

Edward A. Manno
County Executive

Orange County Department of Planning

Submittal Form for Mandatory Review of Local Planning Action

as per NYS General Municipal Law §239-l,m, & n

Referral ID#:
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality: Town of Newburgh

Local Referring Board: Zoning Board of Appeals

Applicant: GEJ Newburgh LLC

Project Name: _____

Location of Project Site: 50 Route 17K
52 (TARGET PLAZA)

Tax Map #: 97-2-7,22

Tax Map #: _____

Tax Map #: _____

Local File No.: 2373-13

Size of Parcel: 12.30 acres
If more than one parcel, please include sum of all parcels.

Current Zoning District (include any overlays): IB

Reason for County Review: ON NYS Route 17K

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____
Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision Number of lots proposed: _____
Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance (AREA) / USE (circle one) Signage - MAX SQ. FTg ALLOWED &
MAX ONE FREE STANDING SIGN PER LOT

Other

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

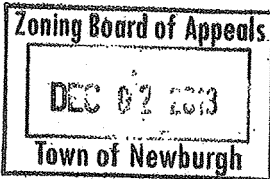
Local board comments or elaboration:

Grace Cardone 12/2/13 Chairperson,
Signature of local official Date Zoning Board of Appeals

Municipal Contact Phone Number: 845 566-4901

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

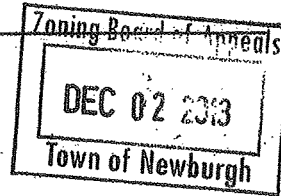
Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecounty.gov



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: 2 DEC 2013

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

I (WE) GEJ NEWBURGH LLC PRESENTLY

RESIDING AT NUMBER 120 WHITE PLAINS RD, TARRYTOWN NY 10951

TELEPHONE NUMBER 914 524-7700

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:

97-2-7.22 (TAX MAP DESIGNATION)

52 ROUTE 17K (STREET ADDRESS)

1B (ZONING DISTRICT)

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

185-14-B-1(c)

185-14-B(c)

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: 31 JUL 2013
- 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: INSTALL A THIRD FREESTANDING SIGN MEASURING 35.2 SQ FT

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:

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:
PROPOSED PYLON SIGN IS APPROPRIATE IN SIZE AND CUSTOMER USE OF THIS SHOPPING CENTER, ONE OF THE LARGEST IN THE AREA.
- 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:
SOME TENANT BUSINESSES ARE NOT REPRESENTED ON EXISTING PYLON SIGNS. NO ALLOWANCE FOR INCREASED SIZE.
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
PROPOSED PYLON SIGN WILL BE VISIBLE ONLY TO TRAFFIC ENTERING THE SHOPPING CENTER; NOT VISIBLE FROM NEIGHBORING PROPERTY.
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
THE PROPOSED SIGN IS FOR INFORMATIONAL PURPOSES ONLY, NO OTHER EFFECT ON THE AREA.
- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
THIS IS DUE TO CODE RESTRICTIONS, NOT TO POOR SITE DESIGN.

7. ADDITIONAL REASONS (IF PERTINENT):

Elizabeth C. Manning AGENT FOR
PETITIONER (S) SIGNATURE LEWIS SIGN CO LLC

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21st DAY OF November 20 13

Charlene M. Black
NOTARY PUBLIC

CHARLENE M. BLACK
Notary Public, State of New York
No. 01BL6149416
Qualified in Orange County
Commission Expires July 10, 20 14

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

GARY Juster, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 120 White Plains Road # 110 Tarrytown
IN THE COUNTY OF Westchester AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Crossroads PLAZA
50-52 Route 17K, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED LEWIS SIGN CO LLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/29/13 [Signature]

OWNER'S SIGNATURE

[Signature]

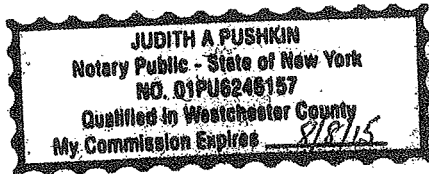
WITNESS' SIGNATURE

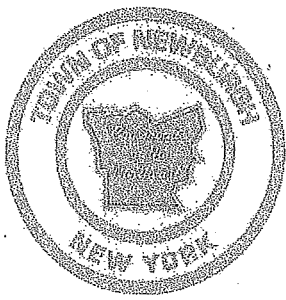
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF October 20 13

[Signature]

NOTARY PUBLIC





TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

2373-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/31/2013

Application No. ~~13-0771~~

To: Target Corporation
PO BOX 9456
Minneapolis, MN 55440-9456

Bob Skovran
GEJ Newburgh LLC
120 White Plains Rd
Tarrytown NY
10957
Suitello
7.22
97-2-7.22
52
SBL: 97-2-7.21
ADDRESS: 50 Route 17K

ZONE: I-B

PLEASE TAKE NOTICE that your application dated 07/29/2013 for permit to CONSTRUCT A FREE STANDING 32.5 SQUARE FOOT SIGN. on the premises located at 50 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code (1) 185-14-B-1 (c) allows the maximum of one freestanding sign per lot. (2) 185-14-B-1 (c) signage is to equal 1/2 the street frontage.

