



Richard A. Brino
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:

Jody HARVEY

Project Name:

Location of Project Site:

320 QUAKER STREET
WALKILL

Tax Map #:

3-1-57.22

Tax Map #:

Tax Map #:

Local File No.:

Size of Parcel:

1.6 acres

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

Current Zoning District (include any overlays):

AR

Reason for County Review:

within 500ft of OCAs #1 District

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) 185-38 B CRITERIA (4) - The principal dwelling shall not be less than five years old.

Other

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

Local board comments or elaboration:

Grace Cardone

Chairperson,
Zoning Board of Appeals

Signature of local official

Date

Title

Municipal Contact Phone Number: 845.566-4901

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

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924

Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



VILLAGE CITY OF Newburgh

Application # _____

Agricultural Data Statement

Date _____

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>JODY HARVEY</u> Address: <u>320 QUAKER STREET</u> <u>WALLKILL, NEW YORK 12589</u>	Name: <u>SAME</u> Address: _____ _____

1. Type of Application: Special Use Permit; Site Plan Approval ; Use Variance;
(circle one or more) Subdivision Approval

2. Description of proposed project: APPROVAL OF PREVIOUSLY CONSTRUCTED ACCESSORY APARTMENT IN OWNER OCCUPIED SINGLE FAMILY RESIDENCE BUILT IN 2009.

3. Location of project: Address: 320 QUAKER STREET
Tax Map Number (TMP) S/B/L: 3-1-51.22

4. Is this parcel within an Agricultural District? NO YES (Check with your local assessor if
5. If YES, Agricultural District Number # 1 you do not know)
6. Is this parcel actively farmed? NO YES
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>EAST HOOK SPORTMANS ASSOCIATION</u> Address: <u>P.O. BOX 492, FISHKILL, N.Y. 12524</u> <u>(SITE : QUAKER STREET (S/B/L:3-1-146.22)</u> Is this parcel actively farmed? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: <u>MICHAEL GELSOMINE AND CARMELA VITOLO-GELSOMINE</u> Address: <u>306 QUAKER STREET, WALLKILL, NY 12589</u> <u>(SITE: 306 QUAKER STREET (S/B/L: 3-1-51.24)</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Jody Harvey
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

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: 10-3-13

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

I (WE) JODY HARVEY PRESENTLY

RESIDING AT NUMBER 320 QUAKER STREET, WALLKILL, NEW YORK 12589

TELEPHONE NUMBER 845-742-2911

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

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

1. LOCATION OF THE PROPERTY:

3-1-51.22 (TAX MAP DESIGNATION)

320 QUAKER STREET (STREET ADDRESS)

AR (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).

185-38-B-4

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: 09/10/2013
- 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: ACCESORY APARTMENT IN
EXISTING DWELLING THAT IS LESS THAN 5 YEARS OLD.

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:

The purchase price of house was \$309,000 in 2009 and about 30,000 has been invested in pool and about 60,000 in landscaping, about 10,000 in kitchen apt. The offer is only

(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:
MOST HOMES ON QUAKER STREET IN PROXIMITY OF SUBIECCT PARCEL
ARE GREATER THAN FIVE (5) YEARS OLD.

↓
335,000 and buyer is only making offer because of accessory apt. which they too would like to use for an elderly family member.

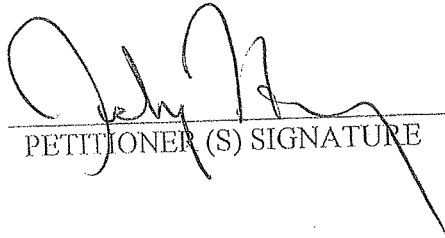
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
THE BUILDING IS EXISTING AND THERE WERE NO CHANGES TO THE
TO ANY OF THE ELEVATIONS DUE TO CREATION OF ACCESSORY APARTMENT.

- d) **THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:**
THE ACCESSORY APARTMENT WAS CREATED SO THAT THE OWNER COULD
PROVIDE CARE FOR THEIR ELDERLY FATHER.

