



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:	Autumn Sky Development Inc
Project Name:	
Location of Project Site	254 Route 17K Ste 107

Tax Map #:	86-1-86
Tax Map #:	
Tax Map #:	
Local File No.:	
Size of Parcel*:	2.01 Acres
*If more than one parcel, please include sum of all parcels.	
Current Zoning District (include any overlays):	F/B

Reason for County Review: ON N.Y.S. Route 17K

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)

Other Time extension of use of non-conforming Adult Oriented Business

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

Local board comments or elaboration:

Signature of local official: [Signature] Date: 8/2/17 Title: Chairperson Zoning Board of Appeals

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:

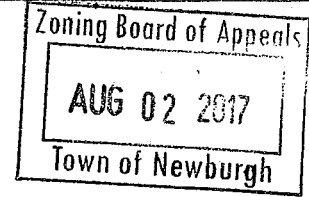
Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



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: July 19, 2017

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

I (WE) Autumn Sky Development, Inc. PRESENTLY

RESIDING AT NUMBER Attn: Steve Michalski, PO Box 298,

TELEPHONE NUMBER New Paltz, NY 12561

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

pursuant to Zoning Code Sections

- X A ~~USE~~ VARIANCE 185-75D and 185-75(c)
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

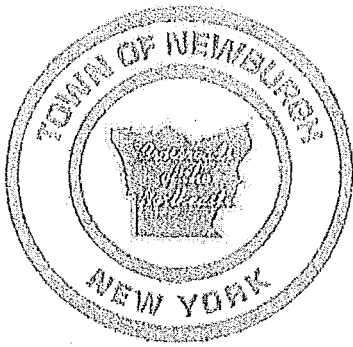
86-1-86 (TAX MAP DESIGNATION)

254 Route 17K, Ste 107 (STREET ADDRESS)

1B (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).

185-75(C); 185-75(D)



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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: February 5, 2016
- 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: Relief pursuant to Section 185-75(C) and (D), see addendum

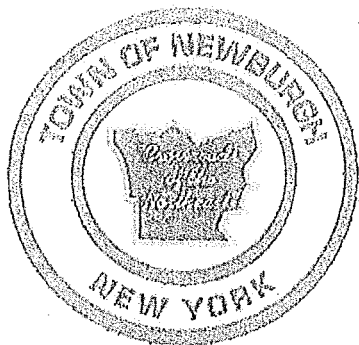
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: (see addendum)

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

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

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

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



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NEWBURGH, NEW YORK 12550

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

6. IF AN AREA VARIANCE IS REQUESTED: (see addendum)

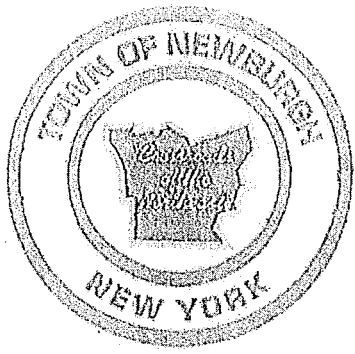
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

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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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

See Addendum

Autumn Sky Development Co., Inc.

Steven Michalski
PETITIONER (S) SIGNATURE

By: Steven Michalski, President

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19th DAY OF July 2017

Nancy M. Quick
NOTARY PUBLIC

NANCY M. QUICK
Notary Public, State of New York
No. 4959105
Qualified in Orange County
Commission Expires November 20, 2017

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

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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Steven Michalski, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 58 S. Manheim Blvd., Apt. 68

IN THE COUNTY OF Ulster AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF Autumn Sky
Development Co., Inc., the owner

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Jacobowitz & Gubits, LLP
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/19/2017

Steven Michalski

OWNER'S SIGNATURE

[Handwritten Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19th DAY OF July 2017

[Handwritten Signature]
NOTARY PUBLIC

NANCY M. QUICK
Notary Public, State of New York
No. 4959105
Qualified in Orange County
Commission Expires November 20, 2017

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

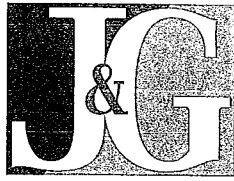
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Autumn Sky Development, Inc.			
Name of Action or Project: Variance Request			
Project Location (describe, and attach a location map): 254 Route 17K, Suite 107, Newburgh, New York 12550			
Brief Description of Proposed Action: Request for variance pursuant to Town of Newburgh Zoning Code Section 185-75C and D to obtain additional time to operate an existing massage establishment, no new construction proposed.			
Name of Applicant or Sponsor: Autumn Sky Development, Inc.		Telephone: (514) 805-7696	
		E-Mail: stevemnp99@icloud.com	
Address: P.O. Box 298			
City/PO: New Paltz		State: New York	Zip Code: 12561
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:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 2.12 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 2.12 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 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, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <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?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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: _____ <u>property developed; no new development proposed</u> _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