Joseph Mattina
Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** **NO**

NAME: TARGET CORPORATION **GEJ Newburgh LLC**
ADDRESS: PO BOX 9486 MINNEAPOLIS MN-55440-9456 **120 White Plains Rd TARRY TOWN NY 10957**

PROJECT INFORMATION:

TYPE OF STRUCTURE: 3RD FREESTANDING SIGN @ 50 RT. 17K **(52)**

SBL: 97-2-7.21 **22** ZONE: I-B

97-2-7.22

TOWN WATER: TOWN SEWER:

	ALLOWED	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
FREE STANDING SIGNS	1	2	3		
TOTAL SIGNAGE	713 SF	2682 SF	2,714.50	32.50	SEE BELOW
	32.5 S.F. IS EQUAL TO 1.21% OVER PREVIOUS VARIANCE				
	2714.50 S.F. IS EQUAL TO 380% OVER ALLOWED SIGNAGE				
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

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

NOTES: **SIGNAGE SQUARE FOOTAGE IS TAKEN FROM SIGN GUIDELINES DATED 1-13-2006 APPROVED BY PLANNING BOARD**

VARIANCE(S) REQUIRED:

- 1 185-14-B-1 (c) ALLOWS ONE FREE STANDING SIGN PER LOT.
- 2 185-14-B (c) TOTAL SIGN IS TO EQUAL 1/2 OF STREET FRONTAGE.
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 31-Jul-13

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: CROSSROADS PLAZA - ADDITIONAL PYLON SIGN			
Project Location (describe, and attach a location map): 52 ROUTE 17K, NEWBURGH NY			
Brief Description of Proposed Action: INSTALL ADDITIONAL PYLON SIGN TO ACCOMMODATE TENANT BUSINESSES WHICH ARE NOT CURRENTLY REPRESENTED ON EXISTING PYLON SIGN.			
Name of Applicant or Sponsor: LEWIS SIGN CO LLC		Telephone: 845 355 2651	
		E-Mail: PERMITS@LEWISSIGNS.COM	
Address: 26 FLUORESCENT DR			
City/PO: SLATE HILL		State: NY	Zip Code: 10973
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		X	
3.a. Total acreage of the site of the proposed action?		12.3	acres
b. Total acreage to be physically disturbed?		58.5 SQFT	0.001 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		12.3	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	X		
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	X		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	X		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	X		
b. Are public transportation service(s) available at or near the site of the proposed action?	X		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	X		
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	X		
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO	YES	
	X		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>	NO	YES	
	X		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	X		
b. Is the proposed action located in an archeological sensitive area?	X		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	X		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	X		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	X		
16. Is the project site located in the 100 year flood plain?	NO	YES	
	X		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	X		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>LEWIS SIGN CO LLC</u>	Date: <u>11/21/2013</u>	
Signature: <u>Elizabeth G. Manning AGENT</u>		

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

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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> 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.	
<input type="checkbox"/> 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)

CERTIFICATION

As of the date hereof, the undersigned hereby certifies to the Township of Newburgh, County of Orange, State of New York, as follows:

1. Seyfarth Shaw LLP acts as legal counsel to GEJ Newburgh LLC, a New York limited liability company.
2. In the foregoing capacity, the undersigned certifies that attached hereto as Exhibit A is a true and correct copy of the deed from PPNY 2 LLC to GEJ Newburgh LLC, recorded April 14, 2009 with the County Clerk of Orange County, New York as File No. 20090034958 in Book 12809 at Page 0045.

Date: October 29, 2013

SEYFARTH SHAW LLP

By: 

Name: Adrian Zuckerman, Esq.

