



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:	CUMBERLAND FARMS, INC
Project Name:	
Location of Project Site:	Route 17K + 7 Rockcut Road

Tax Map #:	86-1-14
Tax Map #:	86-1-15
Tax Map #:	
Local File No.:	Plan Bd Ref 1
Size of Parcel*:	

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

Reason for County Review: ON Rte 17K + CR23 Rockcut Rd

Current Zoning District (include any overlays): IB

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) See Application Multiple VARIANCES

Other

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

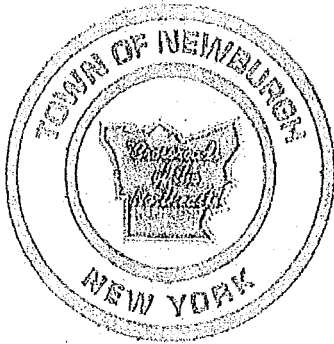
Local board comments or elaboration:

Signature of local official: Date: 6/1/16 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



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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: April 19, 2016

4. DESCRIPTION OF VARIANCE SOUGHT: Setback relief for canopy; front landscape relief; signage setback; sign size, maximum canopy height and parking spaces.

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:



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

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:

See attached addendum

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:

See attached addendum

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See attached addendum

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

See attached addendum

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

See attached addendum



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

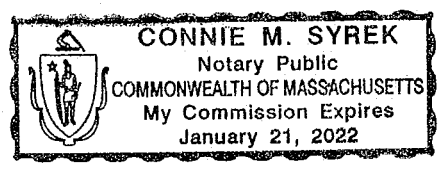
7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

~~MASSACHUSETTS~~ ^{Massachusetts} ~~COUNTY OF ORANGE~~ ^{Middlesex}
STATE OF NEW-YORK: COUNTY OF ORANGE:

SWORN TO THIS 13th DAY OF May 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, NEW YORK, ZONING BOARD OF APPEALS

APPLICATION OF CUMBERLAND FARMS 270 ROUTE 17K

SUPPLEMENT TO APPLICATION FOR VARIANCES

(1) Project Description:

Cumberland Farms, Inc. as successor by merger to VSH Realty, Inc., is the owner of an existing convenience store and gas sales facility located on a 21,184 square foot parcel of land at the intersection of Route 17K and Rock Cut Road. The property is shown on the Newburgh Assessor's Map as Tax Map No. 86-1-14. The property is located in the Interchange Business District (IB) and is connected to municipal water and sewer. The site was converted to the existing use in 1980 from a former service station facility and has existed in such condition since that time. Cumberland Farms also is the contract vendee to the owner of the property to the north of the existing station (Tax Map No. 86-1-15) and is proposing a raze and rebuild of both structures on the two lots. The acquisition of the additional acreage to the north of the property will bring the combined lots into compliance with the bulk acreage requirement for the IB District. The proposal is for construction of a 4,956 square foot colonial style convenience store with a new modern canopy, four gasoline dispensing units, new related site improvements and replacement of the existing underground storage tanks with double walled, fiber glass construction, with the latest required environmental monitoring which will meet or exceed all Federal and State requirements for a higher degree of protection to the property and the surrounding areas. An application currently is before the Town of Newburgh Planning Board and in front of which Board the proposed site plan currently is undergoing review.

(2) Requested Variances:

The following variances from the Table of Use and Bulk Regulation - IB District, Schedule 8 are being requested.

- (a) Height variance on the canopy of 6 feet to permit the installation of a canopy, which is 21 feet where the required maximum is 15 feet.
- (b) Reducing the front yard setback from Route 17K to permit the erection of the proposed canopy to 44.3 feet from the required 50 foot minimum.
Reducing the front yard setback from Rock Cut Road to permit the erection of the proposed canopy to 58.7 feet from the required 80 foot minimum.
- (c) Reducing the front yard landscape requirement from 45 feet to 16.6 feet.
- (d) Reducing the sign setback requirement for the front yard from 15 feet to 5.3 feet.
- (e) A variance allowing the installation of identification signs totaling 177.4 sf.
- (f) Reducing the side yard setback to 34.7 feet from the required 50 foot setback to permit the construction of the proposed canopy.
- (g) Reducing the number of required parking spaces from 34 to 31 inclusive of the fueling positions.

