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CONSULTING ENGINEERS D.P.C.

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WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: DIAMOND PROPERTIES-OC CHOPPERS
PROJECT NO.: 17-20
**PROJECT LOCATION: SECTION 95, BLOCK 1, LOT 74
SECTION 95, BLOCK 1, LOT 47.2**
REVIEW DATE: 28 JULY 2017
MEETING DATE: 3 AUGUST JULY 2017
PROJECT REPRESENTATIVE: CUDDY & FEDDER, ESQ. & MICHAEL GALLIN, R.A.

1. The Applicant's have provided an analysis of water use at an existing facility as well as water use records from the OCC facility. The water use determination appears reasonable based on the data provided. The report basically states that combining the Poughkeepsie Bowling facility with the existing usage at the OCC facility still results in a flow less than the previously approved 6,260 gallons identified in the City of Newburgh Flow Acceptance letter dated 31 August 2010.
2. The Applicant's have submitted deeds identifying that they are the owners of both parcels of property.
3. A SEQRA Notice of Intent for Lead Agency was circulated on 27 July 2017. Project involves greater than 25 acres and is therefore a Type I Action requiring NYSDEC be included in the circulation. NYSDOT was included in the circulation as well. The circulation included Orange County Planning as an interested agency and a 239 Referral cover letter was included to officially transmit the project to Orange County Planning for review and comment. The 30 Day time frame for the Notice of Intent and 239 review will expire on approximately 28 August 2017. It is noted a courtesy copy of the application was provided to Orange County Planning based on their request prior to the official 239 submission.

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**

Patrick J. Hines
Principal

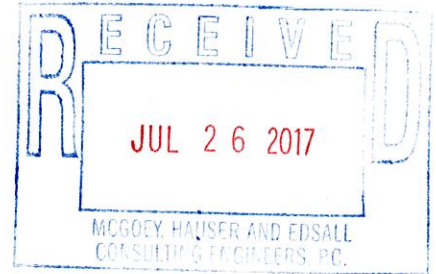


300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

July 25, 2017

BY HAND

Chairman John P. Ewasutyn,
And Members of the Planning Board
Town of Newburgh
308 Gardnertown Road
Newburgh, New York 12550



Re: Planning Board Application #17-20
Premises: Tax Parcels: 95-1-74 and 95-1-47.2 and the Interchange Business District
Diamond Properties (Requests for Site Plan Approval and Zoning Text Amendment)

Dear Chairman Ewasutyn and Members of the Board:

We are writing on behalf of DP66, LLC ("Diamond"), as the owner of the above referenced parcels located at 14 Crossroads Court, more commonly known as "Orange County Choppers" ("Site") to supplement our June 30, 2017 submission package. The purpose of this correspondence is to provide the following items and to address Planning Board comments from the July 20, 2017 meeting, as well as comments issued by the Board's Engineering Consultant (McGoey, Hauser and Edsall Consulting Engineers, P.C.), and Traffic Engineering Consultant (Creighton Manning Engineering, LLP).

Enclosed please find the following exhibits:

- Exhibit A: City of Newburgh Flow Acceptance Letter, dated August 31, 2010;
- Exhibit B: Grand Prix Orange County Flow Analysis;
- Exhibit C: Grand Prix Orange County Parking and Traffic Analysis; and
- Exhibit D: Copies of Deeds confirming that DP66, LLC owns both parcels that are the subject of this application (Tax Parcels: 95-1-74 and 95-1-47.2).

Gallin-Beller Design Studio is in the process of updating the existing conditions site plan with the requested information, and we anticipate it will be complete in advance of the August 3 meeting. We look forward to appearing before the Planning Board to discuss this matter further. In the interim, please do not hesitate to contact me should the Board or Staff have any questions.

Very truly yours,

Anthony F. Morando

C&F: 3491135.1

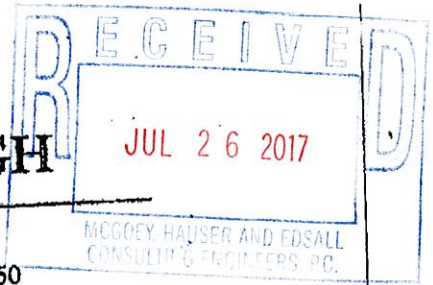


July 25, 2017
Page 2

cc: Gerald Canfield, Code Compliance Officer/Supervisor (copy enclosed)
Patrick J. Hines, McGoey, Hauser and Edsall Consulting Engineers P.C. (email & FedEx)
Kenneth W. Wersted, Creighton Manning Engineering, LLP (email & FedEx)
Michael Donnelly, Esq., Attorney for the Planning Board (email & FedEx)
Bill Diamond and Fatima Arash, Esq., Diamond (email)