Title: Partner

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
 THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Gary Juster
 TO
 GEJ Newburgh LLC

SECTION 97 BLOCK 2 LOT Part of 7.2

RECORD AND RETURN TO:
(Name and Address)

Walter Gumbinger, Esq.
 575 Lexington Ave, Ste 2840
 New York, NY 10022

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

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) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2600 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5800 WAWAYANDA (TN) |
| ___ 3801 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | |
| ___ 4003 HARRIMAN (VLG) | |
| ___ 4005 KIRYAS JOEL (VLG) | |

NO. PAGES 5 CROSS REF _____
 CERT. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 0
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

MORTGAGE TYPE:
 ___ (A) COMMERCIAL
 ___ (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

CITIES

- ___ 0900 MIDDLETOWN
 ___ 1100 NEWBURGH
 ___ 1300 PORT JERVIS
 ___ 9999 HOLD

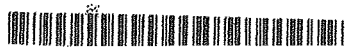
Donna L. Benson

DONNA L. BENSON
 Orange County Clerk

RECEIVED FROM: Royal Post

RECORDED/FILED
 05/10/2005/ 11:49:12
 DONNA L. BENSON
 County Clerk
 ORANGE COUNTY, NY

FILE # 20050052299
 DEED C / BK 11836 PG 0962
 RECORDING FEES 210.00
 TTX# 010780 T TAX 0.00
 Receipt#419310 dab



SCHEDULE A

LEGAL DESCRIPTION LOT 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, more particularly bounded and described as follows:

Beginning at a point on the northerly side of NYS Route 17K (S.H. 113; Cochection Turnpike) at its intersection with the division line between lands of Juster on the east and lands now or formerly of Michael L. Bigg, Jr. on the west, said point is south 70 degrees 33 minutes 36 seconds east 3.35 feet from a concrete highway monument, said point is further described as being the southwesterly corner of Lot 2 as shown on a map titled "Juster Development Company Subdivision Plat", prepared by John Meyer Consulting and dated September 28, 2004, said point being the Point of Beginning.

Running thence along said northerly side of NYS Route 17K (S.H. 113; Cochection Turnpike) south 70 degrees 33 minutes 36 seconds east, 93.51 feet to a point where it intersects the westerly line of Parcel A as shown on the "Lot Line Change Plan Lands of Hudson West Realty, Inc. & Juster Associates" filed March 13, 1998 as Map No. 45-98;

Thence along said Parcel A the following six courses and distances:

- (1) North 38 degrees 55 minutes 40 seconds east, 153.16 feet;
 - (2) South 59 degrees 26 minutes 50 seconds east, 33.97 feet;
 - (3) South 67 degrees 40 minutes 54 seconds east, 175.04 feet;
 - (4) South 61 degrees 17 minutes 00 seconds east, 47.92 feet;
 - (5) South 68 degrees 59 minutes 25 seconds east, 62.11 feet;
 - (6) South 27 degrees 53 minutes 29 seconds west, 155.48 feet
- to the aforesaid northerly side of NYS Route 17K (S.H. 113; Cochection Turnpike);

Running thence along said northerly side of NYS Route 17K (S.H. 113; Cochection Turnpike) the following two courses and distances:

- (1) South 73 degrees 36 minutes 01 seconds east, 44.61 feet;
 - (2) South 70 degrees 34 minutes 08 seconds east, 244.83 feet
- to a point where it intersects the division line between Lot 1 on the east and Lot 2 on the west as shown on the aforesaid map titled "Juster Development Company Subdivision Plat", prepared by John Meyer Consulting and dated September 28, 2004;

Thence along said division line the following five courses and distances:

- (1) North 28 degrees 18 minutes 00 seconds east, 219.84 feet;
 - (2) North 62 degrees 29 minutes 50 seconds west, 244.60 feet;
 - (3) North 27 degrees 30 minutes 10 seconds east, 516.78 feet;
 - (4) North 62 degrees 29 minutes 50 seconds west, 168.92 feet;
 - (5) North 27 degrees 30 minutes 10 seconds east, 551.84 feet
- to the southerly side of Stewart Avenue;

Thence along said southerly side of Stewart Avenue north 41 degrees 10 minutes 20 seconds west, 88.65 feet and north 37 degrees 59 minutes 20 seconds west, 80.87 feet to a point where it intersects the division line between the aforesaid Lot 2 and lands now or formerly of Ralph West;

Thence the following two courses and distances along the lands now or formerly of West:

(1) South 53 degrees 39 minutes 40 seconds west, 208 feet;

(2) North 28 degrees 53 minutes 20 seconds west, 125.00 feet to a point where it intersects the division line between the aforesaid Lot 2 and lands now or formerly of Cornwall Management LLC;

Thence along said division line and along the line of lands now or formerly of Cornwall Management, LLC and along the aforesaid lands now or formerly of Michael L. Bigg, Jr., south 28 degrees 38 minutes 40 seconds west, 1,288.52 feet to a point in the northerly side of NYS Route 17K (S.H. 113; Cohecton Turnpike), said point being the Point of Beginning.

