



# 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: September 30, 2015  
~~October~~, 2015

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

I (WE) DRA Fidelco Newburgh, LLC PRESENTLY

RESIDING AT NUMBER 47 River Road, Summit, NJ 07901

TELEPHONE NUMBER (908) 273-2400

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:

9-1-48.2 (TAX MAP DESIGNATION)

74 Stewart Avenue (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19(c)(2), Table of Use and Bulk Regulations Schedule 5



# 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: September 17, 2015

4. DESCRIPTION OF VARIANCE SOUGHT: See attached Addendum

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: See attached addendum

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

---

---

---

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

---

---

---

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

---

---

---

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

---

---

---

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

---

---

---



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

### 7. ADDITIONAL REASONS (IF PERTINENT):

See addendum

DRA Fidelco Newburgh, LLC

PETITIONER (S) SIGNATURE

By: Nicolas W. Minoia, Managing Member

STATE OF <sup>New Jersey</sup> ~~NEW YORK~~ COUNTY OF <sup>Union</sup> ~~ORANGE~~:

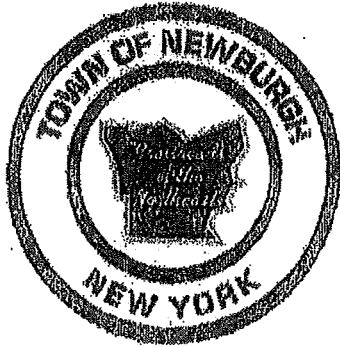
SWORN TO THIS 30 DAY OF September 20 15

  
NOTARY PUBLIC

JESSICA CARPLUK  
Notary Public  
State of New Jersey  
My Commission Expires Nov 14, 2018

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 VISIT'S TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Nicholas ~~W~~ Minoia, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 47 River Rd

IN THE COUNTY OF Union AND STATE OF NJ

AND THAT HE/SHE IS THE ~~OWNER IN FEE OF~~ <sup>XXXXXXXXXXXXXX</sup> managing member of  
DRA Fidelco Newburgh, LLC. the OWNER IN FEE OF Town of Newburgh  
Tax Map Section 97 Block 1 Lots 47.2 and 48.2

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Jacobowitz and Gubits, LLP  
and JMC Planning Engineering Landscape Architecture and Land Surveying, PLLC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/30/15

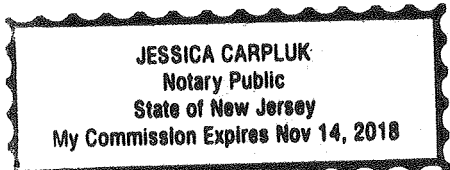
OWNER'S SIGNATURE

WITNESS' SIGNATURE

New Jersey  
STATE OF NEW YORK: COUNTY OF Union ~~ORANGE~~

SWORN TO THIS 30 DAY OF September 20 15

NOTARY PUBLIC



**ADDENDUM TO ZBA APPLICATION  
FOR  
DRA FIDELCO, NEWBURGH, LLC  
SUMMIT LANE AT NEWBURGH EXTENSION  
APPLICATION**

**Area of variance from front yard requirement for existing single family home.**

**Relevant Facts.**

The applicant is constructing a 29 unit rental community with accessory storage facility for the sole use of tenants of the rental community to be located off Stewart Avenue adjacent to the existing 160 unit Summit Lane at Newburgh Rental Community. The property contains an existing single family dwelling that the applicant proposes to rent as the 29<sup>th</sup> rental unit. The area surrounding the single family home will be maintained by the owners of the rental community.

However, the Town of Newburgh Zoning Code, Section 185-19C, entitled Not Conformity with Bulk Requirements, subparagraph 2, entitled Change of Use Status, requires that:

“a change of use to a conforming use subject to site plan review of the Planning Board of a building which remains non conforming as to District regulations for bulk shall not be permitted without an area variance from the Zoning Board of Appeals ...”.

Therefore, the applicant is seeking an area variance to allow the continued use of the single family home as a rental unit within the above-referenced rental community.

