



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submission 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	Tax Map #:	2-1-42
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	2-1-46
Applicant:	Bob Holmes - WTP NY	Tax Map #:	
Project Name:		Local File No.:	Pl B&Ref1
Location of Project Site:	979 AND 983 Route 32	Size of Parcel*:	
Reason for County Review:	on NYS Route 32	Current Zoning District (include any overlays):	R/R

**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)      LOT WIDTH 979 Rte 32 (2-1-42)

Other

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

Local board comments or elaboration:

Signature of local official:      Date: 11/13/15      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](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: 11/10/15

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

I (WE) Bob Holmes / WTF NY PRESENTLY  
RESIDING AT NUMBER PO Box 483, Modena, NY 12548  
TELEPHONE NUMBER 845-527-2004

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:

2-1-42 and 46 (TAX MAP DESIGNATION)  
979 and 983 NYS RT 32 (STREET ADDRESS)  
RR (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).

Zoning 185 attachment 5 RR District  
lot width



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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: May 20 2014

4. DESCRIPTION OF VARIANCE SOUGHT: lot width

\_\_\_\_\_

N/A

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:

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

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

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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:

LOTS ARE HEAVILY WOODED. PROPOSED HOUSES  
WOULD NOT BE VISIBLE FROM THE ROAD.

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:

LOTS ARE EXISTING. REAR LOT HAD NO  
FRONTAGE. THE LOT LINE REVISION PROVIDES  
FRONTAGE TO THE REAR LOT WHICH MAKES THE  
FRONT LOT NARROWER

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

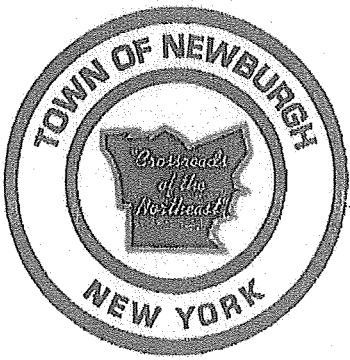
ITS FOR LOT WIDEN ONLY. LOT MEETS ZONING  
IS ALL OTHER WAYS.

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

REQUEST WOULD ALLOW AN EXISTING  
LOT TO BE BUILDABLE. LOTS ARE CORNER

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

LOTS ARE EXISTING AND DON'T MEET  
ZONING. APPLICATION IS REQUIRED TO  
CORRECT AN EXISTING CONDITION.



# TOWN OF NEWBURGH

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## 7. ADDITIONAL REASONS (IF PERTINENT):

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

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

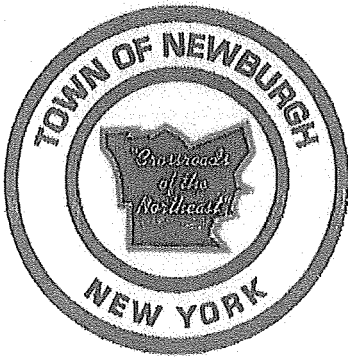
SWORN TO THIS 28<sup>th</sup> DAY OF October 20 15

  
NOTARY PUBLIC

JUSTINE LEASE  
Notary Public, State of New York  
Reg. No. 01LE4998923  
Qualified in Orange County  
Commission Expires July 13, 20 18

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)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

OLD TOWN HALL

308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK 12550

## PROXY

Bob Holmes / WTF NY, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT PO Box 483, Modena NY 12548

IN THE COUNTY OF Ulster AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 979 and 983 NYS

RT 32 2-1-42 and 46

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Talcott Engineering Design

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/28/15 

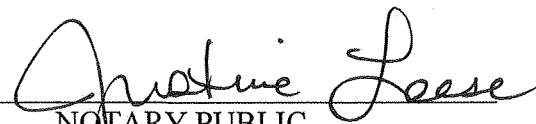
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28<sup>th</sup> DAY OF October 2015

  
NOTARY PUBLIC

JUSTINE LEASE  
Notary Public, State of New York  
Reg. No. 01LE4998923  
Qualified in Orange County  
Commission Expires July 13, 2018

