



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:	Debra Lee LLC
Project Name:	C&C Tires & Auto
Location of Project Site:	260 NORTH PLANK ROAD

Tax Map #:	34-3-4
Tax Map #:	
Tax Map #:	
Local File No.:	2411-14
Size of Parcel*:	.77 acres

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

Reason for County Review: ON <sup>NYS</sup> Route 32

Current Zoning District (include any overlays): B

**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): \_\_\_\_\_

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

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)      *maximum signage allowed*

Other

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

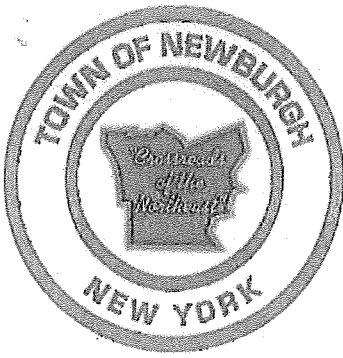
Local board comments or elaboration:

*Shane Cardone 4/8/14*      Chairperson  
Signature of local official      Date      Zoning Board of Appeals      Title

Municipal Contact Phone Number: 845-566-4901

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

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 4/8/14

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

I (WE) Debra Cunningham/Dibolella PRESENTLY  
RESIDING AT NUMBER 3 Brandview Terr Wallkill, NY  
TELEPHONE NUMBER 845-895-8757

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

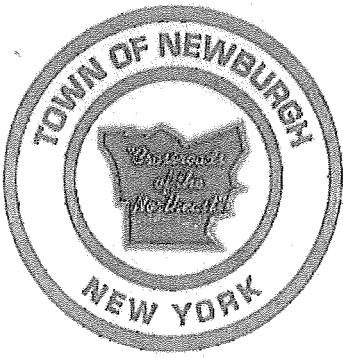
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

34-3-4 (TAX MAP DESIGNATION)  
260 North Plank Rd (STREET ADDRESS)  
B (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).

185-14-B-1-(c)



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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: 2-28-2014
- 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: Free Standing Sign

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:

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

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:

*There are already other signs in the area the same size. There is a pre-existing sign from previous owner.*

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:

*our business needs signage to be seen by our customers*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

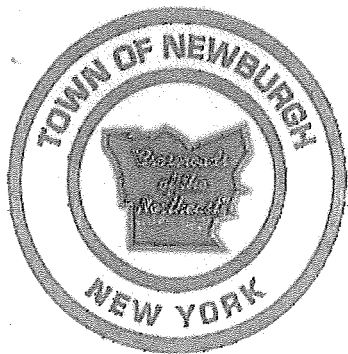
*Given the size our lot & building it is not substantial. Because road frontage is our drive-way that's what makes it substantial.*

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

*There is a sign there already*

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

*a sign already exists.*



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7. ADDITIONAL REASONS (IF PERTINENT):

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

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

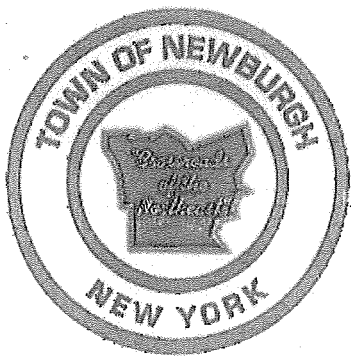
SWORN TO THIS 8<sup>th</sup> DAY OF April, 2014

  
NOTARY PUBLIC

**JEAN MOZETICH**  
Notary Public - State of New York  
No. 01M08274145  
Qualified in Dutchess County  
My Commission Expires December 31, 2016

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

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

## PROXY

Debra Cunningham, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 3 Grandview Terr Wallkill, NY 12589  
IN THE COUNTY OF Ulster AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 260 North Plank Rd.

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Kevin Cunningham  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4/8/14

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8<sup>th</sup> DAY OF April, 2014

  
NOTARY PUBLIC

**JEAN MOZETICH**  
Notary Public - State of New York  
No. 01MO6274145  
Qualified in Dutchess County  
My Commission Expires December 31, 2016

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: <i>Signage</i>			
Project Location (describe, and attach a location map): <i>Install Business Sign</i>			
Brief Description of Proposed Action: <i>260 North Plank Rd.</i>			
<i>Install Sign To Entrance of Business</i>			
Name of Applicant or Sponsor: <i>Debra Cunningham</i>		Telephone: <i>845-764-1704</i>	
		E-Mail: <i>Deb2Kew@aol.com</i>	
Address: <i>3 Grandview Terr</i>			
City/PO: <i>Wallkill, NY 12589</i>		State:	Zip Code:
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	YES
		✓	
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	YES
		✓	
3.a. Total acreage of the site of the proposed action?		<i>1.24</i> acres	
b. Total acreage to be physically disturbed?		<i>-</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.24</i> 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		✓	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
		✓	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
		✓	
		✓	
		✓	
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	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
		✓	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
		✓	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
		✓	
		✓	
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? 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: _____	NO	YES	
		✓	
		✓	
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	YES	
		✓	
16. Is the project site located in the 100 year flood plain?	NO	YES	
		✓	
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 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
		✓	
		✓	



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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Debra Cunningham</u> Date: <u>4/8/14</u> Signature: <u><i>Debra Cunningham</i></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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies?  b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**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.

