

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: 6 Mar 2013

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

I (WE) David Krywosa PRESENTLY
RESIDING AT NUMBER 762 Orchard Drive, Wallkill
TELEPHONE NUMBER 845-851-4023

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:

1-1-133.2 (TAX MAP DESIGNATION)
762 Orchard Drive (STREET ADDRESS)
AIR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

~~2341-13~~, 185-15-A-4, Bulk table - schedule 2,
185-15-A-1

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: Feb 14, 2013

4. DESCRIPTION OF VARIANCE SOUGHT: area Variance - need larger space

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:

garage is tasteful in appearance and does not clutter property.

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

I need the extra space for a wood workshop
and also for an area to restore my
36 Chevy.

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:

this garage is proportional to the
property 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:

I wish to install an auto lift, and
require 12 foot ceilings.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

I am only requesting 200 sq ft over the
variance to include all proposed storage into
one building, keep the property uncluttered.

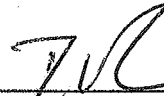
d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

tasteful building with landscaping -
nice road front appearance -

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

self-created hardship.


7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 13 DAY OF MARCH 2013



NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2013

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.

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>David Krywose</i>	2. PROJECT NAME <i>Garage</i>
3. PROJECT LOCATION: Municipality <i>762 Orchard Drive</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>762 Orchard Drive, Walkill, NY</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>would like to build a 30x40 garage</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u><i>1.3</i></u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>David Krywose</i>	Date: <i>6 Mar 2013</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



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

<p>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.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>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:</p> <p style="margin-left: 20px;">no</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="margin-left: 20px;">no</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="margin-left: 20px;">no</p> <p>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:</p> <p style="margin-left: 20px;">no</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="margin-left: 20px;">no</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="margin-left: 20px;">no</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="margin-left: 20px;">no</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>

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.

<p><input type="checkbox"/> 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.</p>	<p><input checked="" 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 AND provide, on attachments as necessary, the reasons supporting this determination</p>
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>



TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2341-13

Date: February 14, 2013

To: DAVID KRYWOSA

SBL 1-1-133.2

762 ORCHARD DRIVE

ADD: 762 Orchard Drive, Walkkill

WALLKILL, NY 12589

ZONE A / R

PLEASE TAKE NOTICE that your application dated February 5,

20 13 for permit to build a 30' x 40' x 23' accessory building (garage)

At the premises located at 762 Orchard Drive, Walkkill

Is returned herewith and disapproved on the following grounds:

185 - 15 - A - 4 -

THE FORMULA ALLOWS A MAXIMUM OF 1000 SQUARE FEET OF ACCESSORY BUILDINGS.

BULK TABLE - SCHEDULE 2 -

ALLOWS A MAXIMUM OF (4) FOUR CAR STORAGE.

185 - 15 - A - 1 -

ALLOWS A MAXIMUM HEIGHT OF 15 FEET.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT**

NO

2341-13

NAME: DAVID KRYWOSA

ADDRESS: 762 ORCHARD DR WALLKILL NY 12589

PROJECT INFORMATION:

TYPE OF STRUCTURE: 30 X 40 X 23 ACCESSORY GARAGE

SBL: 1-1-133.2 ZONE: A - R

TOWN WATER: NO TOWN SEWER: NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ACCESSORY S.F.	1000 SF		1200 SF	200 SF	20.0%
STORAGE OF VEHICLES	4.00	2 IN DWELLING ? DETACHED GARAGE			
MAX. BUILDING HEIGHT	15'		23'	8'	53.3%
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
 FRONT YARD - 185-15-A ----- YES / NO
 STORAGE OF MORE THEN 4 VEHICLES ----- YES
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- YES
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