**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: WTF NY				
Project Location (describe, and attach a location map): 979 & 983 NYS RT 32				
Brief Description of Proposed Action: The proposed project is a lot line change that will transfer 0.55 acres of land from lot 46 to lot 42, both of which are owned by WTF NY Inc (Bob Holmes), the applicant. The two subject parcels total approximately 4.8 acres and are in the RR Zone. Both lots have frontage on "Griffins Lane", a 24' wide ROW that goes to NYS Route				
Name of Applicant or Sponsor: Bob Holmes		Telephone: 845-527-2004		
		E-Mail: holmesrealestate@gmail.com		
Address:				
City/PO: PO Box 483 Modena		State: NY	Zip Code: 12548	
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.			<b>NO</b>	<b>YES</b>
			<input checked="" type="checkbox"/>	<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: Newburgh Planing and Zoning boards			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 4.9 acres		
b. Total acreage to be physically disturbed?		_____ 1.1 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 4.9 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 type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				





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>		
Applicant/sponsor name: <u>CHARLES T. BROWN P5</u> Date: <u>11/12/15</u>		
Signature: <u></u>		

**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

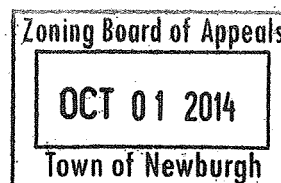
Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

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

September 30, 2014

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

RE: WTF NY, Inc.  
Section 2, Block 1, Lot 42 & 46  
979 & 983 NYS Route 32 / Zone RR



Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The planning board took up consideration of the above referenced subdivision application during its meeting held on May 15, 2014. The applicant proposes to transfer 0.6 acres of property between two adjoining lots. One of those lots (Lot 42) does not meet the required lot width; 147 feet is provided and 200 feet is required.

The planning board, therefore, wishes to refer this matter to you for consideration of a grant of a lot width variance. This referral is conditioned on the applicant revising its plans to show a driveway straddling the proposed lots connecting to State Route 32. The planning board has no particular concerns to bring to your attention during in regard to this application.

If review of this variance application does not constitute a Type II action under SEQRA the planning board recommends that you review the

environmental impacts of the grant of variance on an uncoordinated basis.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M H D', with a large, stylized flourish at the end.

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board  
Talcott Engineering

O:\rm\Land Use\Newburgh letters\WTF NY nc ZBA Referral letter.docx

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

Gigi Frerichs and Ralph DeJesus, as
Trustees of the Carmen DeJesus Trust
TO
WTF NY, Inc.



SECTION 2 BLOCK 1 LOT 42 & 46

RECORD AND RETURN TO:
(name and address)

Thomas J. Murphy, Esq.
Thomas J. Murphy & Assoc., PLLC
717 Broadway
Newburgh, NY 12550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED [checked] 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)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 6 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.
PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 320,000.00
TAX EXEMPT
Mortgage
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: JT Abstract

RECORDED/FILED
10/17/2013 10:00:00
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130104911
DEED C / BK 13663PG 1478
RECORDING FEES: \$25.00
TTX# 001632 FAX 128.00
Receipt#1673740 man

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 Oct. 17, 2013 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Nov. 10, 2013

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



Standard N.Y.B.T.U. Form 8007

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

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

**THIS INDENTURE**, made the ( ) day of September, Two Thousand Thirteen  
**BETWEEN**

GIGI FRERICHS and RALPH DEJESUS, as Trustees of the Carmen DeJesus Trust,  
residing at c/o 524 East 72<sup>nd</sup> Street, Suite 45C, New York, NY 10021

parties of the first part, and

WTF NY, Inc., a New York State Corporation with a mailing address of P.O. Box 483, Modena,  
NY 12548

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of THIRTY-TWO THOUSAND and no/100 (\$32,000.00) dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

**PARCEL I BEING** the same premises described in a certain deed dated January 4, 2006 from Carmen E. DeJesus as surviving spouse by the entirety to Gigi Frerichs as Trustee of the Carmen DeJesus Trust, and recorded in the Orange County Clerk's office on March 6, 2006 in Liber 12075 of Deeds at Page 1337.

**PARCEL II BEING** the same premises described in a certain deed dated December 30, 2005 from Carmen E. DeJesus, Gigi Frerichs & Ralph A. DeJesus, as the distributees of the Estate of Ralph A. DeJesus to Gigi Frerichs as Trustee of the Carmen DeJesus, and recorded in the Orange County Clerk's office on March 6, 2006 in Liber 12095 of Deeds at Page 1333.