CITY OF NEWBURGH



Office of the Engineer
123 Grand Street, Newburgh, New York 12550
(845) 569-7446/Fax (845) 569-0188
www.cityofnewburgh-ny.gov

Craig M. Marti, PE
City Engineer
cmarti@cityofnewburgh-ny.gov

August 31, 2010

Mr. James W. Osborne, PE
Town Engineer
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

FILE COPY

Re: City of Newburgh – Town of Newburgh
Intermunicipal Sewer Agreement
Crossroads Court and Orr Ave. off Route 17K
Orange County Choppers



Dear Mr. Osborne:

Pursuant to the terms and conditions of the City of Newburgh – Town of Newburgh Intermunicipal Sewer Agreement dated May 6, 2004, permission is hereby granted for the connection of referenced project to the Town's sewer collection system. The projected flow of 6,260 gallons per day will be allocated toward the 3.8 million gallons per day capacity as regulated in the Agreement.

It is further required and assumed that adequate grease interceptors will be required to be installed and maintained for all proposed restaurant occupancies.

Please advise this office when the initial flow from this project will commence.

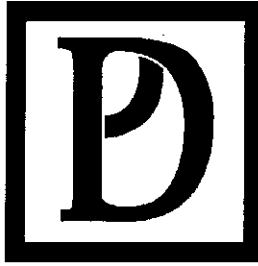
If you have any questions regarding this approval, please contact this office at your convenience.

Very truly yours,

Craig M. Marti, PE
City Engineer

CC/nf

Cc: Joe Sagnis, Severn Trent Services
City of Newburgh Engineering and Archives
John P. Ewasutyn, Chairman, Town of Newburgh Planning Board
Justin Dates, Maser Consulting



DIAMOND PROPERTIES ♦ 333 North Bedford Road, Suite 145, Mt. Kisco NY 10549 ♦ Telephone: 914.773.6246 ♦ Fax: 914.773.6246

GRAND PRIX ORANGE COUNTY WATER FLOW ANALYSIS
14 Crossroads Ct, Newburgh, NY 12550

WATER FLOW ANALYSIS

Below is a table that shows the actual water usage for the existing Orange County Choppers operations at 14 Crossroads Court ("OCC"), as well as one of our more successful and busy traditional entertainment venues, Spins Bowl Poughkeepsie. Spins Bowl Poughkeepsie, is a roughly 50,000 SF facility that includes 38 bowling lanes, a laser tag arena, redemption arcade, and a restaurant/bar area. Spins Bowl Poughkeepsie is typically busy all week long, with bowling leagues during daytime and in the evening, unlike the proposed Grand Prix Orange County (which only contains 4 bowling lanes). Peak busy periods are during the weekend periods where we host a majority of the parties and social events. The below table provides the actual water use at these locations for purposes of establishing a real-world flow baseline.

Spins Bowl Poughkeepsie			14 Crossroads Court		Combined Usage
Period	Cubic Feet	Gallons	Period	Gallons	
2/1/16-5/9/16	30,800	230,400	1/1/16-3/31/16	207,364	437,764
5/9/16-8/19/16	50,700	379,262	4/1/16-6/30/16	345,536	724,798
8/19/16-11/22/16	26,300	196,738	7/1/16-9/30/16	198,868	395,606
11/22/16-2/15/17	18,000	134,649	10/1/16-12/30/16	204,765	339,414
Total	125,800	941,049		956,533	1,897,582
Average Per Quarter	30,288	226,572		239,133	474,396
Average Per Month	10,096	75,524		79,711	158,132
Average Per Day	331.93	2,483		2,621	5,199

Allowed Usage

Per Day	6,260.00
Per Month	190,408.33
Per Year	2,284,900.00

The above table shows that the average existing water usage for 14 Crossroads Court is 2,621 gallons per day. The City of Newburgh issued a letter, dated August 31, 2010, approving a total acceptable flow for the OCC site of 6,260 gallons per day. So currently there is an unused allowance of 3,639 gallons per

day at OCC. Notably, the above table also demonstrates that the entire usage of Spins Bowl Poughkeepsie produces a flow of 2,485 gallons per day. This amount, combined with actual flow from the OCC site results in a total of 5,199 gallons per day, still leaving an excess under the maximum permitted flow, of 1,061 gallons per day.