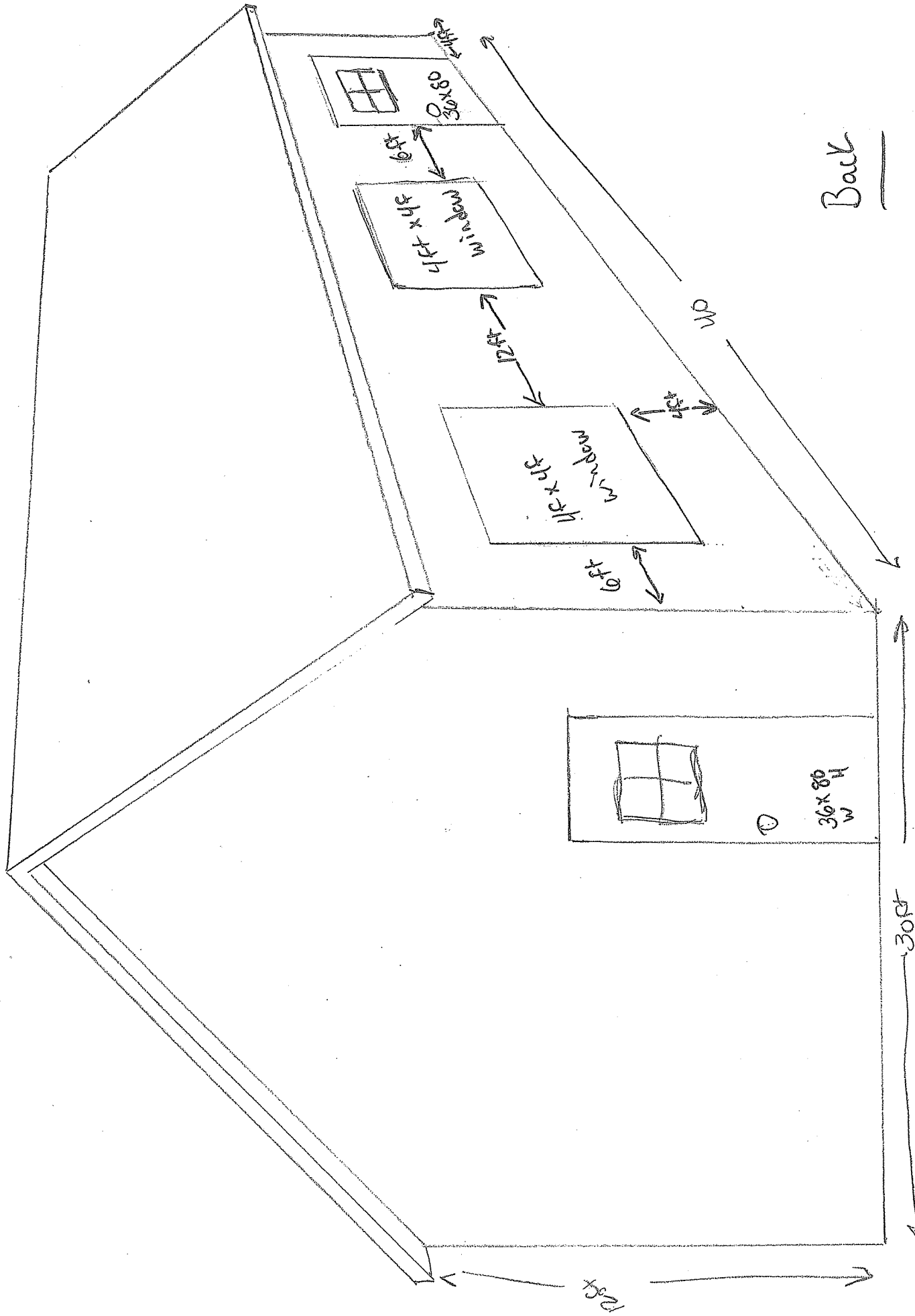
**NOTES: NO BUILDING CODE REVIEW FOR COMPLIANCE DONE UNLESS VARIANCE IS GRANTED.
 MUST REMAIN 10' FROM EXISTING LEACH FIELDS.**

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 MAXIMUM ALLOWED ACCESSORY BUILDING S.F. IS 1000 S.F.
- 2 SCHEDULE 2 ALLOWS A MAXIMUM OF 4 CAR STORAGE.
- 3 185-15-A-1 ALLOWS A MAXIMUM HEIGHT OF 15'
- 4 _____

