signature in black ink, appearing to be 'P. Latta', written over a faint, illegible typed name.

Peter A Latta
Chairman & CEO

PAL:kk

Cc: Don McLellan (via email)
Electric Guard Dog, LLC



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Peter A Latta, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT West Chester

IN THE COUNTY OF Chester AND STATE OF PA

AND THAT HE/SHE IS THE OWNER IN FEE OF 1000 Corporate Blvd
Newburgh, NY (95-1-69.1)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED EGD, LLC c/o Cindy Williams and/or Michael Pate and/or Donald McLellan

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

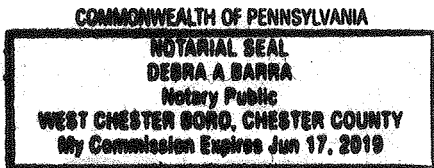
DATED: 3/20/2016

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF March 2016

NOTARY PUBLIC



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Donald McLellan, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 121 Executive Center Drive, Suite 230, Columbia, SC 29210

IN THE COUNTY OF Lexington AND STATE OF South Carolina

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED EGD, LLC - Bryon Candiano
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/22/2016



OWNER'S SIGNATURE

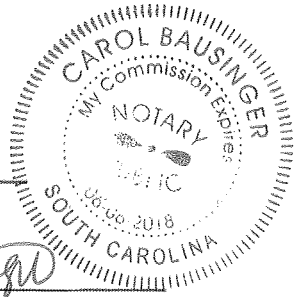
WITNESS' SIGNATURE

South Carolina
STATE OF ~~NEW YORK~~: COUNTY OF LEXINGTON ~~ORANGE~~:

SWORN TO THIS 22nd DAY OF March 20 16



NOTARY PUBLIC



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:

New Penn Motor is a well-known and highly reputable national freight carrier with highly desirable goods. If sought variance is not approved then New Penn Motor will have to leave the property as they will not have the protection they require, the same protection they use at many of their locations.

- High value of freight makes business a prime target for professional thieves.
- Given the nature of the freight business it is not possible to store all goods inside of the terminal building. There are many times when freight must sit outside in the trailers.
- The fenced area is 1804 linear feet in perimeter, it is not possible for security guards to effectively and constantly monitor the entire lot.
- Most of the perimeter is not accessible via road frontage and is surrounded by heavy vegetation and/or wooded areas. It is very easy to obtain access without being seen by patrolling Policemen or a neighborhood watch.

The remote location of the property and the high value targets secured in the yard are an open invitation to the criminal class. The only system that actually PREVENTS crime and break-ins is the Electric Guard Dog security system

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

Given the nature of the types of goods (baby formula, prescription drugs, medical supplies, firearms, ammunition, explosive materials, etc.) that New Penn Motor carries they participate in Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT). A main principle required for participation is taking proactive measures to thwart terrorism. The requested security system (i.e. electric fence) meets this requirement. This situation/condition does not apply to a substantial portion of the district or neighborhood.

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

The variance would not alter the essential character of the neighborhood because the proposed security system will be installed completely inside the existing perimeter fence and therefore not exposed to the public. To come in contact with the EGD, one would have to be trespassing and illegally entering the property. Furthermore, the wires used are of such a small gauge, they are comparable to fishing line making them virtually invisible to vehicular traffic. Since the property sits away from the main road the public will not even be aware of its existence therefore the essential character of the neighborhood will not be altered.

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

This variance is not being sought to relieve illegal acts or self-imposed hardships. The business is a reputable business, located in the appropriate zoning and complies with all other local ordinances.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
1000 Corporate Blvd., Newburgh (95-1-69.1) New Penn - [EGD, LLC]			
Name of Action or Project: Installation of electric fence behind existing chain link fence			
Project Location (describe, and attach a location map): 1000 Corporate Blvd., Newburgh (95-1-69.1)			
Brief Description of Proposed Action: Installation of electric fence behind existing chain link fence			
Name of Applicant or Sponsor: EGD, LLC		Telephone: 803-404-6186	
		E-Mail: dmclellan@electricguarddog.com	
Address: 121 Executive Center Drive, Suite 230			
City/PO: Columbia		State: SC	Zip Code: 29210
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 checked="" 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: Township of Newburgh		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>5.6</u>	acres
b. Total acreage to be physically disturbed?		<u>< 1</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>5.6</u>	acres
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input 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			