<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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</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: <u>Autumn Sky Development, Inc.</u> Date: <u>7/19/17</u></p> <p>Signature: <u><i>Stewart M. Schubert</i></u></p>		



JACOBOWITZ
AND GUBITS^{LLP}
COUNSELORS AT LAW

Gerald N. Jacobowitz
David B. Gubits
Howard Protter
J. Benjamin Gailey
Mark A. Krohn*
John C. Cappello
George W. Lithco
Michele L. Babcock
Gary M. Schuster
Marcia A. Jacobowitz
William E. Duquette
Kara J. Cavallo
Andrea L. Dumais
Alanna C. Iacono
Jennifer S. Echevarria
Kelly A. Pressler
Robert M. Lefland
Christopher J. Cardinale
Allison G. Cappella
Donald G. Nichol**
Larry Wolinsky**
Peter R. Eriksen**
John H. Thomas, Jr.**
Carmee G. Murphy**

*LLM IN TAXATION
**OF COUNSEL

REPLY TO:
158 Orange Avenue
P.O. Box 367
Walden, NY 12586
tel. (845) 778-2121
fax (845) 778-5173

548 Broadway
Monticello, NY 12701
tel. (845) 791-1765
fax (845) 794-9781

JACOBOWITZ.COM

July 28, 2017

Hon. James E. Manley, Jr., Chair
and Zoning Board of Appeals Members
Town of Newburgh Zoning Board of Appeals
1496 Route 300
Newburgh, NY 12550

RE: Variance Request for Relief Pursuant to 185-75D(3)
Autumn Sky Development, Inc.
Town of Newburgh Tax Map 86-1-86
Our File No. 4491-004

Dear Chairman Manley and Members of the Board:

Attached please find the following documents constituting the application of Autumn Sky Development, Inc. for a use variance:

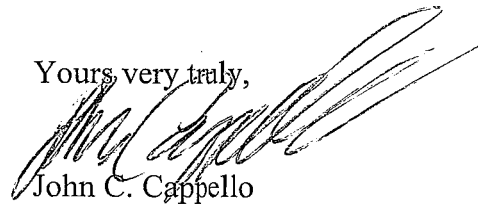
1. Original completed Zoning Board of Appeals application on official Town forms with addendum;
2. Check in the amount of \$750.00 payable to the Town of Newburgh representing the required fee, and a check in the amount of \$50.00 representing the publication fee;
3. Eleven copies of a survey by Daniel P. Yanosh, dated June 3, 2013;
4. Certified copy of the Deed to the property in question;
5. February 5, 2016 Determination of Town of Newburgh Building Inspector James Campbell;
6. Four photographs from different angles of the subject property;
7. Proxy statement signed by the applicant authorizing Jacobowitz and Gubits, LLP to represent the applicant;
8. Completed Environmental Assessment Form, part 1; and

9. List of property owners within 500 feet of the exterior boundaries of the lands involved, prepared by the Town of Newburgh Assessor's office, to be provided under separate cover.

I respectfully request this matter be placed on the Board's next available meeting agenda. Please contact me at your convenience when the notice is ready so we can provide you with the completed envelopes and post the property as required.

Thank you in advance for your attention to this matter.

Yours very truly,



John C. Cappello

JCC:nmq
Enclosures

ADDENDUM

Request for Relief pursuant to Section 185-75(C) and (D).

Discussion: If the Zoning Board of Appeals denies the interpretations and determines that the facility is a non-conforming massage establishment, the Applicant hereby requests that the amortization time to terminate such building be extended from the two year time limit to five years, thereby terminating on February 5th, 2021 for the following reasons:

- A. Autumn Sky Development Co., Inc., the owner of the premises, has made, prior to the non-conformity, substantial financial expenditures related to this such business.

Discussion: Autumn Sky Development Co., Inc. has made substantial improvements to the facility as will be demonstrated through financial evidence to be submitted at any hearing to make the premises suitable for a massage therapy establishment. This includes the erection of partitions, the retrofitting of offices specifically to be designed for such establishment. In addition, the owner has committed, by lease entered into January 15th, 2015, prior to notice of the alleged non-conformity, to a five-year lease with the tenant committing to keep such facilities open during such time and providing the tenant with quiet enjoyment of the premises. If the Town were to determine that the owner could not abide by the terms of the lease, the owner could be subject to damages and penalties under the lease, in addition to the monies lost for the improvements made on the building pursuant to the long term commitment made by the tenant.

- B. The owner has not recovered substantially all of such financial expenditures.

Discussion: The expenditures made by the owner were made based upon its financial projections pursuant to the lease signed by the owner. If the owner is not allowed to provide the facilities to the tenant for the duration, the owner will not only not recover all of its financial expenditures, it may well be subject to damages and penalties.

- C. The period for which business may be permitted to continue is the minimum period sufficient for the owner of such business to recover substantially all such financial expenditures.