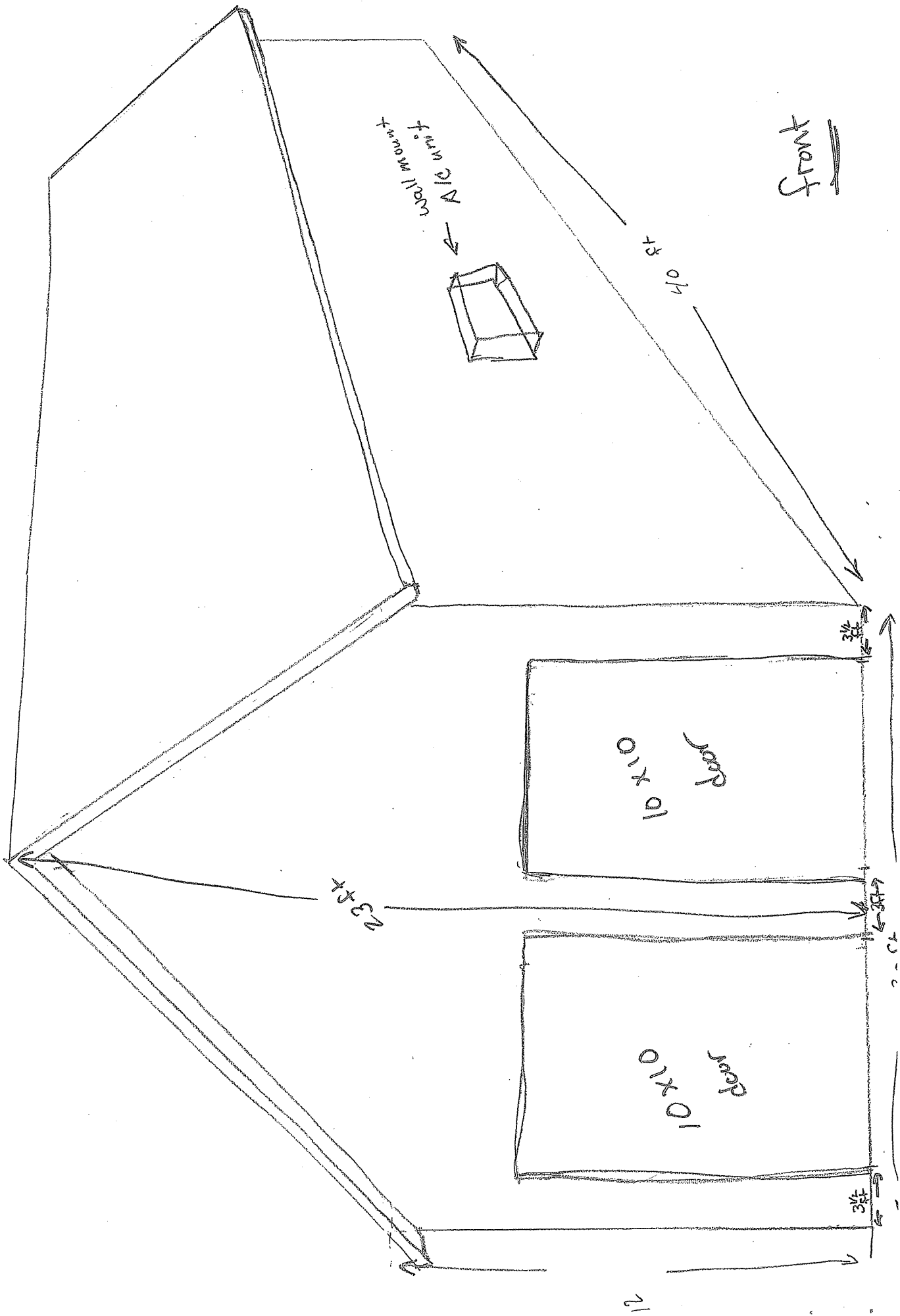
REVIEWED BY: JOSEPH MATTINA DATE: 7-Feb-13

1-1-133.2 Krywosa



Krywosa

1-1-133.2



THIS DWG. PREPARED FROM COMPUTER INPUT (LOADS & DIMENSIONS) SUBMITTED BY TRUSS MFR.

90 mph wind, 15.00 ft mean htg. ASCE 7-05, CLOSED bldg. Located anywhere in roof, CAT II, EXP C, wind TC DL=9.0 psf, wind BC DL=3.0 psf.

Wind loads and reactions based on MWFRS with additional C&C member design.
 Calculated horizontal deflection is 0.18" due to live load and 0.18" due to dead load.
 Collector braced with continuous lateral bracing at 24" OC, or rigid ceiling.
 BC attic room floor loading: LL = 30.00 psf, DL = 10.00 psf, from 9-0-0 to 21-0-0.