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

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



# TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

2411-14

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/28/2014

Application No. 14-0072

To: Debra Lee, LLC  
3 Grandview Terrace  
~~Newburgh, NY 12550~~  
Wallkill NY 12589

SBL: 34-3-4  
ADDRESS: 260 North Plank Rd

ZONE: B

PLEASE TAKE NOTICE that your application dated 02/10/2014 for permit to install a 54.4 square foot free standing sign on the premises located at 260 North Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:  
185-14-B-1-(c) Signs shall not exceed 1/2 of total street frontage.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*      **YES**

**NAME:** \_\_\_\_\_ Debra Lee LLC

**ADDRESS:** \_\_\_\_\_ 3 Grandview Terrace <sup>Wall Kill NY 12589</sup> ~~Newburgh NY 12550~~ \_\_\_\_\_

2411-14

**PROJECT INFORMATION:**

**TYPE OF STRUCTURE:** \_\_\_\_\_ Free standing sign @ 260 North Plank Rd Newburgh NY \_\_\_\_\_

**SBL:** \_\_\_\_\_ 34-3-4      **ZONE:** \_\_\_\_\_ B \_\_\_\_\_

**TOWN WATER:**  **YES**

**TOWN SEWER:**  **NO**

	maximum	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
Allowed square footage	10.35 S.F.		54.4 S.F.	44.05 S.F.	425.6%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

**ACCESSORY STRUCTURE:**

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

**NOTES:**      **This lot only has 20.65' of road frontage. Requesting a double sided sign  
 27.2 SF ner side X (2)= 54.4 SF**

**VARIANCE(S) REQUIRED:**

- 1 185-14-B-1- ( c ) Signs shall not exceed 1/2 of total street frontage
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** \_\_\_\_\_ Joseph Mattina      **DATE:** \_\_\_\_\_ 28-Feb-14 \_\_\_\_\_

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

James E. Terry Jr. & Deborah L. Terry
TO
Debra Lee LLC

SECTION 34 BLOCK 3 LOT 3 & 4



RECORD AND RETURN TO: (name and address)

Thomas J. Murphy Esq.
717 Broadway
Newburgh NY 12550

Handwritten signature and date: Saw original 4/8/14

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)
2003 SO. BLOOMING GROVE (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 WALKKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

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

PAYMENT TYPE: CHECK [checked]
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$ 500,000
TAX EXEMPT
Taxable MORTGAGE AMT. \$

MORTGAGE TAX TYPE:
[A] COMMERCIAL/FULL [checked]
[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

ANN G. RABBITT
ORANGE COUNTY CLERK

Received From JT Abstract

RECORDED/FILED
02/18/2014/ 10:05:46
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140012812
DEED C / BK 13716PG 1110
RECORDING FEES 320.00
TTX# 004173 T TAX 2,000.00
Receipt#1720994 lindar

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 02-18-14 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

04-08-14 [Signature]
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S  
ACTS (INDIVIDUAL OR CORPORATION)**

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

*AS OF February 4, 2014*  
**THIS INDENTURE**, made the 2nd January, 2014,

**BETWEEN JAMES E. TERRY JR AND DEBORAH L. TERRY**, of 260 North Plank Road,  
Newburgh, New York 12550,

party of the first part, and

**DEBRA LEE, LLC** of 3 Grand View Terrace, Wallkill, New York 12589,

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

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

**BEING AND INTENDED TO BE** the same premises conveyed to James E Terry Jr., and Deborah L. Terry, husband and wife, by Deed dated December 16, 2004 made by Lorenzo P. Miranda and Michele Miranda, recorded in the Orange County Clerk's Office May 26, 2005 In Liber 11854 page 1638. ;

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

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

## Schedule A Description

Title Number JT-WC1489

Page 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, and more accurately bounded and described as follows:

BEGINNING at a buried pin found on the easterly side of New York State Highway Number 32, aka North Plank Road, said buried pin being the northwesterly corner of the herein described parcel and runs thence along the lands of Bell-Herring on the following two courses and distances: (1) North 49-53-06 East 175.00 feet to a point; (2) North 34-27-54 West 200.00 feet to a point; thence along the lands of Crabapple Court Commons LLC, North 48-23-06 East 175.25 feet to a point; thence along the lands n/f Terry, South 40-26-13 East 121.72 feet to a point; thence along the lands of Yeager as described in Liber 1996 page 702, South 30-56-36 West 125.70 feet to an iron rod found; thence along the lands of Stravelle as described in Liber 2808 page 46, South 00-12-29 East 79.53 feet to an iron rod found; thence along the lands of Baker & Myers and a division line of Lot Numbers 1 and 2 on Filed Map No. 3820, South 49-53-06 West 202.50 feet to a point; thence along the line of New York State Highway Number 32, North 34-49-05 West 20.00 feet to the point and place of beginning.

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

BEGINNING at a point on the westerly side of Todd Lane, said point being the southwestly corner of the herein described parcel and runs thence along the lands of Yeager and Terry, North 40-26-13 West 221.42 feet to a point; thence along the lands of Crabapple Court Commons LLC, North 48-23-06 East 104.08 feet to a pipe found in a stonewall; thence along the lands of Zellers as described in Liber 1648 page 447, and generally following a stonewall South 56-01-17 East 110.84 feet to a point; thence along the line of Todd Lane, South 08-27-07 West 177.63 feet to the point and place of beginning.

ALSO DESCRIBED in accordance with a survey dated December 3, 2013 made by Darren J. Stridiron, PLS as follows:

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

BEGINNING at an iron rod at the intersection of the northerly bounds of North Plank Road (NYS Route 32) and the westerly bounds of lands of Mukherjee (Tax

Continued On Next Page

**Schedule A Description - continued**

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Page 2

lot 34-3-10.2); thence,

North 34 degrees 49 minutes 05 seconds West 20.65 feet along the northerly bounds of North Plank Road to an iron rod; thence,

Along the easterly and northerly bounds of CNR Realty, LLC the following two (2) courses:

North 49 degrees 53 minutes 06 seconds East 176.84 feet to a point; thence,  
North 34 degrees 27 minutes 54 West 200.00 feet to a point; thence,

North 48 degrees 23 minutes 06 seconds East 175.25 feet and North 48 degrees 23 minutes 06 seconds East 104.08 feet along the easterly bounds of lands of Crabapple Court Commons LLC (Tax lot 34-2-25.12); thence,

South 56 degrees 01 minutes 17 seconds East 110.84 feet along a stone wall and the southerly bounds of lands of Huggins (Tax lot 34-2-24); thence,

South 8 degrees 27 minutes 07 seconds West 177.63 feet along the westerly bounds of Todd Lane (Private Road) and the lands of Romero (Tax lot 34-3-6) to an iron rod in a stone wall; thence,

Along the northerly and westerly bounds of lands of Jaeger (Tax lot 34-3-8) the following two (2) courses:

North 40 degrees 26 minutes 13 seconds West 99.70 feet to an iron rod; thence,

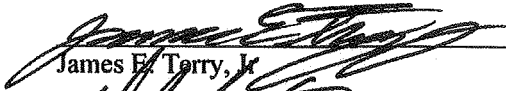
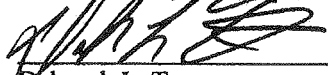
South 30 degrees 56 minutes 36 seconds West 127.70 feet; thence,

South 00 degrees 12 minutes 29 seconds East 79.53 feet along the westerly bounds of lands of Stravalle (Tax lot 34-3-9); thence,

South 49 degrees 53 minutes 06 seconds West 202.50 feet along the westerly bounds of lands of Baker (Tax lot 34-3-10.1) and lands of Mukherjee (Tax lot 34-3-10.2) to the point or place of BEGINNING.




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

  
James E. Terry, Jr.  
  