**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 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 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:

THE CARMEN DEJESUS TRUST

*Gigi Frerichs*  
BY: Gigi Frerichs, Trustee

*Ralph DeJesus*  
BY: Ralph DeJesus, Trustee

STATE OF NEW YORK )  
                                  ss.:  
COUNTY OF *Orange*

On the *11* day of September, 2013, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Gigi Frerichs, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument


*Cristal A. Parker*  
Notary Public  
**CRYSTAL A. PARKER**  
Notary Public, State of New York

Qualified in Orange County  
Reg. #01PA503796E  
Commission Expires January 17, *2015*

STATE OF FLORIDA )  
                                  ss.:  
COUNTY OF *Volusia*

On the *6* day of September, 2013, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Ralph DeJesus, 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 said individual 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

*[Signature]*  
Notary Public  
Commission Expires: *6-2-15*

 **JODY MARIE DEFOREST**  
Notary Public, State of Florida  
Commission# EE 92103  
My comm. expires June 2, 2015

### Schedule A Description

Title Number JT-WC1422

Page 1

Premises (1): 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, described as follows:

BEGINNING in the center of the Valley Turnpike leading from the North Plank Road to Plattekill, said point of beginning being in range with a stone wall on the southerly side of a lane leading to lands now or formerly of Franklin S. Griffin, and runs thence along the southerly side of said lane, being along a stone wall, North 86 degrees and 39 minutes West for 133 feet to an angle in said wall; thence along a stone wall North 73 degrees 26 minutes West for 230 to an angle in said wall; thence still along the southerly side of said Griffins Lane, being along a stone wall, North 77 degrees and 33 minutes West for 175 feet and 5/10ths of a foot to the junction of two stone walls; thence along the line of lands of aforesaid Griffin, being along a stone wall, South 9 degrees and 19 minutes West for 213 and 4/10ths feet to a point in said wall; thence along the line of other lands of the aforesaid Ferguson, to and along a stone wall, South 88 degrees and 44 minutes East for 326 and 6/10ths feet to the junction of two stone walls; thence along a stone wall, North 77 degrees and 7 minutes East for 39 feet to an angle in said wall; thence still along other lands of said Ferguson, being along a stone wall, North 83 degrees and 46 minutes East for 212 feet to the center of the aforesaid Valley Turnpike; thence along the center of the same, North 12 degrees and 15 minutes West for 76 and 2/10ths feet to the place of beginning.

Premises (2): 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, described as follows:

BEGINNING at a point in the southerly side of the lane leading from the Newburgh and Plattekill Turnpike to the premises herein described, the said point of beginning being a distance of 496.98 feet west of the westerly line of said Newburgh and Plattekill Turnpike measured on a course of North 81-15 West along said southerly line of the aforesaid lane; and running thence along the center of a stone fence South 80-30 West a distance of 436.83 feet to a point on the southerly side of an intersecting stone fence; running thence along the southerly side of the said intersecting stone fence North 62 West a distance of 90.42 feet to a point of bend in said stone fence; continuing thence along the southerly side of said stone fence, North 57-33 West a distance of 353.58 feet to the center of another stone fence running thence along the center of said stone fence North 37-17 East a distance of 283.32 feet to a point of bend in the

Continued On Next Page



**Schedule A Description - continued**

Title Number **JT-WC1422**

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southerly side of the lane heretofore referred to, being the center of another stone fence; thence running along the southerly line of said lane and through the center of the last mentioned stone fence South 81-15 East a distance of 3045.17 feet to the point or place beginning.

**FOR INFORMATION ONLY: Premises (1) BEING the same premises conveyed to Gigi Frerichs as Trustee of the Carmen DeJesus Strust by Deed dated January 4, 2006 made by Carmen E. DeJesus, as surviving spouse by the entirety, recorded in the Orange County Clerk's Office March 6, 2006 in Liber 12075 page 1337**

**Premises (2) BEING the same premises conveyed to Gigi Frerichs as Trustee of the Carmewn DeJesus Trust by Deed dated December 30, 2005 made by Carmen E. DeJesus, Gigi Frerichs & Ralph A. DeJesus, as the distributees of the Esate of Ralph A. DeJesus, recorded in the Orange County Clerk's Office March 6, 2006 in Liber 12095 page 1333.**

**J T Abstract Co Inc**  
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Newburgh New York 12550  
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[JTAbstract@verizon.net](mailto:JTAbstract@verizon.net)

**Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS  
Title No.**

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Gigi Frerichs and Ralph DeJesus, as Trustees of the  
Carmen DeJesus Trust