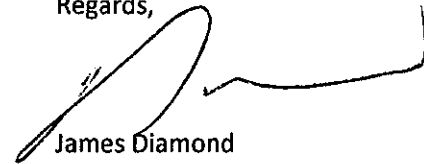
Based on our extensive experience in owning and operating Family Entertainment Centers, we submit that it is highly unlikely that the addition of the go kart track, laser tag and expanded arcade at the OCC site would create a similar water demand as the entire Spins Bowl Poughkeepsie. Unlike the OCC proposal, Spins Bowl Poughkeepsie operates with heavy week day use of a 38-lane league bowling center. We also anticipate that many of the people currently visiting the Orange County Café at the OCC site will be the same users of the other proposed activities (i.e., go-karting, arcades, laser tag, etc.). We are re-purposing a good portion of the OCC space to accommodate the new uses, thereby we are also eliminating some of the corresponding existing water usage. Therefore, we expect the actual combined usage to be substantially less than what is shown in the table.

We believe the above information and table provides an appropriate analysis based on real world data. Nonetheless, we also went further and prepared a second table to confirm that the flow from the OCC site after completing the proposed renovations will not exceed the amount permitted by the City of Newburgh's approval letter. The following table depicts the projected flow from the proposed new components of the OCC site based on the information provided in Table 3 (Expected Hydraulic Loading Rates) of the NYSDEC's Division of Water's publication entitled "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, 2014." The data is very conservative and continues to show compliance.

Area	SQ FT	Seating	Water Usage	Gallons	Rating
Arcade	5,500		0.1	550	Retail
Bowling	4 lanes		75	300	Bowling
Laser Tag	5,183	22	5	110	Theatre/Skating Rink
Go Kart Track	34,289	8	5	40	Theatre/Skating Rink
TOTAL (new activities)				1,000	
TOTAL (existing)				2,621	
TOTAL (new + existing)				3,621	

In summary, whether the calculations are based on actual water usage data from present day operating venues, or based on the water calculations guided by the NYSDEC's applicable design standards, the OCC site will remain compliant with the allowed flow under both scenarios.

Regards,



James Diamond
Diamond Properties



333 N. Bedford Rd., Mt. Kisco NY 10549 ♦ Tel: 914. 773.6249 ♦ www.diamondproperties.com

GRAND PRIX ORANGE COUNTY PARKING AND TRAFFIC ANALYSIS

14 Crossroads Ct, Newburgh, NY 12550

PARKING ANALYSIS

A traditional Family Entertainment Center ('FEC') will show a strong correlation between the number of parking spaces required during peak periods and the traffic the facility generates during this same peak period of operation. Our Peak Period of operation is between Friday after 6PM and Saturday and Sunday, 11AM to close. Our Off Peak Periods generate as little as 20% traffic as compared to our Peak Periods. This makes sense for the obvious reason that our target customer is a family, and during the weekdays kids are in school and families generally don't go to dinner on week nights. As a business, we typically generate 80% of our revenue during our peak operating hours, Fri 6PM – Sunday close.

Since our customer base is heavily weighted towards families, we assume on average that every arriving vehicle will bring four customers (two parents and two children, or one parent and three children).

The below is an estimate of our traffic requirements based on real world experience of operating 8 other successful FEC's that offer a similar product mix to what we are proposing for 14 Crossroads Court.

Note: Most of these customers are at the facility for multiple activities, and for more than one hour; but for the purpose of these calculations we'll keep each activity separate, and assume every group leaves after 60 minutes.

Redemption Arcade

We plan to convert roughly 50% to 60% of the existing retail store (approximately 5,000 square feet) to a redemption arcade. The below is a conservative calculation showing our expected peak revenue for the redemption arcade, and the correlated traffic, provided those patrons visit the site just to utilize the arcade. This is atypical as most customers come to an FEC to utilize multiple components of the facility.

Number of Customers on a typical Saturday: 250
Hours of Arcade : 11AM – Midnight (13 Hours)
Average Customers Per Hour : 12.5 ($X=250/13$)
Number of Cars Per Hour: 4.1 ($X=12.5/3$ people per vehicle)
Trips Per Hour : 8:2 ($X=4.1 \times 2$)

Laser Tag Arena

We are proposing converting approximately 5200 SF of existing manufacturing space on the 2nd floor to a laser tag arena. The arena has a maximum number of players of 22 at any one time. The below calculation is based on a 100% sell out of every game and assuming all of the players are there only for laser tag and no other activities.

Laser Tag Games Per Hour : 3
Max Number of Players : 22
Average Games Played : 2
Total Players Per Hour : 33 ($X= (3 \times 22)/2$)
Vehicles Per Hour : 11 ($X=33/3$ (3 people per vehicle)
Trips Per Hour: 22 ($X=11 \times 2$)

Go Kart Track

The proposed race track will have a maximum of 8 karts operating at any one time. And these races will usually be families as well. Perhaps a father, a son or daughter in the same race. Races will be roughly 10 – 12 minutes long. The model is to have 4 races an hour.