**Reasons supporting the request.**

The benefit to the applicant in allowing the continued use of the single family home as part of this overall rental community far outweighs any detriment to the health, safety, and welfare of the neighborhood or community by such grant for the following reasons:

- A. There will be no undesirable change produced in the character of the neighborhood or detriment to nearby properties created by the granting of this area variance - The single family home will continue to be used in the same fashion as it has been previously. However, it will be surrounded by a permitted rental community that will allow for unified maintenance of all areas surrounding the single family home and the units, and will also provide the opportunities for the residents renting the single family home to utilize all the amenities of this rental community.

- B. The benefit sought by the applicant can not be achieved by some method feasible to pursue other than an area variance - The single family house can not be moved back from its existing location Therefore, the only alternative would be to demolish the house.
- C. The requested area variance is not substantial - The single family home exists. There are no plans to expand the home.
- D. The proposed variance will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district - the home is currently located adjacent to the existing 160 unit Summit Lane rental community and will be part of the extension of such rental community. The design and layout of the Summit Lane Rental Community, including the single family home, will be consistent and compatible with the existing rental community.
- E. While technically the hardship is self-created, this is not in of itself a reason to deny the variance.

Based upon all of the above, we respectfully request that the Board grant this area variance.

## 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>Summit Lane at Newburgh Expansion</b>			
Project Location (describe, and attach a location map): <b>68 and 74 Stewart Avenue, Newburgh, New York</b>			
Brief Description of Proposed Action: 1. Request for an area variance from front yard setback to allow continued use of an existing single family home. 2. Request for an interpretation and special permit of the Town of Newburgh Zoning Code to permit conversion of an existing building for use as accessory storage for tenants of the multi-family rental community. 3. Request for an use variance from the Town of Newburgh Zoning Code to permit conversion of an existing building for use as accessory storage for tenants of the multi-family rental community.			
Name of Applicant or Sponsor: DRA Meadow Hill, LLC		Telephone: 908-273-2400	
		E-Mail: nminoia@diversifiedra.com	
Address: 47 River Road, Suite 200			
City/PO: Summit		State: NJ	Zip Code: 07901
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 checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Planning Board-Site Plan Approval, Town Sewer Dept.-Flow Acceptance Letter, NYSDEC-SPDES General Permit, Building Dept.-Building Permit, Health Dept.-Water Main Extension and Connection			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		31.62 acres	
b. Total acreage to be physically disturbed?		6.92 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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			





<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>John Cappello as Attorney</u></p>		<p>Date: <u>10/5/15</u></p>
<p>Signature: <u><i>John Cappello</i></u></p>		

f/2014/14136/shorteaf.pdf

Project: Date: 

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

### *Short Environmental Assessment Form Part 3 Determination of Significance*

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)

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

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

James G. Sweeney, P.C., of Counsel

James B. Biagi, of Counsel

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

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

September 17, 2015

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

RE: Summit Lane at Newburgh Expansion  
97-1-47 & 48 (Zone R-3)  
Stewart Avenue (15.18)

---

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 August 20, 2015. The applicant proposes to construct a 29-unit rental community with accessory storage facility for the sole use of tenants in the rental facility. The property will become a part of the existing 160-unit Summit Lane at Newburgh rental community. Some of the existing structures on site will be utilized; others will be demolished.

A residential building on site is claimed to have been used in the past for storage purposes as accessory to a claimed protected nonconforming landscape business use and also to a nursery school or daycare use. Therefore, if that former storage use was allowed, it too was allowed as a protected, nonconforming use. Section 185-19A(3) provides that "[a] nonconforming use shall not be changed to another nonconforming use without a special permit from the board of appeals and then only to a use, in the opinion of said board, is of the same or more restricted nature."

The applicant will therefore be applying to the zoning board of appeals for an interpretation regarding its eligibility to continue its nonconforming storage use as accessory and incidental to its proposed rental community use, or for approval of the change in that protected nonconforming storage use under authority of Section 185-19A(3), or for consideration of a use variance.

The applicant also proposes a lot line change. That lot line change and the change in use requires approval of area variances for two existing structures on site that do not satisfy the front yard setback requirements of the code. Therefore, the planning board writes to refer this matter to you for consideration of a front yard setback variance.

The planning board has no particular matters to bring to your attention. We believe that uncoordinated review may be appropriate under the New York State Environmental Quality Review Act.

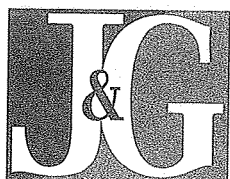
Very truly yours,

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  
John Cappello, Esq.