(3) Basis for Relief: New York Town Law §267-b (3) provides the Zoning Board of Appeals with the power to grant variances based upon a balancing of interests between the benefit to the applicant as opposed to the detriment to the health, safety and welfare of the neighborhood or community by the grant. Based upon the following analysis it is respectfully submitted that the balancing of interest test weighs in favor of granting the relief requested.

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties as this is an upgrade of an existing facility operating since 1980. The existing site is located in the IB zoning district surrounded by other IB uses. The construction of a new modern convenience store will enhance the existing appearance of the property. The key issue in considering this criteria is whether the proposal is consistent with the prevailing pattern of development in the area. If it is then this factor favors the granting of the variance. See, Raubrogel v. Zoning Bd. of Appeals of the Village of Brookville, N.Y.L.J. Dec. 27, 1995 p. 33 Col. 2 (Supr Ct. Nassau Co. 1995). It is respectfully submitted that the proposal for this facility is consistent with and will enhance the existing development in the area.

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than the area variance;

The benefit cannot be achieved by any other means. The applicant has even taken the step of acquiring rights to additional land area by contracting for the lot to its north. Even with that acquisition, which allows for the placement of the building meeting all setback requirements, the canopy cannot be placed on the site without the requested relief. In order to provide for required parking and tanker truck maneuvering the full landscape requirement cannot be achieved.

(3) whether the requested area variance is substantial;

While the number and size of some of the variances may be considered numerically significant the fact that a corner lot requires two front yard setbacks dictates

that at least one of those cannot be met and still allow for proper development on the site. The requested variance is not substantial considering the proposed acquisition of the additional lot and the fact that canopies have become an industry norm providing both shelter to patrons as well as serving to house the mandated fire suppression equipment in this case within a canopy designed to mimic the architectural features of the proposed building. In analyzing the criteria the size of the variance is not the sole consideration, what constitutes a substantial variance is fact specific to each case. See, Korean Evangelical Church of Long Island v. Bd. of Appeals of the Village of Westbury, N.Y.L.J. Feb. 28, 1996, p. 31 col. 2 (Sup Ct. Nassau Co. 1996).

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

While this criteria may overlap the first criteria in terms of character of the neighborhood, this analysis is directed to natural environmental characteristics such as drainage, grading, trees, etc. The proposed variance will not have an adverse affect on the neighborhood nor environmental conditions as improvements are being made to enhance the visual appearance of the existing facility, both lots already have existing improvements on them and the new modern underground storage tanks will provide for better environmental protection.

(5) whether the alleged difficulty was self created;

While a relevant consideration it would not bar the relief requested. It is respectfully asserted that the hardship is not self created.

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			
Name of Action or Project: Cumberland Farms, Inc.			
Project Location (describe, and attach a location map): 270 Route 17K, Town of Newburgh			
Brief Description of Proposed Action: The applicant is seeking to demolish the existing Cumberland Farms and the residential structure to the North. They are then seeking to construct a 4,956 square foot convenience store with a four (4) gas pump fuel island on the consolidated 1.19 acre site.			
Name of Applicant or Sponsor: Cumberland Farms, Inc.		Telephone: (508) 270-1476	
		E-Mail: splona@cumberlandfarms.com	
Address: 100 Crossing Boulevard			
City/PO: Framingham		State: MA	Zip Code: 01702
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: Town of Newburgh Zoning Board; Town of Newburgh Planning Board - Site Plan Approval, Building Permit; NYS DOT - Curb Cut Permit; Orange County - Curb Cut Permit; NYS DEC - General Stormwater Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.19 acres	
b. Total acreage to be physically disturbed?		1.19 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.19 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 checked="" 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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<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>	NO	YES
<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>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>AGENT: Scott SHARIN</u></p>		<p>Date: <u>May 13 2016</u></p>
<p>Signature: <u>Scott C. Sharin</u></p>		



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Cumberland Farms, Inc., DEPOSES AND SAYS THAT