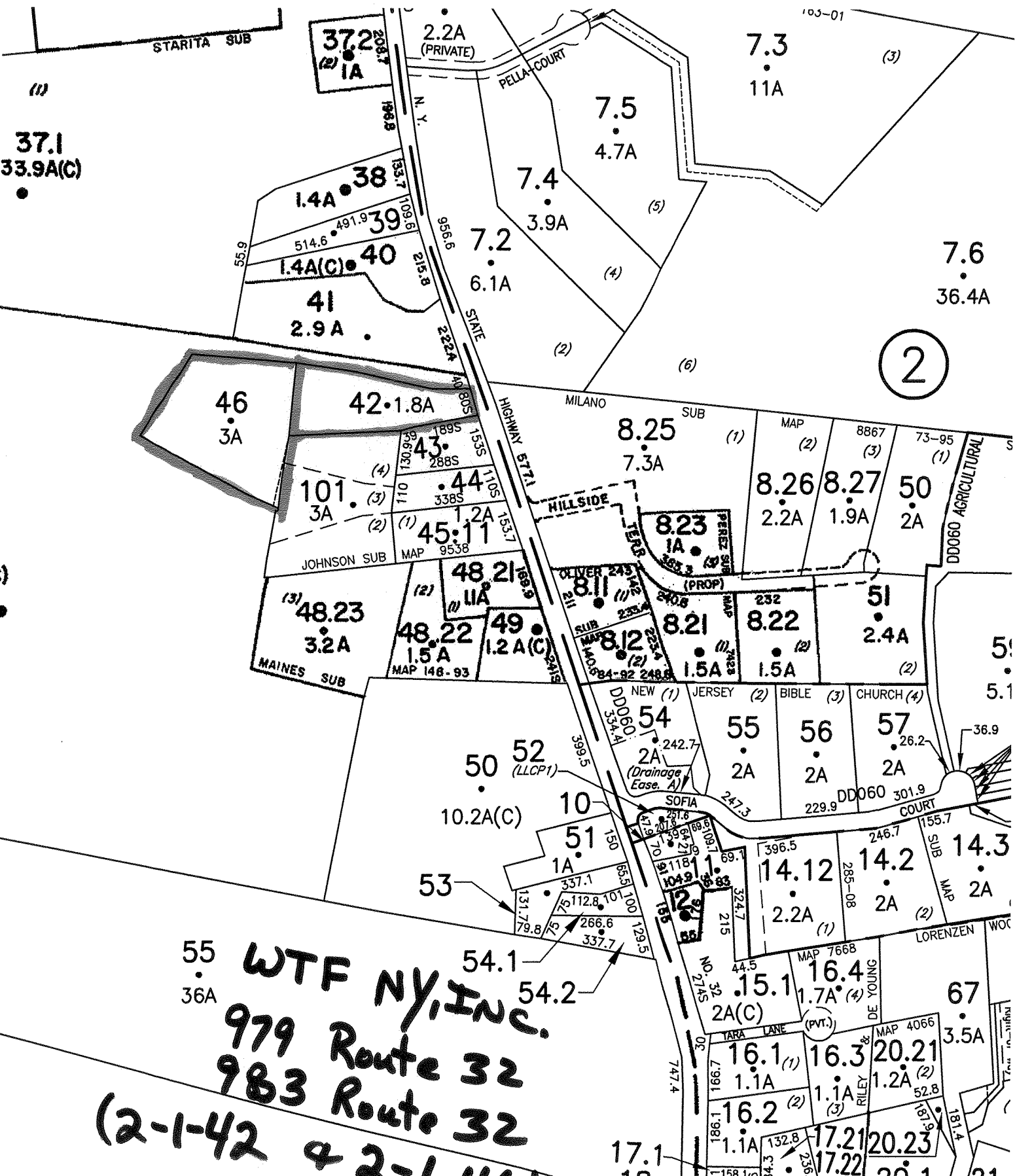
TO

WTF NY, Inc.

SECTION 2  
BLOCK 1  
LOT 42 & 46  
COUNTY OF ORANGE  
TOWN OF NEWBURGH

RETURN BY MAIL TO:

**THOMAS J. MURPHY, ESQ.**  
**Thomas J. Murphy & Assoc., PLLC**  
717 Broadway  
Newburgh, NY 12550



2

WTF NY, INC.  
 979 Route 32  
 983 Route 32  
 (2-1-42 & 2-1-46)