# JACOBOWITZ AND GUBITS LLP

COUNSELORS AT LAW

Gerald N. Jacobowitz  
 David B. Gubits  
 Howard Protter  
 Donald G. Nichol  
 Larry Wolinsky  
 J. Benjamin Gailey  
 Mark A. Krohn\*  
 John C. Cappello  
 George W. Lithco  
 Michele L. Babcock  
 Sanford R. Altman  
 Gary M. Schuster  
 William E. Duquette  
 Kara J. Cavallo  
 Marcia A. Jacobowitz  
 F. Bryan Paz  
 Andrea L. Dumais  
 Antoinette M. Caruso  
 Alanna C. Iacono  
 Jennifer S. Echevarria  
 Kelly A. Pressler  
 Peter R. Eriksen\*\*  
 John H. Thomas Jr.\*\*  
 Carmee G. Murphy\*\*

October 1, 2015

**Hand-Delivered**

*James Manley, Jr*

Honorable ~~Grace Cardone~~, Chairperson  
 and Zoning Board of Appeals Members  
 Town of Newburgh Zoning Board of Appeals  
 Old Town Hall  
 308 Gardentown Road  
 Newburgh, New York 12550

Re: DRA Fidelco Area Variance  
 Summit Lane, Newburgh Expansion, Town of Newburgh, Stewart Ave.  
 Town of Newburgh Tax Map Nos: Section 97, Block 1, Lot 48.2  
 Our File No. 11247-003

*Manley*

Dear Chairperson ~~Cardone~~ and Members of the Board:

Attached please find the following documents constituting the application of DRA Fidelco Newburgh, LLC for an area variance.

1. Original completed Zoning Board application on official Town forms with addendum;
2. Check in the amount of \$200.00, payable to the Town of Newburgh, representing the fee for this application;
3. Eleven copies of a plot plan drawn to scale, prepared by John Meyer Consulting, dated 7/24/15, last revised 9/23/15, consisting of drawings SP-1A and SP-3;
4. Certified copy of the Deed to the property in question;
5. Planning Board referral letter from Planning Board Attorney, Michael Donnelly, Esq., dated September 17, 2015;
6. Four photographs from four different angles of the subject property;

SILVER & LESSER, P.C.\*\*  
 Barry Silver  
 Sol Lesser

\* LLM IN TAXATION  
 \*\*OF COUNSEL

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

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

JACOBOWITZ.COM

Honorable Grace Cardone, Chairperson  
and Zoning Board of Appeals Members  
Re: DRA Fidelco Area Variance  
Our File No.: 12247-003

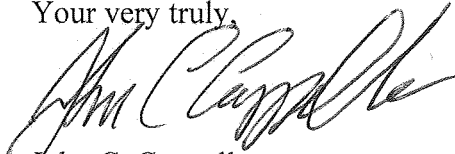
October 1, 2015  
Page 2

7. Proxy statement signed by the applicant authorizing Jacobowitz and Gubits, LLP, and John Meyer Consultants to appear on their behalf;
8. Completed Environmental Assessment form, Part 1; and
9. List of property owners within 500 feet of the exterior boundaries of the lands involved, prepared by the Town of Newburgh Assessor's office.

I respectfully request this matter be placed on the Board's October 22, 2015, meeting agenda. Please contact me at your convenience when the notice is ready so we can provide you with the completed envelopes and post the property as required.

Thank you in advance for your attention to this matter.

Your very truly,



John C. Cappello

JCC/sac  
Enclosures



**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

Newburgh Jewish Community  
Center, Inc.

TO

DRA Fidelco Newburgh, LLC

SECTION 97 BLOCK 1 LOT 47 & 48



RECORD AND RETURN TO:  
(name and address)

David B. Gubits, Esq.  
Jacobowitz and Gubits, LLP  
P.O. Box 367  
Walden, NY 12586