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:**
APPEARANCE OF THE EXISTING RESIDENCE WILL NOT CHANGE FROM THE
OUTSIDE, AND THE BUILDING WILL A SINGLE FAMILY OWNER OCCUPIED
RESIDENCE.
- 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:**
THE APPLICANT PURCHASED THE HOUSE PRIOR TO HAVING THE NEED
TO PROVIDE CARE FOR THEIR ELDERLY FATHER.
- c) **THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**
IT WILL NOT CREATE ANY ADDITIONAL BURDEN ON TOWN OF NEWBURGH
INFRASTRUCTURE INCLUDING ROADS, EMERGENCY SERVICES, OR SCHOOLS.
ALSO, THE ACCESSORY APARTMENT COMPLIES WITH REMAINDER OF
APPLICABLE TOWN REQUIREMENTS IN SECTION 185-38.
- 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 BUILDING IS EXISTING AND ITS APPEARANCE WAS NOT ALTERED TO
CREATE THE ACCESSORY APARTMENT, AND THERE WERE NO ADDITIONAL
IMPERVIOUS SURFACES CREATED OR TREES CLEARED FOR THE
CONSTRUCTION OF THE ACCESSORY APARTMENT.
- e) **THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:**
ACCESSORY APARTMENT WAS CREATED TO CARE FOR THE APPLICANTS
ELDERLY FATHER WHO ILLNESS WAS NOT PREDICTED.

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF September 2013



NOTARY PUBLIC

MELISSA S. JONES
Notary Public, State of New York
Qualified in Orange County
Registration No. 01JO6253177
Commission Expires January 3, 2016

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

JODY HARVEY _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 320 QUAKER STREET, TOWN OF NEWBURGH
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 320 QUAKER STREET (S/B/L: 3-1-51.22)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9-28-13

[Handwritten Signature]

OWNER'S SIGNATURE

[Handwritten Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF September 2013

[Handwritten Signature]

NOTARY PUBLIC

MELISSA S. JONES
Notary Public, State of New York
Qualified in Orange County
Registration No. 01JO6253177 116
Commission Expires January 3, 2014

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

 Name of Lead Agency

 Date

GRACE CARDONE

 Print or Type Name of Responsible Officer in Lead Agency

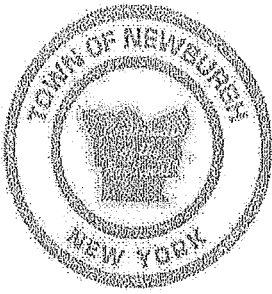
CHAIRPERSON

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

Reset



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

2382-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/10/2013

Application No. 13-0855

To: Jody Harvey
320 Quaker St
Walkill, NY 12589

SBL: 3-1-51.22
ADDRESS: 320 Quaker St

ZONE: A-R

PLEASE TAKE NOTICE that your application dated 09/04/2013 for permit to allow the continued use of a prior built accessory apartment on the lower level on the premises located at 320 Quaker St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code
185-38-B-4 The dwelling shall not be less than 5 years old.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

NAME: Jody Harvey

ADDRESS: 320 Quaker St Wallkill NY 12589

PROJECT INFORMATION:

TYPE OF STRUCTURE: Prior Built Accessory Apartment (Use Variance ~~OR Area Variance~~)

SBL: 3-1-51.22 ZONE: A-R

TOWN WATER: NO

TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

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

NOTES: **Installed a kitchen in an existing garage to create an apartment. A c.o. was issued for this dwelling on 8-5-2009.**

VARIANCE(S) REQUIRED:

- 1 185-38-B-4 The dwelling unit shall not be less than 5 years old.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 10-Sep-13

October 1, 2013

To: Town of Newburgh Zoning Board of Appeals
Grace Cardone, Chairperson, and Members of the Board
308 Gardnertown Road
Newburgh, New York 12550

Re: **Lands of Jody Harvey**
Proposed Accessory Apartment
320 Quaker Street (S/B/L: 3-1 -51.22)
Town of Newburgh
Orange County, New York

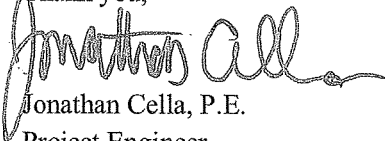
Dear Ms. Cardone and Members of the Board:

Enclosed please find the following items to be distributed to the Members of the Board:

1. ZBA Application Package
2. Rejection letter from the Town Code Compliance Department
3. Certified Deed
4. Plot plan titled "Proposed Accessory Apartment, Lands of Jody Harvey" last revised 10/01/2013.
5. Representative photos
6. Letter titled "Lands of Jody Harvey, Proposed Accessory Apartment, History and Financial Information" dated 10/01/2013.