Races Per Hour : 4 (each race is 10 min long, extra 20 minutes is for change over)
Racers Per Race : 8
Average Number of Races Per Racer : 2
Max Number of Racers Per Hour : 16 ($X=(4 \times 8)/2$)
Vehicles Per Hour : 5.3 ($X=16/3$ people per vehicle)
Trips Per Hour : 10.6 ($X=5.3 \times 2$)

TOTALS:

Peak (Friday Night – Sunday 6PM)

Arcade : 8.2 Trips Per Hour
 Laser Tag : 22 Trips Per Hour
 Go Kart : 10.6 Trips Per Hour
 Total Trips : 40.8 Trips Per Hour

The above is assuming that each activity is completely sold out for each race and/or laser tag game which is highly unlikely.

And if we take the obvious assumption that at least 30% of customers will be enjoying multiple activities that maximum number drops to roughly 27 trips per hour

Also, the above calculation does not take into account the decreased amount of traffic due to the loss of the manufacturing space and the reduced size of the existing retail space.

Summary

Traditional retail space typically creates a greater traffic load than the sort of indoor amusement/entertainment at a Spins Bowl or Grand Prix. We design our facilities so that our customers remain in the FEC venue longer than a typical retail facility, and take advantage of not just one activity, but several of the products we offer. We also hope our patrons will spend time in the restaurant. The typical length a customer will spend at one of our venues is 90 minutes, but often times a family can spend 2 or even 3 hours at one of our venues.

So we expect that a Grand Prix Orange County will generate far fewer traffic trips than a traditional retail venue of a similar size. Since the original application for Orange County Choppers and corresponding traffic study was approved based on traditional retail traffic estimates, we submit that the renovated venue will generate significantly fewer trips overall than the maximum allowed.

Regards,

A handwritten signature in black ink, appearing to read 'Bill Diamond', with a long horizontal flourish extending to the right.

Bill Diamond



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14039 / 467
INSTRUMENT #: 20160024093

Receipt#: 2113000
Clerk: HS
Rec Date: 04/19/2016 10:44:46 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 8
Rec'd Frm: CHICAGO TITLE INSURANCE CO

Party1: BRE EAST MIXED ASSET OWNER LLC
Party2: DP66 LLC
Town: NEWBURGH (CITY)
95-1-47.2

Recording:	
Recording Fee	60.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00
Sub Total:	335.00

Transfer Tax	
MTG TX \$9,556 PD TO NYS #	
411160114245	
Transfer Tax - State	0.00
Sub Total:	0.00

Total:	335.00
**** NOTICE: THIS IS NOT A BILL ****	

***** Transfer Tax *****
Transfer Tax #: 7077
Commercial Transfer Tax
Consideration: 2388750.00

Total:	0.00
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Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

DP66 LLC
333 NORTH BEDFORD ROAD
MOUNT KISCO, NY 10595

CT15-00675-0

7

Section: 95 Block: 1 Lots: 47.2 & 74

**Recording requested by and
upon recordation return to:**

DP66, LLC
333 North Bedford Road
Mount Kisco, New York 10595
Attention: James Arthur Diamond

THIS INDENTURE, made the 31st day of March, in the year 2016 between **BRE EAST MIXED ASSET OWNER LLC**, a Delaware limited liability company, with offices at c/o The Blackstone Group, 345 Park Avenue, New York, NY 10154 ("**GRANTOR**"); and **DP66, LLC**, a New York limited liability company, with offices at 333 North Bedford Road, Mount Kisco, New York, 10549 ("**GRANTEE**");

WITNESSETH, that the **GRANTOR**, in consideration of ten dollars (\$10.00) and other valuable consideration paid by the **GRANTEE**, does hereby grant and release unto the **GRANTEE**, the heirs or successors and assigns of the **GRANTEE** forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the:

[See legal description attached as Exhibit A and by this reference incorporated herein]

TOGETHER with all right, title and interest, if any, of the **GRANTOR** 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 **GRANTOR** in and to said premises;

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

GRANTOR covenants with the **GRANTEE**, that **GRANTOR** has done nothing to impair such title as **GRANTOR** received, and that **GRANTOR** will defend **GRANTEE** and **GRANTEE**'s successors and assigns against the claims of all persons claiming by, through or under **GRANTOR**, subject only to all covenants, restrictions, easements, reservations, and other exceptions of record and as described on Exhibit B, attached hereto and incorporated herein by this reference.