~~HE/SHE~~ RESIDES AT 100 Crossings Boulevard, Framingham

IN THE COUNTY OF _____ AND STATE OF Massachusetts

AND THAT ~~HE/SHE~~ IS THE OWNER IN FEE OF 270 Route 17k,

Newburgh, New York, Section 86 Block 1 Lot 14

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT ~~HE/SHE~~ HAS AUTHORIZED Bohler Engineering
Richard J. Olson, Esq., McCabe & Mack LLP

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/13/16 *[Signature]*

OWNER'S SIGNATURE

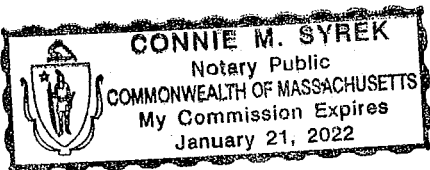
[Signature]

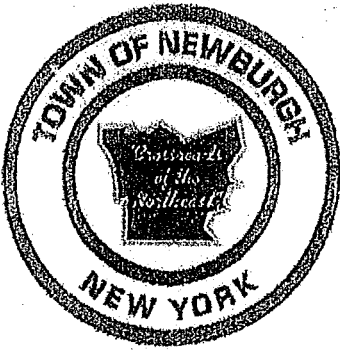
WITNESS' SIGNATURE

Massachusetts Middlesex
STATE OF NEW-YORK: COUNTY OF ORANGE:

SWORN TO THIS 13th DAY OF May 20 16

Connie M Syrek
NOTARY PUBLIC





TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

(845) 567-3010 FAX (845) 561-2128

TODD A. KELSON, P.C.
ATTORNEY & COUNSELLOR-AT-LAW

542 UNION AVENUE, NEW WINDSOR, NY 12553

Todd A. Kelson and Sharon Kelson, DEPOSES AND SAYS TH

~~HE/SHE~~ RESIDES AT 42 Lattintown Road, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT ~~HE/SHE~~ IS THE OWNER IN FEE OF 7 Rock Cut Road,
Newburgh, New York Sec. 86 Block 1 Lot 15

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT ~~HE/SHE~~ HAS AUTHORIZED Cumberland Farms, Inc.,
McCabe & Mack LLP, Bohler Engineering
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/17/2016

Sharon L. Kelson
OWNER'S SIGNATURE

Crystal A. Parker
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17th DAY OF May 2016

Crystal A. Parker
NOTARY PUBLIC
CRYSTAL A PARKER
Notary Public, State of New York
Qualified in Orange County
Reg. #0164503705E
Commission Expires January 17, 2019

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

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

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@dddllaw.com
Fax (845) 294-6553
(Not for Service of Process)

April 19, 2016

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Cumberland Farms Site Plan
86-1-14 & 15 (Zone IB)
270 Route 17K (16.05)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of April 7, 2016 requesting site plan approval for the construction of a new Cumberland Farms store consisting of an approximately 4, 956 square foot store with eight fueling positions. The applicant will required several variances to achieve this objective. Therefore the planning board has asked me to refer this matter to you for consideration of the following variances:

- Maximum canopy height;
- Front yard setback for canopy for both Rock Cut Road and 17K;
- Front yard landscaping requirement (0 feet where 45 feet is required);
- Signage setback locations in front yard;
- Sign area;
- Side yard setback for canopy;

- Number of required parking spaces.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act may be reviewed on an uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H Donnelly", written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Bohler Engineering
Richard J. Olson, Esq.

12M-LA-2-62

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

SECURITY TITLE AND GUARANTY COMPANY
BARGAIN AND SALE DEED, WITHOUT COVENANT—INDIVIDUAL OR CORPORATION.