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)      | 4289 MONTGOMERY (TN)      |
| 2001 WASHINGTONVILLE (VLG)    | 4201 MAYBROOK (VLG)       |
| 2003 SO. BLOOMING GROVE (VLG) | 4203 MONTGOMERY (VLG)     |
| 2289 CHESTER (TN)             | 4205 WALDEN (VLG)         |
| 2201 CHESTER (VLG)            | 4489 MOUNT HOPE (TN)      |
| 2489 CORNWALL (TN)            | 4401 OTISVILLE (VLG)      |
| 2401 CORNWALL (VLG)           | 4600 NEWBURGH (TN)        |
| 2600 CRAWFORD (TN)            | 4800 NEW WINDSOR (TN)     |
| 2800 DEERPARK (TN)            | 5089 TUXEDO (TN)          |
| 3089 GOSHEN (TN)              | 5001 TUXEDO PARK (VLG)    |
| 3001 GOSHEN (VLG)             | 5200 WALL KILL (TN)       |
| 3003 FLORIDA (VLG)            | 5489 WARWICK (TN)         |
| 3005 CHESTER (VLG)            | 5401 FLORIDA (VLG)        |
| 3200 GREENVILLE (TN)          | 5403 GREENWOOD LAKE (VLG) |
| 3489 HAMPTONBURGH (TN)        | 5405 WARWICK (VLG)        |
| 3401 MAYBROOK (VLG)           | 5600 WAWAYANDA (TN)       |
| 3689 HIGHLANDS (TN)           | 5889 WOODBURY (TN)        |
| 3601 HIGHLAND FALLS (VLG)     | 5801 HARRIMAN (VLG)       |
| 3889 MINISINK (TN)            | 5809 WOODBURY (VLG)       |
| 3801 UNIONVILLE (VLG)         | <b>CITIES</b>             |
| 4089 MONROE (TN)              | 0900 MIDDLETOWN           |
| 4001 MONROE (VLG)             | 1100 NEWBURGH             |
| 4003 HARRIMAN (VLG)           | 1300 PORT JERVIS          |
| 4005 KRYAS JOEL (VLG)         | 9999 HOLD                 |

NO. PAGES 5 GROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ 562,500.00  
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

*Ann G. Rabbitt*  
ANN G. RABBITT  
ORANGE COUNTY CLERK

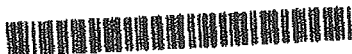
Received From Hill-N-Rab

RECORDED/FILED  
01/21/2014/ 11:42:36  
ANN G. RABBITT  
County Clerk  
ORANGE COUNTY, NY  
FILE#20140005466  
DEED C / BK 13707PB 0910  
RECORDING FEES 320.00  
TTX# 003712 T TAX 2,250.00  
Receipt#1711390 maryp

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 Jan 21, 2014 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* Sept. 30, 2015

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



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 13 day of January, Two Thousand Fourteen

**BETWEEN**

NEWBURGH JEWISH COMMUNITY CENTER, INC., a not-for-profit domestic corporation,  
having offices at 290 North Street, Newburgh, NY 12550

party of the first part, and

DRA FIDELCO NEWBURGH, LLC, a domestic limited liability company,  
having offices at 47 River Road, Suite 200, Summit, NJ 07901

party of the second part,

WITNESSETH, that the party of the first part, in consideration of FIVE HUNDRED SIXTY-TWO  
THOUSAND FIVE HUNDRED and 00/100 (\$562,500.00) dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the  
second part, does hereby grant and release unto the party of the second part, the heirs or successors and  
assigns of the party of the second part forever,

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

BEING the same premises described in a certain deed dated October 10, 1996 from First Realty  
Development Ltd. to Newburgh Jewish Community Center, Inc., and recorded in the Orange County  
Clerk's office on October 22, 1996 in Liber 4470 of Deeds at Page 261.

This conveyance is given in the normal course of business and does not constitute all or substantially all of  
the assets of the party of the first part.

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

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

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

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

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



ALL THAT PIECE OR PARCEL OF LAND LOCATED WITHIN THE TOWN OF NEWBURGH, COUNTY OF ORANGE AND STATE OF NEW YORK. SAID PARCEL LYING ON THE NORTHEASTERLY SIDE OF STEWART AVENUE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY SIDE OF STEWART AVENUE WITH THE NORTHWESTERLY LINE OF THE LANDS OF NEWBURGH JEWISH COMMUNITY CENTER INC (L. 4470, P. 261) ON THE SOUTHEAST AND THE SOUTHERLY LINE OF LANDS OF SUSTAINABLE PROPERTIES, LLC (L. 12506, P. 1755) ON THE NORTH. THENCE, SOUTH 32°01'33" EAST, ALONG THE NORTHWESTERLY SIDE OF STEWART AVENUE, A DISTANCE OF 209.94' TO THE POINT OF BEGINNING. THENCE, ALONG THE DIVISION LINE OF REMAINING LANDS OF NEWBURGH JEWISH COMMUNITY CENTER INC (L. 4470, P. 261) ON THE NORTHWEST AND THE HEREIN DESCRIBED PARCEL ON THE SOUTHEAST, THE FOLLOWING 3 COURSES AND DISTANCES:

