



Steven M. Neuhaus
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	Tax Map #:	ZO-2-40
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	LAXMI Estates II LLC	Tax Map #:	
Project Name:	Dunkin Donuts	Local File No.:	PBBERRAI
Location of Project Site:	5277 Route 9W	Size of Parcel*:	Zacra

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

Reason for County Review:	ON US Route 9W	Current Zoning District (include any overlays):	B/LH1 over 1A9
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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): _____

Subdivision Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

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) FRONT YARD SETBACK

Other

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

Local board comments or elaboration:

Shane Cardone 4/22/14 Chairperson
Signature of local official Date Zoning Board of Appeals
Title

Municipal Contact Phone Number: 845-566-4901

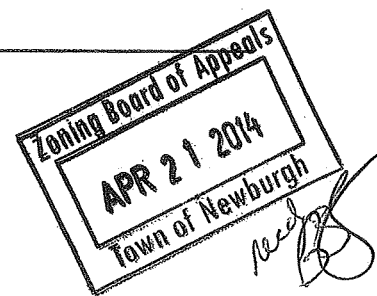
If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

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

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: _____

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

I (WE) Laxmi Estates II, LLC PRESENTLY

RESIDING AT NUMBER 15 Parks Wood Drive, Cornwall, NY 12518

TELEPHONE NUMBER (845) 562-0053

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

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

1. LOCATION OF THE PROPERTY:

20-2-40 (TAX MAP DESIGNATION)

5277 Route 9W (STREET ADDRESS)

B - Business District (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 Attachment 11 B District - Schedule 7 lists 50 feet as the minimum front yard setback.

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: 7/22/13

4. DESCRIPTION OF VARIANCE SOUGHT: A variance is being sought for the proposed bulding setback being 44 feet when 50 feet is required.

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:**

The existing building is to remain, therefore the proposed front yard setback is the same setback that exists today.

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 building is already existing on the site and will remain and be remodeled, therefore the front yard setback cannot be controlled.

c) **THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**

The proposed front yard setback is not being altered from pre-existing conditions. It is only 6 feet short of the front yard setback required. The required setback is 50 feet, the proposed setback is 44 feet.

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

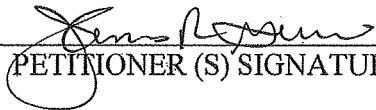
The existing building will remain and be remodeled.

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

The existing building on the site will remain, therefore the front yard setback cannot be controlled.

7. ADDITIONAL REASONS (IF PERTINENT):

N/A


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17TH DAY OF APRIL 20 14


NOTARY PUBLIC

FAYE A. NOWICKI
Notary Public, State of New York
Qualified in Schenectady Co., No. 01NO6255780
Commission Expires February 13, 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.

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.

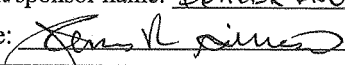
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Proposed Dunkin Donuts Redevelopment				
Project Location (describe, and attach a location map): 5277 Route 9W, Town of Newburgh, New York				
Brief Description of Proposed Action: The project involves the re-development of the existing building on the site, associated pavement areas and utilities. The proposed re-development will include a new "Dunkin Donuts" Store with a drive-thru within the existing building. A drive-thru use requires a use variance in the Town of Newburgh. The existing building is set back 44 feet from the property line and will therefore require an area variance as a minimum 50-foot setback is required.				
Name of Applicant or Sponsor: Laxmi Estates II, LLC c/o Bohler Engineering, LLC		Telephone: (518) 438-9900 E-Mail: jgillespie@bohlereng.com		
Address: 5 Computer Drive West, Suite 203				
City/PO: Albany	State: NY	Zip Code: 12205		
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 type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Zoning Board of Appeals approval, Town of Newburgh Planning Board approval, NYSDOT, NYSDEC stormwater permit, County Department of Health approval			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.79+/- acres		
b. Total acreage to be physically disturbed?		0.79+/- acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.0 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 checked="" 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		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?				
			NO	YES	
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?				NO	YES
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?				<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?				<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
				<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____				NO	YES
				<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ A new septic system is proposed.				NO	YES
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?				NO	YES
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?				<input type="checkbox"/>	<input checked="" type="checkbox"/>
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
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____				<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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? To be determined.				NO	YES
				<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?				NO	YES
				<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,				NO	YES
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Storm water discharges will be directed to the NYSDOT drainage system along Route 9W.</u>					