<p>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: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: EGD, LLC</p>		<p>Date: _____</p>
<p>Signature: _____</p>		

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

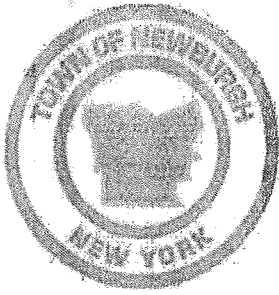
Project:	
Date:	

**Short Environmental Assessment Form
Part 3 Determination of Significance**

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

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

_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

*Two Use
VARIANCES*

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

2483-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/23/2015

Application No. 15-0072

To: A. Duie Pyle, Inc
PO BOX 564
West Chester, PA 19381

SBL: 95-1-69.1
ADDRESS: 1000 Corporate Blvd

ZONE: I-B

PLEASE TAKE NOTICE that your application dated 02/04/2015 for permit to install a solar powered electric fence around the property line on the premises located at 1000 Corporate Blvd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-7-F A use not specifically permitted shall be deemed to be prohibited. (electric fence)
- 2) 185-7-F A use not specifically permitted shall be deemed to be prohibited. (pole mounted solar panels)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: A. Duie Pyle Inc

ADDRESS: PO Box 564 West Chester PA 19381

PROJECT INFORMATION:

TYPE OF STRUCTURE: Electric fence @ 1000 Corporate Blvd

SBL: 95-1-69.1 ZONE: I-B

TOWN WATER: YES

TOWN SEWER: YES

2483-15

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Running an electric fence around the property line. This fence is powered by pole mounted solar panels.

VARIANCE(S) REQUIRED:

- 1 185-7-F A use not specifically permitted shall be deemed to be prohibited. (Electric Fence)
- 2 185-7-F A use not specifically permitted shall be deemed to be prohibited. (Pole mounted solar panels)
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 23-Feb-15

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

New Penn Motel Express, Inc. TO A. Duie Ayle, Inc.

SECTION 95 BLOCK 1 LOT 69.1



RECORD AND RETURN TO: (name and address)

A. Duie Ayle, Inc. Attn: Mr. Peter A. Latta 650 Weston Road PO Box 564 West Chester, PA 19381

THIS IS PAGE ONE OF THE RECORDING 370900157

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)
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) X 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) 0900 MIDDLETOWN
4003 HARRIMAN (VLG) 1100 NEWBURGH
4005 KIRYAS JOEL (VLG) 1300 PORT JERVIS
9999 HOLD

NO PAGES 5 CROSS REF. CERT. COPY ADD'L X-REF. MAP# PGS.

PAYMENT TYPE: CHECK X CASH CHARGE NO FEE

Taxable CONSIDERATION \$ 21000.00 TAX EXEMPT

Taxable MORTGAGE AMT. \$

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 8 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: Chicago Title

RECORDED/FILED 06/10/2009/ 15:02:34 DONNA L. BENSON County Clerk ORANGE COUNTY, NY FILE#20090055545 DEED C / BK 12841PG 0857 RECORDING FEES 79.00 TTX# 006266 T TAX 10,640.00 Receipt#1035548 pete

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 06/10/09 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY MARCH 23, 2016



Form 8002 Bargain and Sale Deed, with Covenant against Grantor's Acts -- Individual or Corporation (Single Sheet)

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

(Above space reserved for recorder and recording information)

This instrument prepared by and

Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, Illinois 60654
Attention: John G. Caruso, Esq.

After recording return to:

A. Duie Pyle, Inc.
Attn: Mr. Peter A. Latta
650 Weston Road
PO Box 564
West Chester, PA 19381

370900157
710 Newburgh Section 99 Block 1 Lot 69.1
BARGAIN AND SALE DEED, WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 20 day of May, in the year 2009.

BETWEEN

NEW PENN MOTOR EXPRESS, INC., a Pennsylvania corporation, whose address is c/o YRC Inc., Attn: Real Estate & Properties Department, ~~PO Box 471~~, 1077 Gorge Boulevard, Akron, OH 44309-0471,

party of the first part, and

A. DUIE PYLE, INC., a Pennsylvania corporation, whose address is 650 Weston Road, ~~PO Box 564~~, West Chester, PA 19381,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten dollars (\$10.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, paid

Deed (Newburgh, NY)

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 and County of Orange, State of New York, being more particularly described in Exhibit "A" attached hereto and made a part hereof.