Deflection meets L/240 live and L/180 total load.
 Truss designed for unbalanced snow load based on Pg=50.00 psf, Cf=1.10, Ce=1.00, CAT II & Pf=39.50 psf.

Job: (402245) DAVID KRYMOSI / T1 ATTIC

Top chord 2x6 SP #1: T2, T3 2x6 SP SS Dense;
 Bot chord 2x6 SP SS Dense: B2 2x4 SP(S) #2;
 Webs 2x4 SP Stud

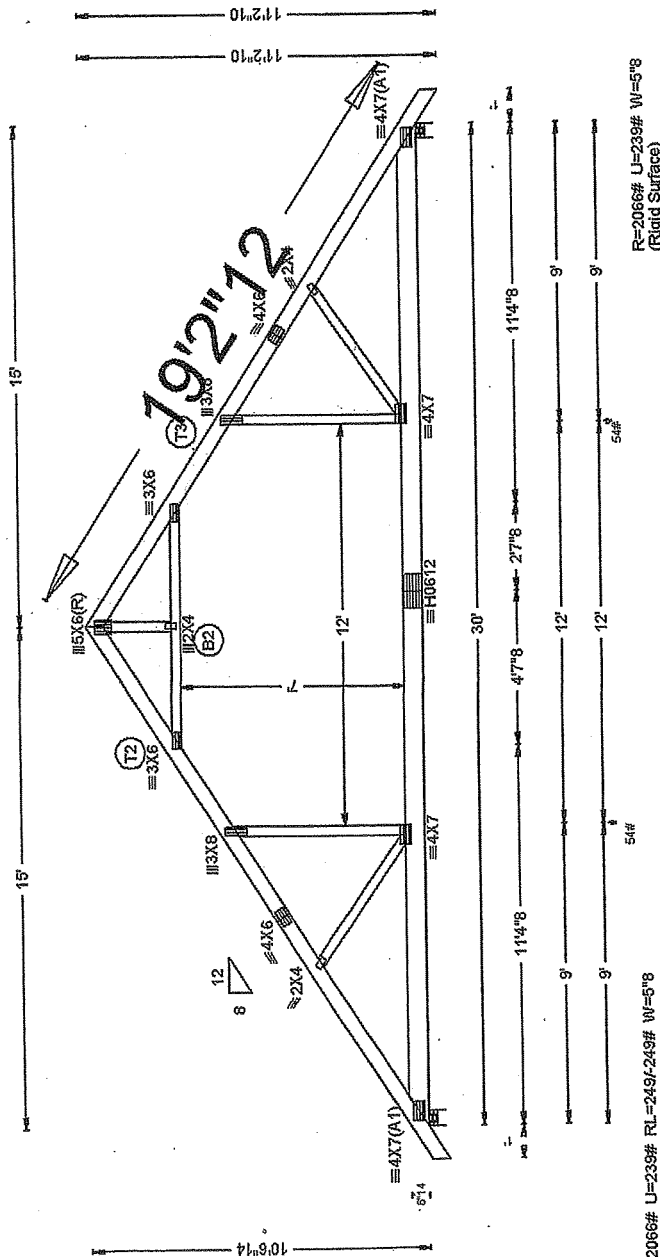
Roof overhang supports 2.00 psf soffit load.

Bottom chord checked for 10.00 psf non-concurrent bottom chord live load applied per IRC-05 section 301.5.

Live loads applied in combination per ASCE 7 sec. 2.4.1 use 0.75 factor for multiple live loads.

Truss designed for sleeping room only. No wetbeds permitted. Provide information to contractor, architect, and bldg owner. Trusses to be visibly stamped to indicate 3.000 psf MAX LL.

Plates sized for a minimum of 2.40 sq.in./piece.