GRANTOR, in compliance with Section 13 of the Lien Law, covenants that **GRANTOR** 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 party of the total of the same for any other purpose.

GRANTEE ACKNOWLEDGES AND AGREES THAT **GRANTOR** HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL OR LIMITED WARRANTY OF TITLE AS SET

OUT IN THIS DEED), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE EXISTENCE IN OR ON THE PROPERTY OF HAZARDOUS MATERIALS OR SUBSTANCES. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR AND ACCEPTS THE PROPERTY AND WAIVES ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING, BUT NOT LIMITED TO, ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS" "WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE FOR THE PROPERTY HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THE FOREGOING.

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

GRANTOR:

BRE EAST MIXED ASSET OWNER LLC, a
Delaware limited liability company

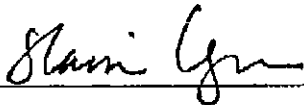
By:  _____

Name: Byron Blount

Title: Vice President and Managing Director

County of New York, State of New York:

On March 28, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Byron Blount, personally 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 he 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. Witness my hand and official seal.

 _____

Notary Public

Naomi Lyum Notary Public, State of New York County of New York Commission No. 01LY6212187 Exp 10/13/2017
--

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

GRANTEE:

DP66, LLC,
a New York limited liability company

By: [Signature]
Name: JAMES DIAMOND
Title: MANAGER

County of Nassau, State of New York

On March 29, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared James Diamond, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their capacity(ies), and that by his / her / their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. Witness my hand and official seal.

[Signature]
Notary Public

JOSH MILLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01316188657
Qualified in Nassau County
Commission Expires June 9, 2016

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

That certain land situated in the City of Newburgh, County of Orange, State of New York, and described as follows:

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 shown and designated as Lot #4 (3.269 +/- acres) shown on a subdivision map entitled "Subdivision & Lot Line Change Between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (Drawn by date 6/1/05) last revised 8/19/05 and filed in the Orange County Clerk's Office on March 8, 2006 as Map# 180-06.

TOGETHER WITH a Right-of-Way for ingress and egress over "Crossroads Court" as shown on filed Map 4-00 and described in Road Easement and Maintenance Agreement in Liber 5254 Page 307 to and from NYS Route 17K.

TOGETHER WITH a Right-of-Way for ingress and egress over the following:

Beginning at a point on the northeasterly line of Lot No. 1 at the intersection of the southeasterly corner of Parcel "E" with the southwesterly corner of Lot No. 2 on a certain map entitled "Orange County Transfer Station #2 (Formerly Newburgh Bulk Recycle & Transfer Station), Subdivision & Lot Line Change, Lands of the County of Orange and Lands of Huffard & Patsalos" as last revised on August 19, 2005;

Thence the following five (5) courses and distances:

1. Along the division line of Lot No. 2 and Parcel "E" on said map, North 15 degrees 10 minutes 52 seconds East for a distance of 48.50 feet to the cusp of a curve;
2. Thence, for an arc distance of 16.84 feet through Lot No. 2, southeasterly and easterly along a curve, concave to the left, having a radius of 15.00 feet, a central angle of 64 degrees 19 minutes 18 seconds and a chord which bears South 42 degrees 39 minutes 32 seconds East 15.97 feet to a point of tangency;
3. Thence, through Lot No. 2 on said map, South 74 degrees 49 minutes 08 seconds East for a distance of 181.99 feet;
4. Thence, along the division line of Lot No. 2 and Lot No. 4 on said map, South 15 degrees 10 minutes 52 seconds West for a distance of 40.00 feet;
5. Thence, along the division line of Lot No. 1 and Lot No. 2 on said map, North 74 degrees 49 minutes 08 seconds West for a distance of 195.51 feet to the point or place of beginning.

All bearings refer to grid north, New York State plan, eastern zone.

Section 95, Block 1, Lot 74.

Parcel 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 being shown and designated as Lot No. 2 shown on a subdivision map entitled, "Subdivision & Lot Line Change between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (drawn by date (6/1/05), last revised 8/19/05 and filed in the Orange County Clerk's Office on 3/8/06 as Map No. 180-06.

Section 95, Block 1, Lot 47.2.

EXHIBIT B

Permitted Exceptions

1. Real property taxes and assessments for the year 2016 and thereafter, not yet due and payable.
2. Zoning and other regulatory laws and ordinances affecting the Property.
3. Matters disclosed by that certain ALTA/ACSM Land Title Survey, prepared by Lehr Land Surveyors on behalf of Commercial Due Diligence Services and signed and certified to Grantor on June 2, 2015.
4. Easements, rights of way, limitations, conditions, covenants, restrictions, and all other matters, that are of record.