[See Attached Exhibit "A"]

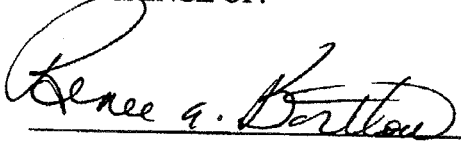
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **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:



**New Penn Motor Express, Inc., a
Pennsylvania corporation**

By: 

Name: Brad S. Schroeder

Its: Authorized Officer

Deed (Newburgh, NY)

STATE OF Ohio

On the 20 day of May in the year 2009, before me, the undersigned, personally appeared Brad S. Schroeder, 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 on behalf of which the individual(s) acted, executed the instrument and that said individual made such appearance before the undersigned in the City of Alton, State of Ohio.

Renee A. Bartlow

(signature and office of individual taking acknowledgment)



RENEE A. BARTLOW, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires Aug. 1, 2011

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. _____

NEW PENN MOTOR EXPRESS, INC.

TO

A. DUIE PYLE, INC.

SECTION: 95

BLOCK: 1

LOT: 69.1

COUNTY OR TOWN: TOWN OF NEWBURGH

RETURN BY MAIL TO:

Distributed By
Chicago Title Insurance Company

A. Duie Pyle, Inc.
Attn: Mr. Peter A. Latta
650 Weston Road
PO Box 564
West Chester, PA 19381

Deed (Newburgh, NY)

Exhibit "A"

LEGAL DESCRIPTION OF THE PROPERTY

ALL THAT CERTAIN lot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the Northerly line of Tax Map Parcel #95-1-58 of the Town of Newburgh, said point of BEGINNING also being located the following courses and distances from a monument found at the intersection of the Northerly right-of-way line of New York State Route 17K with the most Westerly corner of Tax Map Parcel #95-1-64 of the Town of Newburgh:

- (A) North 16 degrees 09 minutes 16 seconds East, 183.00 feet to a point; thence
- (B) South 73 degrees 50 minutes 44 seconds East, 200.00 feet to a point; thence
- (C) North 16 degrees 09 minutes 16 seconds East, 785.64 feet to a point; thence
- (D) North 87 degrees 50 minutes 25 seconds East, 304.55 feet to a point; thence
- (E) South 87 degrees 42 minutes 15 seconds East, 28.00 feet to the point of BEGINNING and running from said BEGINNING point
- (1) North 15 degrees 17 minutes 29 seconds West, 552.21 feet to a point in the Southerly right-of-way line of Corporate Boulevard; thence
- (2) along said southerly right-of-way line, along a curve to the right having a radius of 1,159.28 feet, an arc distance of 31.44 feet to a point of compound curvature as described by the chord North 75 degrees 29 minutes 11 seconds East 31.44 feet; thence
- (3) along a curve to the right having a radius of 25.00 feet, an arc distance of 29.76 feet to the BEGINNING of a turnaround having a radius of 150.00 feet at the Easterly end of Corporate Boulevard, as described by the chord South 69 degrees 38 minutes 17 seconds East, 28.03 feet; thence
- (4) along said turnaround, along a curve to the left having a radius of 150.00 feet, an arc distance of 226.62 feet, as described by the chord South 78 degrees 49 minutes 02 seconds East, 205.67 feet; thence
- (5) South 34 degrees 27 minutes 03 seconds East, 53.18 feet to a point; thence
- (6) South 74 degrees 05 minutes 44 seconds East, 349.64 feet to a point; thence
- (7) South 06 degrees 47 minutes 01 seconds East, 377.71 feet to a point; thence
- (8) North 86 degrees 09 minutes 33 seconds West, 123.72 feet to a point; thence
- (9) North 55 degrees 22 minutes 26 seconds West, 56.53 feet to a point; thence
- (10) South 86 degrees 21 minutes 45 seconds West, 297.50 feet to a point; thence
- (11) North 87 degrees 42 minutes 15 seconds West, 57.00 feet to the point or place of BEGINNING.

Containing 5.52 Acres, more or less.

TOGETHER with the right to use Corporate Boulevard (as defined herein) as provided in, and subject to, that certain Declaration dated June 30, 1989 and recorded in the Orange County Clerk's Office in Liber 3159, Page 129, as the same may be modified from time to time.

Deed (Newburgh, NY)

A. Duie Pyle, Inc. 1000 CORPORATE BLVD (95-1-69.1) I/B ZONE