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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: BOHLER ENGINEERING - JAMES GILLESPIE Date: 4/17/14
 Signature: 

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?	<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"/>

	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?	<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"/>

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)

PRINT

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Laxmi Estates II LLC _____, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 15 Parks Wood Drive, Town of Cornwall

IN THE COUNTY OF Orange AND STATE OF New York

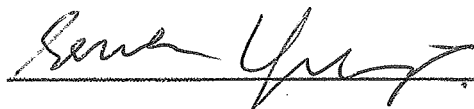
AND THAT HE/SHE IS THE OWNER IN FEE OF the proposed Dunkin Donuts
located at 5277 Route 9W

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

DATED: 1/14/14



OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF January 2014



NOTARY PUBLIC

JASON FAROUK
Notary Public - State of New York
NO. 01FA6265642
Qualified in Orange County
My Commission Expires 7/16/16

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

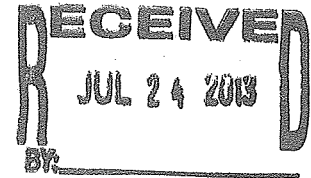
James B. Biagi
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

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

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

July 22, 2013

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



RE: Laxmi Estate II, LLC [Dunkin Donuts]
40-2-20 (Zone B)

Members of the Board:

The applicant referenced above has applied to the planning board for authorization to construct and operate the Dunkin Donuts establishment on Route 9W in the Town's B Zoning District. The applicant proposes a drive-up window as a part of its proposal. The existing building does not comply with the front yard setback requirements. However, as an existing building, this failure to comply with setback is protected under the non-complying building provisions of the Town of Newburgh Zoning Chapter.

In 2008 the applicant also proposed a Dunkin Donuts restaurant on the same site. Because fast food restaurants are not permitted in the B Zone, the applicant attempted to argue to the planning board that it proposed a restaurant and not a fast food establishment. The planning board referred the matter to you for an interpretation. You issued an interpretation that the proposal was a food preparation use and that, because a drive-up window is not permitted with that use, no drive-up window is allowed.

The planning board has directed me to prepare this referral letter to you. The referral is for two purposes:

- While the applicant tells us that the interpretation that you issued has expired, the planning board feels that your interpretation nevertheless has precedential impact and, unless modified by you, binds the planning board. Therefore, the planning board refers this matter to you for reconsideration or reaffirmation of the earlier determination that the use proposed by this applicant is a food preparation use.

- For consideration of front yard setback variance or a determination that a variance is not required because the front yard setback deficiency is protected as a pre-existing, non-conforming condition.

The planning board has no particular matters to bring to your attention. It appears that both of the determinations by you constitute Type II Actions under the New York State Environmental Quality Review Act.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

Cc: Town of Newburgh Planning Board
Bohler Engineering

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 20 BLOCK 2 LOT 40

RECORD AND RETURN TO:
(name and address)

Joseph P. ORZLEN
TO
Laxmi Estates II
LLC.

G. SLADAR USA
PO 2395
Newburgh NY 12550
RD -

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) |
| 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) | <input checked="" type="checkbox"/> 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 WALKILL (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) | 5600 WAWAYANDA (TN) |
| 3601 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) | |

- 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
 CASH _____
 CHARGE _____
 NO FEE _____
 Taxable
 CONSIDERATION \$ 20,000.00
 TAX EXEMPT _____
 Taxable
 MORTGAGE AMT. \$ _____
 DATE _____
 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: Hardenburgh

RECORDED/FILED
11/09/2005/ 10:22:37
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050117687
DEED C / BK 11986 Pg 1132
RECORDING FEES 207.00
TTX# 003247 T TAX 1, 160.00
Receipt#495814 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 11/09/05 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY JANUARY 13, 2014



THIS INDENTURE, made the 2nd day of October, 2005

BETWEEN

JOSEPH O'BRIEN, residing at 37 Conklin Hill Rd., Milton, NY 12547,

party of the first part, and

LAXMI ESTATES II, LLC, having a place of business at 266 Main St., Suite 2, Cornwall, NY 12518,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and for 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, successors and assigns of the party of the second part forever subject to any existing mortgages as of the date above,

ALL that certain plot, piece or parcel of land, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, located at 5277 Route 9W, Newburgh, designated on the Orange County Tax Map as Section 20, Block 2, Lot 40, as described in the annexed Schedule "A," formerly owned by Orange County, sold "as is" with no guarantees.