1-1-133.2
 KRYMOSI

RIGHT RAKE = 12°7'
 RIGHT JIG = 18°43'
 SEQ = 295480
 SCALE = 0.1875

REV. 10.03.08.1118.14

QTY= 19 TOTAL= 19

DES ON CRIT= SCC2005/PL-2002 FT/AT=2004/050/1000

LEFT RAKE = 12°7'
 LEFT JIG = 18°43'
 TAG = T1

PLT. TYP-WAVE

R-2066# U=239# W=5"8
 (Rigid Surface)

R-2066# U=239# W=5"8
 (Rigid Surface)

This is a preliminary drawing that can be used only for trusses fabricated by S.R. Sloan, Inc. It represents loading, span and pitch. S.R. Sloan, Inc. reserves the right to adjust materials and design at the time of production. The structural integrity will not be compromised. Sealed drawings will be furnished upon request.

S.R. SLOAN INC
 ROOF & FLOOR TRUSSES CUSTOM STAIRS & STAIR PARTS
 WHITESBORO, NY • ORWIGSBURG, PA
 8111 Huber Rd
 Whitesboro, NY 13452
 P.O. Box 660
 1-800-366-7552
 Fax (315) 735-7749

REF	DATE	DRWG	DM	O/A LEN.	JOB #	TYPE
TC LL	38.5psf					
TC DL	7.0psf					
BC DL	10.0psf					
BC LL	0.0psf					
TOT. LD.	55.5psf			30		
DUR.FAC.	1.15				402245	
SPACING	24.0"					ATTIC

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 1 BLOCK 1 LOT 1332



Botrac Properties, LLC
TO
David T. Krywosa &
Hayriye Krywosa

RECORD AND RETURN TO:
(name and address)

BENCHMARK ABSTRACT, LLC
100 Commerce Drive, Suite 105
New Windsor, NY 12553

THIS IS PAGE ONE OF THE RECORDING

BCH703-767

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED [X] 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)
X 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 3 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.
PAYMENT TYPE: CHECK [X]
CASH
CHARGE
NO FEE
Taxable
CONSIDERATION \$ 304,600.00
TAX EXEMPT
Taxable
MORTGAGE AMT. \$

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT.PERSON/CR. UNION
(J) NAT.PER-CR.UN/1 OR 2
(K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From

Benchmark

RECORDED/FILED
12/19/2012/ 10:40:43
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20120117790
DEED R / BK 13471PG 0060
RECORDING FEES 185.00
TTX# 002739 T TAX 1,220.00
Receipt#1540293 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
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 12/19/12 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

2/20/13 Donna L. Benson
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



BC4703-767

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

THIS INDENTURE, made the 7th day of December, Two Thousand Twelve

BETWEEN BOTRAC PROPERTIES, LLC, with offices located at c/o Hanig & Schutzman, LLP, 22 IBM Road, Poughkeepsie, NY 12601

party of the first part, and

DAVID T. KRYWOSA & HAYRIYE KRYWOSA, *as husband and wife* residing at 250 Harvard Avenue, Pemberton, NJ 08068

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 and designated as Lot No. 2 on a certain map entitled, "Survey and Subdivision Plan of Lands of Botrac Properties, LLC" dated September 2011 and filed in the Orange County Clerk's Office on February 24, 2012 Map No. 20-12 (a/k/a 762 Orchard Drive, Walkill, NY 12589, S/B/L 1-1-133.2).

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.

BEING the same land and premises conveyed to Botrac Properties, LLC by Deed from James Reyes and Alexis Cooper, dated 8/31/11 and recorded 9/2/11 in the Clerk's Office of Orange County in Liber and Page 13200, page 574.

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 not in an agricultural district.

The parcel is entirely 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.

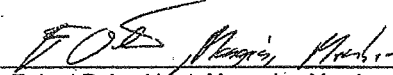
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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.

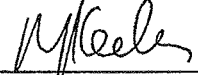
In Presence of:

BOTRAC PROPERTIES, LLC


By: Robert D. Lockhart, Managing Member

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

On the 7th day of December, 2012, 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

ROBIN J KEELER
Notary Public, State of New York
No. 01KE6008257
Qualified in Orange County
Commission Expires 6/21/14

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

Botrac Properties, LLC

To

David T. Krywosa & Hayriye Krywosa

Section 1
Block 1
Lot 133.2
Town of Newburgh

RECORD AND RETURN TO:

ULSTER

COUNTY

ORANGE

KRYWOSA

762 ORCHARD DR

1-1-133.2

WALK:11

ORANGE NO. 12.3A(C)

ULSTER

N 1,012,000

E 592,000