LIBER 2187 PAGE 900

(80) BB 884237

TT
15.00

THIS INDENTURE, made the 16 day of Jan., nineteen hundred and Fifty-one,
BETWEEN
F.E.S. REALTY CO., a partnership, having an address c/o Fred Colin,
500 Old Country Road, Garden City, N.Y.,

party of the first part, and
V.S.H. REALTY INC., a corporation, having its principal place of
business at 770 Dedham Street, Campton, Mass. 02021,

party of the second part,
WITNESSETH, that the party of the first part, in consideration of One Dollar and other valuable considera-
tion paid by the party of the second part, does hereby grant and release unto the party of the second part, the
distributes or successors and assigns of the party of the second part forever,

6.00

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, being more
particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly
side of New York State Route 17-K with the Westerly side of Rock Cut
Road; running thence along the Northerly side of New York State Route
17-K North 61 degrees 38 minutes 10 seconds West a distance of 173.51
feet to a highway monument; running thence North 27 degrees 18 minutes
30 seconds East a distance of 110.33 feet; running thence South 61
degrees 47 minutes 30 seconds East a distance of 198.32 feet to the
Westerly line of Rock Cut Road; running thence along the Westerly line
of Rock Cut Road the following two (2) courses and distances:

- (1) South 24 degrees 53 minutes 30 seconds West a distance of 36.22 feet;
- (2) South 46 degrees 49 minutes 50 seconds West a distance of 78.79 feet

to the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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 distributes or successors and
assigns of the party of the second part forever.

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 consid-
eration as a trust fund to be applied first for the purpose of paying the costs 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.

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

IN PRESENCE OF:
[Signature]

F.E.S. REALTY CO.

By: *[Signature]*
Fred Colin

STATE OF NEW YORK
COUNTY OF NASSAU

On the 16th day of January, 1981
before me came Fred Colin, a General
Partner of F.E.S. REALTY,

to me known to be the individual described in, and who
executed the foregoing instrument, on behalf of
F.E.S. Realty and acknowledged that
he executed the same.

[Signature]

THEODORE GETFNER
NOTARY PUBLIC, State of New York
No. 40-1322330
Qualified in Nassau County
Expiration Date March 30, 1984

STATE OF NEW YORK
COUNTY OF NASSAU

On the _____ day of _____, 1980
before me came _____
to me known, who, being duly sworn, did depose and
say that he resides at _____ in _____

_____ that he is the _____
of the corporation described in and which executed the fore-
going instrument that he knows the seal of said corpo-
ration; that the seal affixed to said instrument is such
corporate seal; that it was so affixed by order of the Board
of _____ of said corporation; that he
signed his name thereto by like order.

STATE OF NEW YORK
COUNTY OF _____

On the _____ day of _____, 19____
before me came _____

to me known to be the individual described in, and who
executed the foregoing instrument, and acknowledged that
he executed the same.

STATE OF NEW YORK
COUNTY OF _____

On the _____ day of _____, 19____
before me came _____
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at _____

_____ in _____ that he knows
to be the individual described in, and who executed, the
foregoing instrument; that he, said subscribing witness, was
present and saw _____ execute the same; and that
he, said witness, at the same time subscribed, _____
name as witness thereto.

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 Feb 25, 1981 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 AND COUNTY COURTS,
ORANGE COUNTY

TO

Bargain and Sale Deed
Without Covenants
Individual or Corporation

The land affected by the within instrument is located in Block _____
Lot _____ in Section _____ in _____
Land Map of the County of _____

Record and Return

Security Title and Guaranty Company
17 EAST 45TH STREET, NEW YORK 17, N. Y.
MURRAY HILL 7-2400

- QUEENS: 450 112ND STREET, BAY RICHMOND 1, N. Y., GRAMPH 8-3500
- ELMS: 155 REARER STREET, BROOKLYN 1, N. Y., MAS 4-3800
- WESTCHESTER: 70 CHURCH STREET, WHITE PLAINS, N. Y., WHITE PLAINS 9-3350
- MANHATTAN: 370 OLD COUNTRY ROAD, MANHATTAN, N. Y., PLAZA 7-6600
- STUYVESANT: 425 WEST BARK STREET, RIVERDALE, N. Y., FAX 7-6600
- ROSELAND: 17 ADELPHI STREET, NEWARK 2, N. J., MURKIN 2-1884
- ALBANY: 123 MARKET STREET, PATTERSON, N. J., ALBANY 9-3311

RECEIVED
REAL
FEB 25 1981
TRANSCRIBED
ORANGE COUNTY

Orange County Clerk's Office, s.s.
Recorded on the 25th day
of February 1981 at 11:15
o'clock A.M. in Liber 2187
and Examined
Marion S. Murphy
County Clerk