Deborah L. Terry

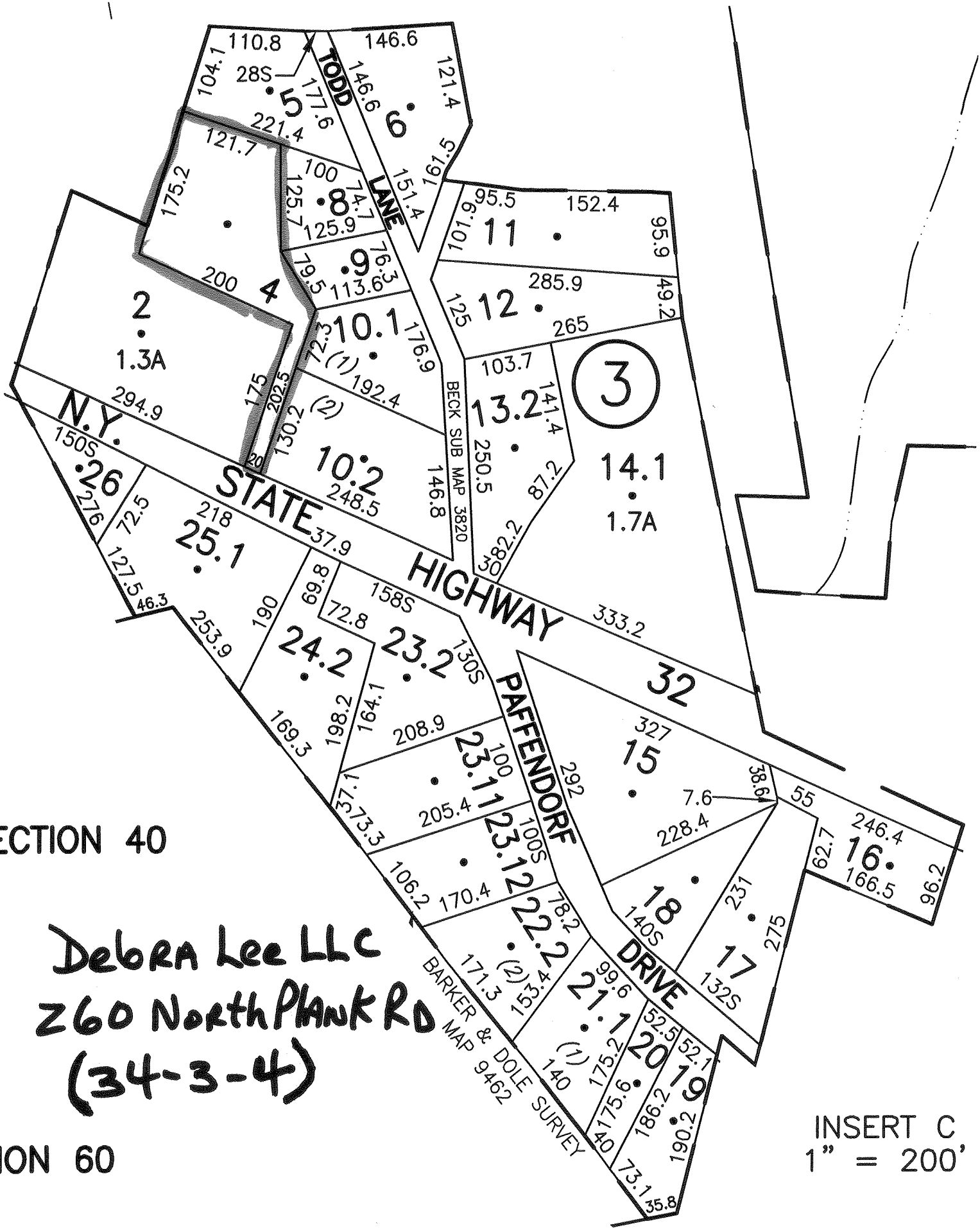
**Acknowledgment by a Person Within New York State (RPL § 309-a)**

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

On the 2nd day of January in the year 2014, before me, the undersigned, personally appeared James E. Terry Jr and Deborah L. Terry, 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 they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

MICHELLE ANDERSON  
Notary Public, State of New York  
Qualified in Orange County  
Registration #02AN4972943  
Commission Expires October 9, 2014

