

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:

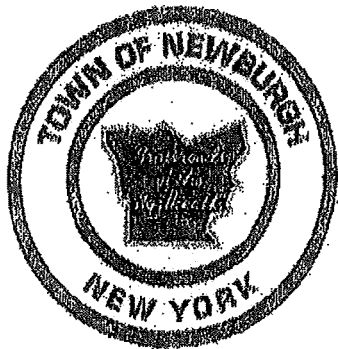
9-1-47,2 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-3, 185-10, 185-19(A)(3), 185-43



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: _____

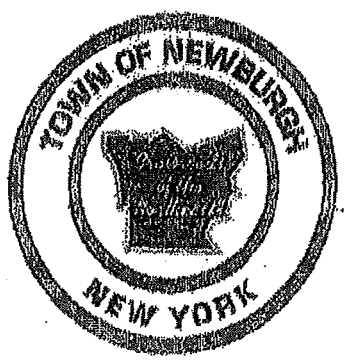
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:

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:



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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 ^{New Jersey} ~~NEW YORK~~ COUNTY OF ^{Union} ~~ORANGE~~:

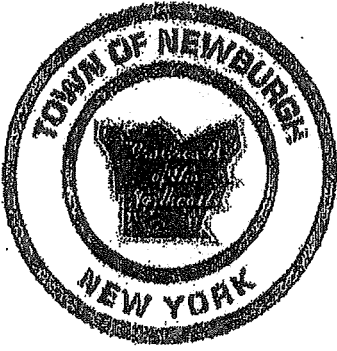
SWORN TO THIS 30 DAY OF September 2015

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 VISITS TO ALL THE PROPERTIES)



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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

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

HE/SHE RESIDES AT 47 River Rd.

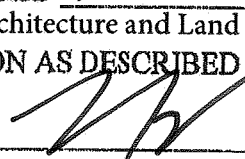
IN THE COUNTY OF Union AND STATE OF NJ

AND THAT HE/SHE IS THE ~~OWNER IN FEE OF~~ XXXXXXXXXXXX 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

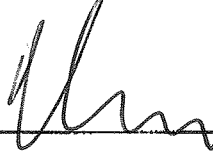
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

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



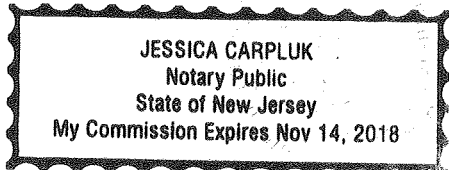
WITNESS' SIGNATURE

STATE OF New Jersey COUNTY OF Union
~~NEW YORK~~ ~~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**

Request for Interpretation to permit the conversion of an existing building to an accessory storage facility for the sole use of the rental community tenants.

Relevant Facts.

The existing property, in addition to the single family house, contains a 2,974 sq.ft. building that was used for a nursery school, 3,175 square foot building that was used for a non-conforming landscape business and storage. The applicant proposes to demolish the two barn type buildings and convert the building utilized for a nursery school use to storage areas to be made available exclusively for tenants of the Summit Lane at Newburgh rental community. It is commonplace to provide tenants in rental communities the opportunity to obtain additional space for storage of items that may not be used on a daily basis, i.e., bikes in the winter, ski equipment in the summer, holiday decorations, etc. Often, the storage is located in the basement of the residential buildings. However, due to site constraints, the buildings housing the residential units will be built on slabs without any basements. Additionally, the garages for each of the rental units are counted as parking spaces, and therefore cannot be used solely for storage. Therefore, the applicant proposes to convert the space in the existing 2,974 thousand square foot former day care building for use for accessory storage areas for the rental community and demolish the retail/storage building.

The applicant is hereby requesting the authorization to proceed with the conversion of the nursery school building to an accessory storage building subject to site plan review by the Planning Board under any one of the two alternatives discussed below.

A. The accessory storage is permitted as a customary accessory use.

Since the storage use is customarily accessory use in rental communities, the conversion of a nursery school building is a permitted accessory storage use and can be included, reviewed and approved as part of the overall Summit Lane extension site plan application.

B. If the ZBA determines that the use of the former nursery school building is not a customary accessory use, the ZBA can issue an interpretation declaring that such use can be approved by the ZBA, pursuant to Town of Newburgh Zoning Code Section 185-19A(3).

Discussion

The Town of Newburgh Zoning Code Section 185-19A(3) provides that:

“ A non-conforming use shall not be changed to another non-conforming use without a special permit from the Board of Appeals and then only to if the use, in the opinion of said Board, is of the same or more restricted nature.”