At this time, we respectfully request that this item be considered at the October Town of Newburgh ZBA meeting. Please do not hesitate to contact me with any questions or to schedule any required legal advertisement /mailings of this item.

Thank you,



Jonathan Cella, P.E.

Project Engineer

42 Hickory Drive

Campbell Hall, New York 10916

845-741-0363

jonathancella@hotmail.com

October 1, 2013

To: Town of Newburgh Zoning Board of Appeals
Grace Cardone, Chairperson, and Members of the Board
308 Gardnertown Road
Newburgh, New York 12550

Re: **Lands of Jody Harvey**
Proposed Accessory Apartment
History and Financial Information
320 Quaker Street (S/B/L: 3-1 -51.22)
Town of Newburgh
Orange County, New York

Dear Ms. Cardone and Members of the Board:

Enclosed please find applications and representative material for the above referenced application at 320 Quaker Street. In formulation of your review, please consider the following:

1. The subject property lies in the AR zoning district and contains one (1) single family residence built in 2009.
2. Accessory apartments are permitted in the all residential zoning districts of the Town of Newburgh as long as they comply with Zoning Section 185-38, which include regulations such as square footage, owner occupancy, and goal (i.e. affordable housing and assistance for those who wish to keep family out of nursing homes, and their homes affordable).
3. The residence in consideration has an existing certificate of occupancy including a septic system that is sufficient for supporting a four (4) bedroom residence.
4. Upon the passing of the applicant's mother, her father moved into the bedroom in the lower level of her residence.
5. Prior to moving in the applicant's father did not qualify for senior housing and options were limited.
6. To aid in care of her father an assistant was hired.
7. Shortly after moving in the applicant's father was unable to travel up the stairs and Ms. Harvey decided to construct a kitchen on the lower level for her father. At the time of construction she was not aware that this was not permitted and that it required additional approvals from the Town of Newburgh.
8. The current proposal does not include any additional construction and just seeks required approvals for the already constructed accessory apartment.
9. This apartment complies to all Town regulations of Section 185-38 other than which states that accessory apartments can be constructed in residences greater than five (5) years old (Section 185-38-B-4).
10. The subject parcel remains owner occupied and the accessory apartment was created for the applicant's aging father.

October 1, 2013
Lands of Jody Harvey
Proposed Accessory Apartment
History and Financial Information
320 Quaker Street (S/B/L: 3-1 -51.22)
Town of Newburgh, Orange County, New York
Page 2 of 2

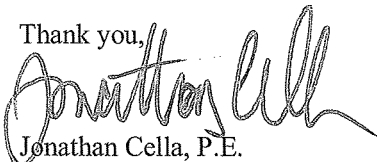
11. In creation of accessory apartment, the applicant was able to provide more personable care to their aging parent had they been in a private facility.
12. The home will be five years old in 2014.

In discussions with the Town Code Compliance Department, I was told that this is the first type of application to the ZBA for this type of situation (an accessory apartment in a home less than 5 years old), and they were not sure if this application would require both a use and an area or variance, or just an area variance. As seen in the rejection letter they have deferred to the ZBA and your opinion as to which variances would be required. Since the use is permitted and we are short on a requirement, it is my opinion that this should need only an area variance for compliance. Should the ZBA feel that a Use Variance is required for this application the following serves as supporting financial hardship:

- Ms. Harvey's father was retired and lived on a fixed income.
- He did not qualify for senior housing.
- Costs of renting an apartment with assisted living were beyond his means.
- The cost of construction for the kitchen was approximately \$12,000 and removal of the kitchen would cause a hardship to the owner as they would be unable to make a return on their investment.

At this time, we respectfully request that this item be considered at the October Town of Newburgh ZBA meeting. Please do not hesitate to contact me with any questions or concerns related to this matter.

Thank you,



Jonathan Cella, P.E.

Project Engineer

845-741-0363

jonathancella@hotmail.com

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

53 Maple Avenue LLC

TO

Jody M. Harvey

SECTION 3 BLOCK 1 LOT 51.22



RECORD AND RETURN TO:
(name and address)



BENCHMARK ABSTRACT, LLC

An Affiliate of Title Alliance, Ltd.