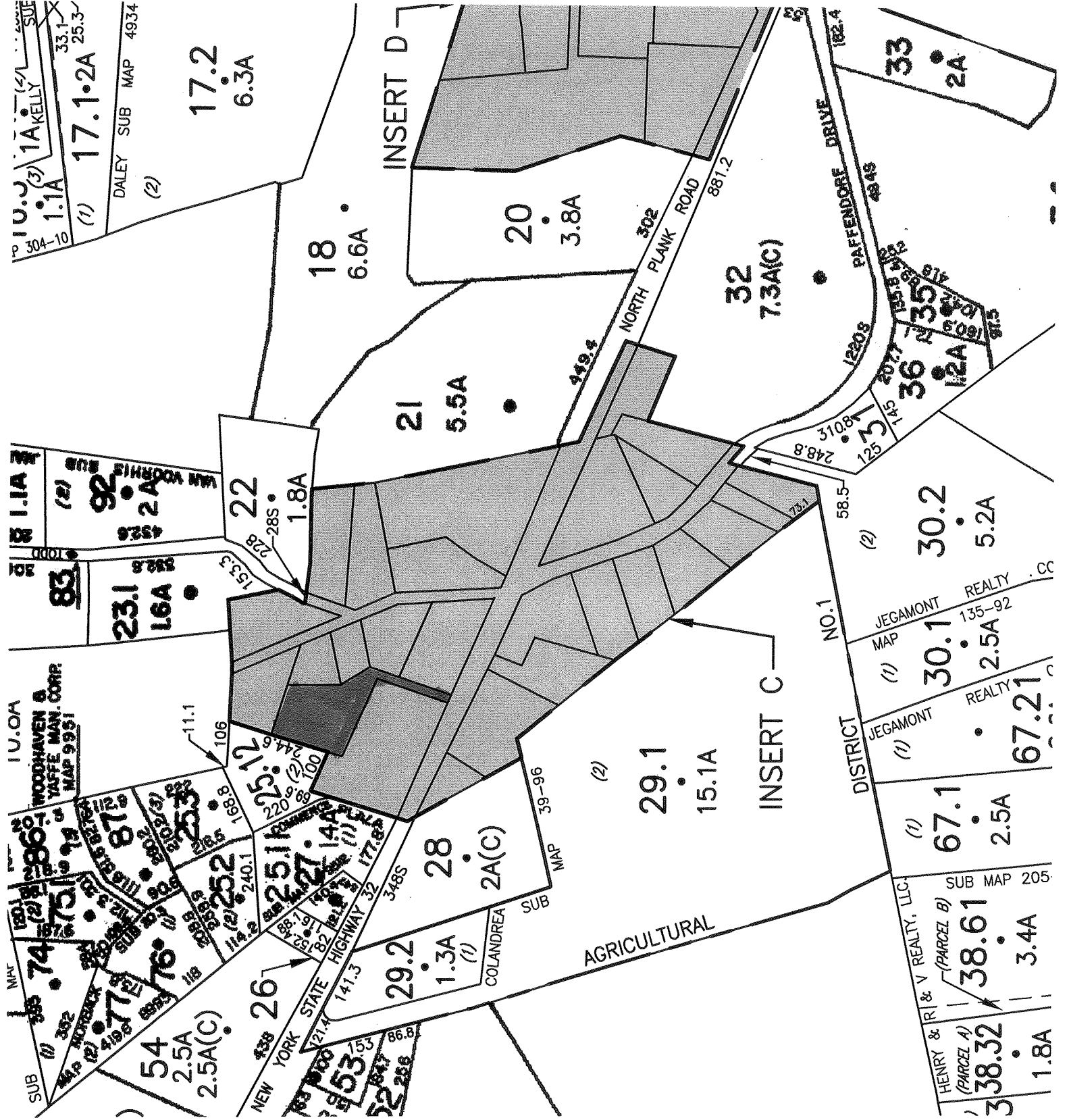


SECTION 40

Debra Lee LLC  
 260 North Plank Rd  
 (34-3-4)

SECTION 60

INSERT C  
 1" = 200'



10.3  
P 304-10  
1A  
KELLY  
33.1  
1.1A  
(1) 17.1  
2A  
25.3

1.1A  
83  
92  
2A  
1533  
228  
28S  
1.8A

WOODHAVEN & YAFFE MAN. CORP.  
MAP 9951  
74  
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17.2  
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DALEY SUB MAP 4934  
(2)

18  
6.6A  
INSERT D

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3.8A

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5.5A

22  
1.8A

23.1  
1.6A

302  
NORTH PLANK ROAD  
881.2

32  
7.3A(C)

33  
2A

34  
35  
36  
12A  
3108  
248.8  
125  
145  
2077  
418  
429  
1809  
915

PAFFENDORFE DRIVE  
49.45  
182.4

30.2  
5.2A

30.1  
2.5A  
JEGAMONT REALTY  
MAP 135-92  
(1)

30.1  
2.5A  
JEGAMONT REALTY  
(1)

38.61  
3.4A  
HENRY & R & V REALTY, LLC.  
(PARCEL B)  
SUB MAP 205

38.32  
1.8A  
(PARCEL A)

67.1  
2.5A  
JEGAMONT REALTY  
(1)

67.21  
2.5A  
JEGAMONT REALTY  
(1)

29.1  
15.1A  
(2)

28  
2A(C)

29.2  
1.3A  
(1)  
COLANDREA SUB MAP 39-96

26  
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2.5A  
2.5A(C)

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AGRICULTURAL

DISTRICT NO. 1

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