COMPARED
LIBER
PAGE

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

*Michelle S. Marcus a/k/a
Michele Marcus*

TO
*Todd A. Kelson and
Shawn L. Kelson*

SECTION 86 BLOCK 1 LOT 5

RECORD AND RETURN TO:
(name and address)



TODD A. KELSON, P.C.
ATTORNEY & COUNSELLOR-AT-LAW
542 UNION AVENUE
NEW WINDSOR, NY 12553

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)

- 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 \$ 70,000
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: *Dorothy Searcher*

RECORDED/FILED
11/23/2007/ 09:51:50
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20070126212
DEED C / BK 12570 PG 1807
RECORDING FEES 207.00
TTX# 003112 T TAX 280.00
Receipt#815323 joanne1

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 Nov. 23, 2007 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 May 3, 2014

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 2nd day of November, two thousand seven

Between Michelle S. Marcus a/k/a Michele Marcus, residing at 526 Old Indian Rd., Milton, NY 12547,

party of the first part, **and** Todd A. Kelson and Sharon L. Kelson, husband and wife, residing at 42 Lattintown Rd., Newburgh, NY 12550 party of the second part,

Witnesseth that the party of the first part, in consideration of TEN (\$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, an undivided one half (1/2) interest, being and intending to be all of her right, title and interest in and to

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, and State of New York, further bounded in Schedule "A" annexed hereto and made a part hereof.

Being premises conveyed to Todd A. Kelson Sharon L. Kelson and Michelle S. Marcus a/k/a Michele Marcus by deed from Windsor Hill Realty, Inc. dated December 31, 2004 and recorded January 11, 2005 in the Orange County Clerk's office in Liber 11719 of deeds at page 807.

Being and intending to be all right, title, and interest of the party of the first part in and to the premises conveyed herein.

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,

Do Give 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 as tenants by the entirety.

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.

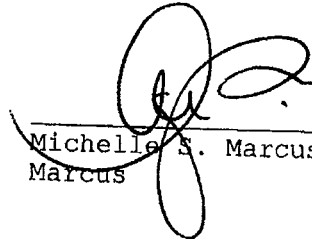
and the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of

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:



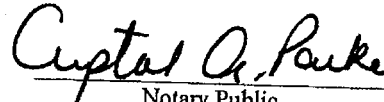
Michelle S. Marcus a/k/a Michele
Marcus U.S.

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

On the 2nd day of November, 2007, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Michelle S. Marcus a/k/a Michele Marcus, 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 said individual executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument



Notary Public

CRYSTAL A PARKER
Notary Public, State of New York
Qualified in Orange County
Ren #01PA503796E
Commission Expires January 17, 2011

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Michelle S. Marcus a/k/a Michele Marcus

TO

Todd A. Kelson and Sharon L. Kelson

SECTION 86
BLOCK 1
LOT 15

COUNTY OF ORANGE
TOWN OF NEWBURGH

RETURN BY MAIL TO:
TODD A. KELSON, P.C.
542 Union Avenue
New Windsor, New York
12553

TITLE NO: ESQ5187-O

SCHEDULE "A"
(description)

ALL that certain plot, piece or parcel of land lying and being in the Town of Newburgh, County of Orange, State of New York bounded and described as follows:

BEGINNING at a point on the northwesterly bounds of Rock Cut Road, where the same is intersected by the division line between the lands n/f VSH Realty (Tax Lot 86-1-14) and the lands n/f Honch (Tax Lot 86-1-15), the subject premises. Thence, along the division line between the subject premises and the northwesterly bounds of Rock Cut Road, N 37° 12' 46" E a distance of 170.38' to a concrete monument. Thence, N 51° 25' 38" W a distance of 182.60' to a point. Thence, along the division line between the subject premises and the lands n/f Ace Rustproofing, Inc., S 36° 37' 52" W a distance of 174.19' to a point. Thence, along the division line between the subject premises and the lands n/f VSH Realty, S 52° 37' 08" E 180.78' to the point or place of beginning.