820152

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

THIS INDENTURE, made the 6 day of January, in the year 2005

BETWEEN GARY JUSTER, having an address at 303 South Broadway, Suite 450, Tarrytown, New York 10591

party of the first part, and GEJ NEWBURGH LLC, a New York limited liability company, having an address at 303 South Broadway, Suite 450, Tarrytown, New York 10591

party of the second part, WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00)

dollars

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, State of New York, described on Schedule A attached to and made a part of this deed.

Being part of the same premises conveyed to the grantor from Ann Juster, as to an undivided 33-1/3% interest, Gary Juster, as to an undivided 33-1/3% interest and Howard Juster, as to an undivided 33-1/3% interest, as tenants in common, by deed dated as of 11/29/94 and recorded 12/9/94 in Liber 4149, Page 117; from Ann Juster, an individual, by deed dated as of 11/30/94 and recorded 12/9/94 in Liber 4149, Page 128; from Howard Juster, as to an undivided 33-1/3% interest, by deed dated as of 11/30/94 and recorded 12/9/94 in Liber 4149, Page 123.

C: 97
B: 2
p10
L: 7.2

Premises are designated Section 97, Block 2 and Part of Lot 7.2 as shown on the Orange County Land and Tax Map.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

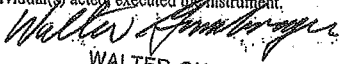
Gary Juster
Gary Juster

St. Rte 17k Newburgh

STATE OF NEW YORK, COUNTY OF
On the 6 day of January in the year 2005
before me, the undersigned, personally appeared

GARY JUSTER

, 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 acknowl-
edged 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 on behalf of which the
individual(s) acted, executed the instrument.



WALTER GUMBINGER
Notary Public, State of New York
No. 02GU6022478
Qualified in New York County
Commission Expires March 29, 2007

STATE OF _____, COUNTY OF _____
On the _____ day of _____ in the year _____

before me, the undersigned, a Notary Public in and for said State,
personally appeared

, the

subscribing witness to the foregoing instrument, with whom I am
personally acquainted, who, being by me duly sworn, did depose
and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);
that he/she/they know(s)

to be the individual described in and who executed the foregoing
instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed
his/her/their name(s) as a witness thereto

[add the following if the acknowledgment is taken outside NY State]
and that said subscribing witness made such appearance before
the undersigned in the (insert the city or other political subdivision and
the State or country or other place the proof was taken).

STATE OF _____
On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

, 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 acknowl-
edged 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 on behalf of which the
individual(s) acted, executed the instrument.

[add the following if the acknowledgment is taken outside NY State]
and that said subscribing witness made such appearance before
the undersigned in the (insert the city or other political subdivision and the State or
country or other place the acknowledgment was taken).

STATE OF _____, COUNTY OF _____

On the _____ day of _____ in the year _____

before me personally came

to me known, who, being by me duly sworn, did depose and say

that he resides at

that he is the

of

the corporation described in and which executed the foregoing
instrument; that he knows the seal of said corporation; that the
seal affixed to said instrument is such corporate seal; that it was
so affixed by order of the board of directors of said corporation,
and that he signed his name thereto by like order.