100 Commerce Drive • Suite 107
New Windsor, NY 12553

THIS IS PAGE ONE OF THE RECORDING

BCH703-448

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED R MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2003 SO. BLOOMING GROVE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO. PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK X
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 309000
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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From

Lender's Resource

RECORDED/FILED
09/10/2009/ 14:14:50
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20090088843
DEED R / BK 12895PG 0230
RECORDING FEES 190.00
TTX# 000888 T TAX 1,236.00
Receipt#1073305 mrl

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 9-10-09 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 10-3-13

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



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

THIS INDENTURE, made the day of August, Two Thousand Nine

BETWEEN 53 MAPLE AVENUE LLC, with offices located at
P.O. Box 7170, Newburgh, NY 12550

party of the first part, and

^{M.}
JODY HARVEY, residing at
2910 Barclay Manor, New York, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN Dollars and 00/100
-----(\$10.00)-----dollars,
lawful money of the United States, and other valuable consideration paid by the party of the second
part, does hereby grant and release unto the party of the second part, the heirs or successors and
assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected,
situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being
designated as Lot No. 2 on a map entitled "Subdivision Plan, Lands of Michael Gelsomine &
Carmela Vitola dated October 12, 2005, last revised May 15, 2007 and filed in the Orange County
Clerk's Office July 26, 2007 as Map No. 692-07 which is more particularly bounded and described
on Schedule A attached hereto and made a part hereof.

BEING the same land and premises conveyed to 53 Maple Avenue, LLC, a New York membership
company, by Deed from Michael Gelsomine & Carmela Vitolo-Gelsomine, dated 01/02/2009 and
recorded 01/13/2009 in the Clerk's Office of Orange County in Liber and Page 12770/1582.

This conveyance is of premises which do not constitute all or substantially all of the assets of the
party of the first part, and further, this conveyance is made in the regular course of business
actually conducted by the party of the first part.

The premises are (are not) in an agricultural district.

The parcel is entirely (or part of the premises is) owned by the transferor.

PREMISES ARE NOT SUBJECT TO A CREDIT LINE MORTGAGE

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;

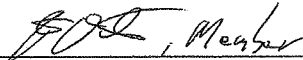
TO HAVE AND TO HOLD the premises herein granted unto the party of the
second part, the heirs or successors and assigns of the party of the second part forever.

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.

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

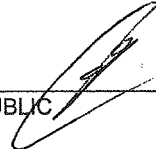
In Presence of

53 MAPLE AVENUE LLC


By: Robert D. Lockhart, Member

STATE OF NEW YORK)
)SS:
COUNTY OF DUTCHESS)

On the ^{7th} day of August, 2009, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT D. LOCKHART, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her capacity and that by his/her signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


NOTARY PUBLIC

DIANA E. FRAILEY
Notary Public, State of New York
Reg. No. 01FR4900367
Qualified in Dutchess County
Commission Expires September 28, 2009

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. BCH 703-448

53 MAPLE AVENUE LLC

Section 3
Block 1
Lot 51.22
Town of Newburgh

RECORD AND RETURN TO:

SCHEDULE A
(continued)

LEGAL DESCRIPTION

ALL that piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being designated as Lot No. 2 on a map entitled "Subdivision Plan, Lands of Michael Gelsomine & Carmela Vitola" dated October 12, 2005, last revised May 15, 2007 and filed in the Orange County Clerk's Office July 26, 2007 as Map No. 692-07 and being more particularly bounded and described as follows:

BEGINNING at a point in the northwesterly line of Quaker Street, said point being North 23° 02' 03" East 237.38 feet from the northeasterly corner of lands now or formerly of Taylor, said point of beginning also being on the division line between Lot No. 1 of the above mentioned filed map on the southwest and Lot No. 2 herein described on the northeast; thence, from said point of beginning and along the last said division line, North 62° 02' 17" West 374.08 feet to a point on the division line between Lot No. 4 of the above mentioned filed map on the northwest and Lot No. 2 herein described on the southeast; thence, along the last said division line, North 27° 23' 51" East 183.10 feet to a point on the division line between Lot No. 3 of the above mentioned filed map on the northeast and Lot No. 2 herein described on the southwest; thence, along the last said division line, South 62° 34' 53" East 359.82 feet to a point in the aforementioned northwesterly line of Quaker Street; thence, along the last said line, South 23° 02' 03" West 187.20 feet to the point or place of beginning.

Unless a Schedule B part II is attached, there are no subordinate matters that affect the title to the estate or interest referred to in Schedule A.
4623 (7/93)