Currently, a portion of the property is being used for non-conforming storage and a non-conforming landscape business, as well as a permitted nursery school. These two barn type buildings contain non-conforming uses are housed in two buildings on the property total 3,772 square feet. The applicant proposes to demolish the 3,772 square foot of barn buildings and cease the non-conforming landscape business and commercial storage use occurring on the property. The nursery school building, which is in good structural condition, will be converted to accessory storage space solely for the use of tenants of the rental community.

The result will be that the entire property will be used as a rental community with a 2,974 thousand sq. ft. accessory storage. This storage, unlike the prior use, will not be used in conjunction with a commercial building, nor will the storage space be offered for rent to anyone living outside the rental community. Section 185-19A(3) relates to both the non-conforming use of the entire property. It is therefore the applicant's position that the use of the entire property for a permitted rental community with a 2,974 square foot non-conforming storage area, solely available to tenants of the rental community, is a use that is more conforming to the Zoning Code than the current use of the property.

Therefore this Board can consider and issue a special permit to allow the use of one of the existing buildings on the site for accessory storage for residents of the rental community.

Short Environmental Assessment Form

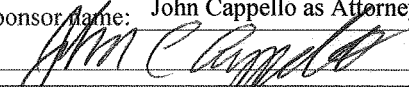
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Summit Lane at Newburgh Expansion			
Project Location (describe, and attach a location map): 68 and 74 Stewart Avenue, Newburgh, New York			
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"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: 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		NO <input type="checkbox"/>	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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>John Cappello as Attorney</u></p>		<p>Date: <u>10/5/15</u></p>
<p>Signature: <u></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)

PRINT FORM

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@dddllp.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.

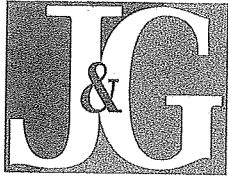
Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
John Cappello, Esq.



**JACOBOWITZ
AND GUBITS LLP**
COUNSELORS AT LAW

October 1, 2015

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**

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

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 Request for Interpretation
Summit Lane, Newburgh Expansion, Town of Newburgh, Stewart Ave.
Town of Newburgh Tax Map Nos: Section 97, Block 1, Lot 47.2
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 requesting interpretation of the Town of Newburgh Zoning Code.

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;

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

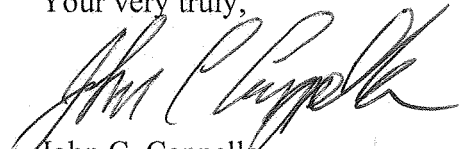
October 1, 2015
Page 2

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



SECTION 97 BLOCK 1 LOT 47 & 48 ^{p/o p}

Newburgh Jewish Community Center, Inc.

TO

DRA Fidelco Newburgh, LLC

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 WALLKILL (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) | CITIES |
| 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 CROSS 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/UNI OR 2
- ___ (K) CONDO

Ann G. Rabbit
ANN G. RABBIT
ORANGE COUNTY CLERK

Received From Hill-N-Rab

RECORDED/FILED
01/21/2014/ 11:42:36
ANN G. RABBIT
County Clerk
ORANGE COUNTY, NY
FILE#20140005456
DEED C / BK 13707PG 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. RABBIT, 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. Rabbit Sept. 30, 2015

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



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

HNS0526

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

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 premises are to be used as a single family dwelling.

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

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

IN PRESENCE OF:

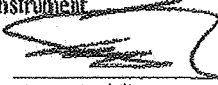
NEWBURGH JEWISH COMMUNITY CENTER, INC.

BY: Jan Sosnick, Pres.

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

On the 13 day of January, 2014, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Jan Sosnick, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that said individual executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

TODD A. NELSON
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 4870143
Commission Expires August 11, 192014


Notary Public
Commission Expires:

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

NEWBURGH JEWISH COMMUNITY
CENTER, INC.