Mortgage and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

GARY JUSTER

TO


GEJ NEWBURGH LLC

SECTION 97
BLOCK 2
LOT P/O 7.2
COUNTY OR TOWN Newburgh
STREET ADDRESS

Recorded at Request of STEWART TITLE®

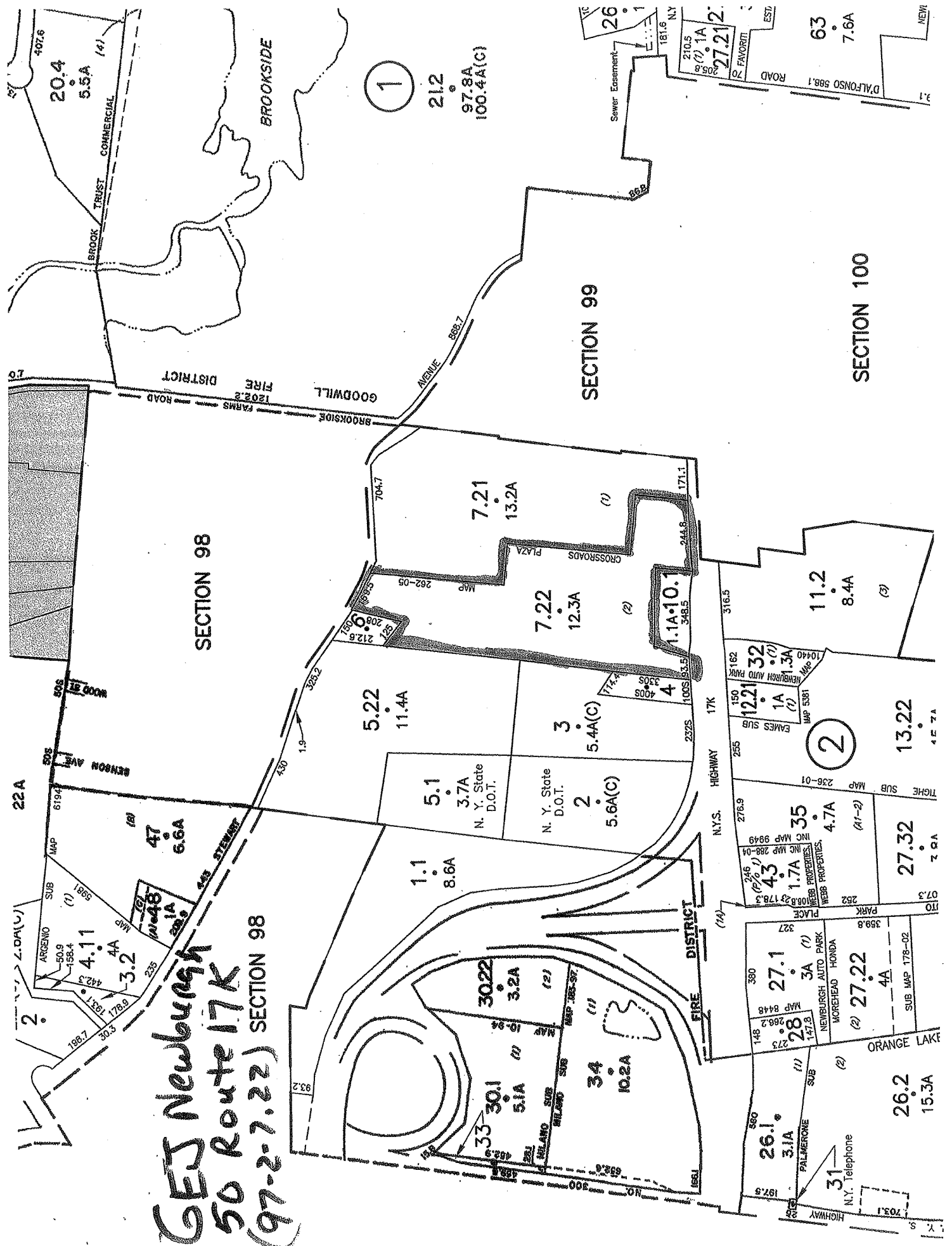
RETURN BY MAIL TO:

Walter Gumbinger, Esq.
575 Lexington Avenue
Suite 2840
New York, New York 10022


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ROYAL ABSTRACT
500 Fifth Avenue, Suite 1940
New York, NY 10110
(212) 376-0900

GEJ Newburgh
50 Route 17K
(97-2-7.22) SECTION 98



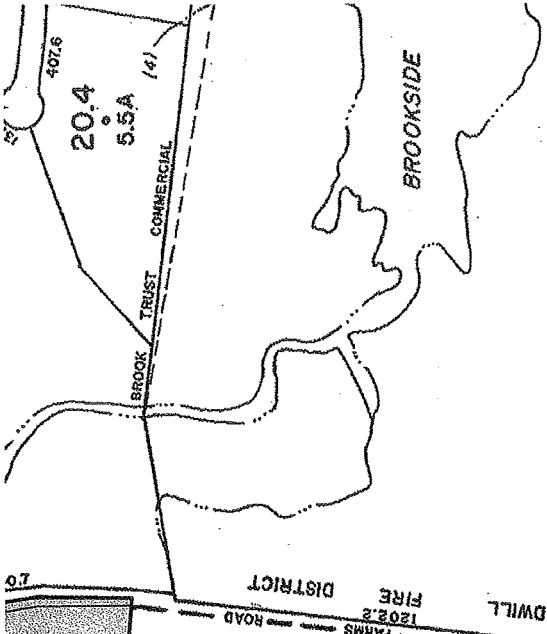
①

21.2
97.8A
100.4A(C)

SECTION 99

SECTION 100

②



SECTION 98

22A

2.

2.

2.

2.