1. NORTH 50°09'18" EAST, A DISTANCE OF 184.28' TO A POINT.
2. NORTH 50°09'18" EAST, A DISTANCE OF 241.05' TO A POINT.
3. SOUTH 54°01'59" EAST, A DISTANCE OF 303.91' TO THE POINT OF INTERSECTION OF THE  
HEREIN

DESCRIBED PARCEL ON THE WEST AND LANDS OF DAMIAN F. BRENNAN (L. 11770, P. 1750) ON THE EAST. THENCE, ALONG LANDS OF DAMIAN F. BRENNAN (L. 11770, P. 1750), LANDS OF ALAN HUGHES & LINDA CHATFIELD (L. 3792, P. 110), LANDS OF TOWN OF NEWBURGH, LANDS OF FERNANDO CRUZ-AGUILAR (L. 12754, P. 421), LANDS OF FRANK S. & BRIDGET TERESA COSTIC (L. 12835, P. 28), LANDS OF GEORGE D TURNER Jr. (L. 4758, P. 317) AND RAB BAKARI (L. 5874, P. 28), THE FOLLOWING 2 COURSES AND DISTANCES:

1. SOUTH 34°35'20" WEST, A DISTANCE OF 421.62' TO A POINT.
2. SOUTH 31°19'33" WEST, A DISTANCE OF 96.92' TO A POINT ON THE NORTHEASTERLY SIDE OF STEWART AVENUE. THENCE, NORTH 32°57'13" WEST, ALONG THE NORTHEASTERLY SIDE OF STEWART AVENUE, A DISTANCE OF 457.90' TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 4.20 +/- ACRES OF LAND MORE OR LESS. DESCRIPTION IS INTENDING TO DESCRIBE THE REMAINING PORTION OF CURRENT TAX MAP PARCEL 97-1-47.

ALL THAT PIECE OR PARCEL OF LAND LOCATED WITHIN THE TOWN OF NEWBURGH, COUNTY OF ORANGE AND STATE OF NEW YORK. SAID PARCEL LYING ON THE NORTHEASTERLY SIDE OF STEWART AVENUE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY SIDE OF STEWART AVENUE WITH THE NORTHWESTERLY LINE OF THE HEREIN DESCRIBED PARCEL AND THE SOUTHERLY LINE OF LANDS OF SUSTAINABLE PROPERTIES, LLC (L. 12506, P. 1755). THENCE, NORTH 56°24' 12" EAST, ALONG THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE SOUTH AND LANDS OF SUSTAINABLE PROPERTIES, LLC (L. 12506, P. 1755) ON THE NORTH, A DISTANCE OF 144.02' TO A POINT. THENCE, SOUTH 43°34' 46" EAST, ALONG A PROPOSED DIVISION LINE, A DISTANCE OF 192.72' TO A POINT ON THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE NORTHWEST AND OTHER LANDS OF NEWBURGH JEWISH COMMUNITY CENTER INC (L. 4470, P. 261.) ON THE SOUTHEAST. THENCE, SOUTH 50°09' 18" WEST, ALONG THE DIVISION LINE OF THE HEREIN DESCRIBED PARCEL ON THE NORTHWEST AND OTHER LANDS OF NEWBURGH JEWISH COMMUNITY CENTER INC (L. 4470, P. 261) ON THE SOUTHEAST, A DISTANCE OF 184.28' TO THE NORTHEASTERLY SIDE OF STEWART AVENUE. THENCE, NORTH 32°01' 33" WEST, ALONG THE NORTHEASTERLY SIDE OF STEWART AVENUE, A DISTANCE OF 209.94' TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 0.75 +/- ACRE OF LAND MORE OR LESS. DESCRIPTION IS INTENDING TO DESCRIBE THE REMAINING PORTION OF CURRENT TAX MAP PARCEL 97-1-48.

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