Discussion: The owner is seeking to complete the terms of the lease and have the option for providing an additional year of operation for the facility in order to recoup the amount necessary to retrofit the building for a use that complies with the zoning. The maximum total of five years is the period contemplated under zoning to allow such expenditure and the owner is willing to abide, if necessary, by such terms.

- D. Without such continuation, the owner will not have a reasonable opportunity to recover substantially all of such financial expenditures.

Discussion: Not only will the owner not be able to have a reasonable opportunity to recover its financial expenditures, it will be subject to potential fines for damages for breaking the lease. The Applicant has made strides since the initial letter from the Code Enforcement Officer to ensure that the establishment is operated by a licensed massage establishment. All other alleged violations of the code have been addressed. By providing the additional three years for the owner to allow the operation of the premises and rent them for the facilities will allow them to recoup its investment and make plans to convert the area for potential use by another tenant.

The applicant respectfully requests that the Board grant this request.

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

Danza Group XIV, LLC
TO
Autumn Sky Development
Co., Inc.

SECTION 86 BLOCK 1 LOT 86

RECORD AND RETURN TO:
(name and address)

Jamel Yastion, Esq.
153 Main Street
New Paltz, NY 12561



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 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 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 \$ 195,000
 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 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: *Jamel Yastion*

RECORDED/FILED
06/18/2013/ 12:21:08
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130061951
DEED C / BK 13586PG 1429
RECORDING FEES 315.00
TTX# 006440 T TAX 7,800.00
Receipt#1620449 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 June 18, 2013 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbit
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY,
July 18, 2017



7307-2418

Bargain and Sale Deed
With Covenants Against Grantors Acts

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

THIS INDENTURE, made the 12th day of June, two thousand thirteen

BETWEEN Danza Group XIV, LLC, a New Jersey Limited Liability Company,
with an office located at 104 Garden Court, Franklin Lakes, NJ 07417,
party of the first part,

and

Autumn Sky Development Co., Inc., a New York Corporation, with
a mailing address of P.O. Box 298, New Paltz, NY 12561, 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, described as follows:

See Schedule "A" attached.

Property: 254 NYS Route 17K, T/O Newburgh
SBL: 86-1-86

BEING the same premises conveyed by C&F Realty, Inc. to Danza Group XIV, LLC by
deed dated March 7, 2013 and recorded in the Orange County Clerk's Office on April 23,
2003 in Liber 11026 of Deeds at Page 1596.

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.

Schedule A Description

Abstract No. **NEW-3266**
Title Number **730-O-2418**

Page 1

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, Orange County, New York, being Lot #3, as shown on a plan entitled "Plan for Charles Catanzaro and Richard Fracasse, Minor Subdivision", said plan having been filed in the Orange County Clerk's Office as Map No. 7063 and said lot more particularly described as follows:

Beginning at a point in the northeasterly line of the New York State Highway known as Route 17K (Cochecton Turnpike), said point being at the intersection of said line with the southwesterly corner of Lot #2, as shown on a map entitled "Minor Subdivision, Lands of Coldenham Development Company, Inc." said map having been filed in the Orange County Clerk's Office on November 16, 1984, as Map No. 6801, and running thence the following courses:

1. Along said northeasterly line of Route 17K, North 40 degrees 18' 24" West 300.00 feet to a point;
2. Along Lot #1, as shown on the above-referenced Catanzaro and Fracasse Subdivision Map, North 39 degrees 59' 54" East, 400.00 feet to a point;
3. Still along said Lot #1, South 31 degrees 02' 39" East, 200.00 feet to the northwesterly corner of Lot #2, as shown on the above referenced Coldenham Development Co., Inc. subdivision map;
4. Along said Lot #2, South 24 degrees 32' 50" West, 400.00 feet to the point or place of beginning.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby and 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:

Danza Group XIV, LLC


By: Angelo J. Danza, Member

State of New York)
) ss.:
County of Orange)

On June 12th, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Angelo J. Danza, 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.


Notary Public, State of New York

Record & Return to:

James Yastion, Esq.
153 Main Street
New Paltz NY 12561

JAMES V. RINALDI
Notary Public, State of New York
No. 01R18580050
Qualified in Orange County
Commission Expires March 30, 2014

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Autumn Sky Dev
 254 Route 17K
 (86-1-86)

NY STATE Rte 17K

86-1-86

GOLDSMITH AVE. ASSOCIATES MAP 9480

GRAVES SUB MAP

ALLIANCE CLUB INC. MAP 6957

TENNIS CLUB INC. MAP 7059

CCFY REALTY INC MAP 10198

CATANZARO-BRACASSO MAP 3521

LAKESIDE

GOLDENHAM

300	200	100	146S	250.1	32.6	170.4	10.8	203S	73.5
(C)		18	7		5				