TO

DRA FIDELCO NEWBURGH, LLC

SECTION 97
BLOCK 1
LOTS 47 & 48 P/O
P/O
COUNTY OF ORANGE
TOWN OF NEWBURGH

RETURN BY MAIL TO:

DAVID B. GUBITS, ESQ.
Jacobowitz and Gubits, LLP
158 Orange Avenue
P.O. Box 367
Walden, NY 12586

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

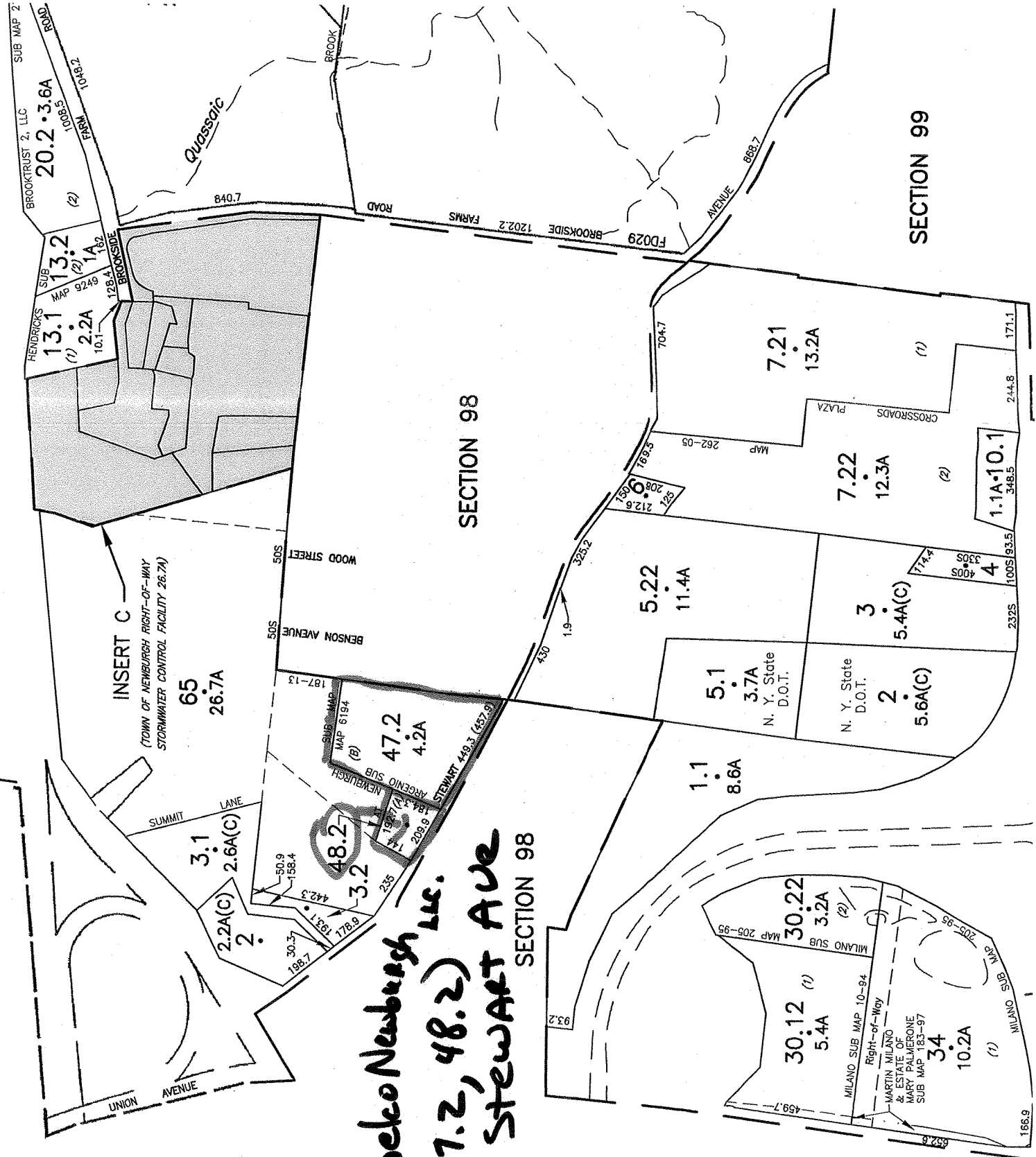
DESCRIBED PARCEL ON THE WEST AND LANDS OF DAMIAN F. BRENNAN (L. 11770, P. 1750) ON THE EAST. THENCE, ALONG LANDS OF DAMIAN F. BRENNAN (L. 11770, P. 1750), LANDS OF ALAN HUGHES & LINDA CHATFIELD (L. 3792, P. 110), LANDS OF TOWN OF NEWBURGH, LANDS OF FERNANDO CRUZ-AGUILAR (L. 12754, P. 421), LANDS OF FRANK 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



DRA Fideko Newburgh LLC.
(971-47.2, 48.2)
68+74 Stewart Ave
SECTION 98

SECTION 99