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;

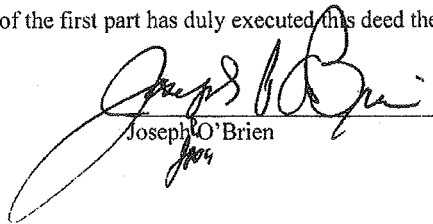
TO HAVE AND TO HOLD the premises granted unto the party of the second part, or the heirs, successors and assigns of the party of the second part forever.

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 anyway 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 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.

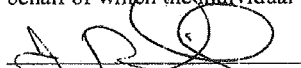
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


Joseph O'Brien

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

Joseph P. O'Brien

On the 27th day of October, 2005, before me, the undersigned, a notary public in and for the State, personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose named is subscribed to the within instrument and acknowledged to me that he 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.



Notary Public

JAMES V. RINALDI
No. 8580050
Notary Public, State of New York
Qualified in Orange Co.
Commission Expires Mar. 30, 2006

**DESCRIPTION
LANDS OF
JOSEPH O'BRIEN
5277 ROUTE 9W, TOWN OF NEWBURGH, NY**

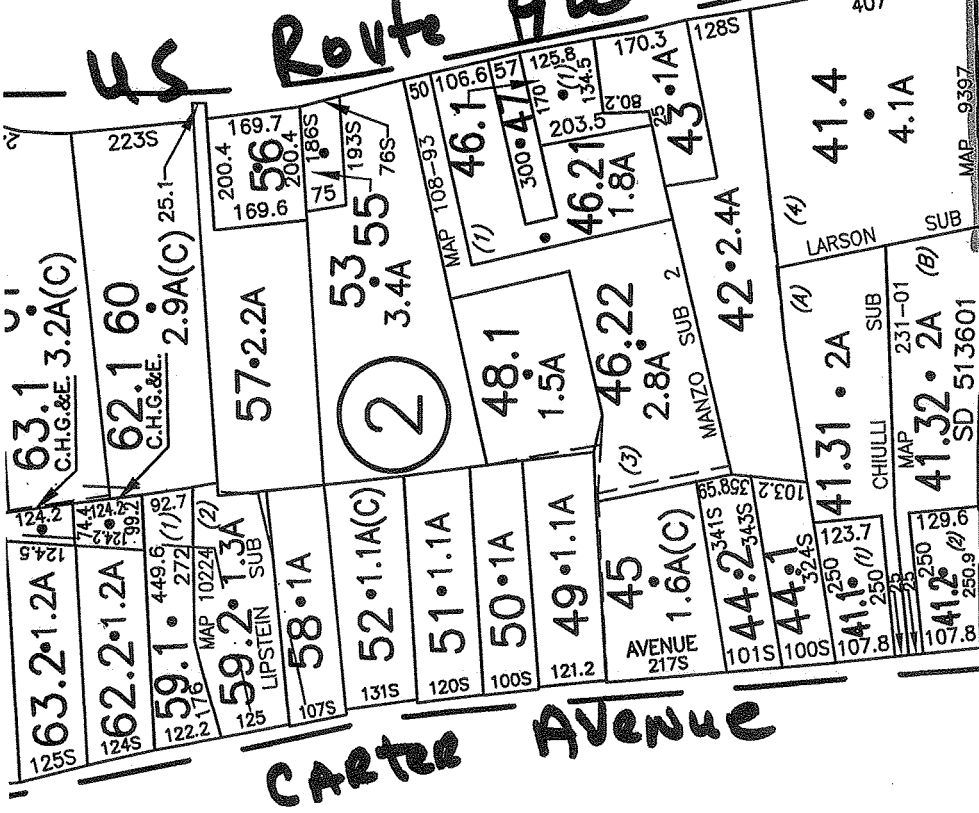
ALL that piece or parcel of land, with buildings and improvements thereon, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and being bounded and described as follows:

BEGINNING at a point in the northwesterly line of U.S. Route 9W, said point being on the division line between the lands now or formerly of Cutrone, Felicello and Gerentine on the southwest and the parcel herein described on the northeast; thence, along the last said division line, N 65°05'13" W 497.01 feet to a point on the division line between the lands now or formerly of Zaimes and Gianetta on the northwest and the parcel herein described on the southeast; thence, along the last said division line, N 24°35'07" E 185.41 feet to a point on the division line between the lands now or formerly of Fendarden Associates on the northeast and the parcel herein described on the southwest; thence, along the last said division line, S 63°19'12" E 483.77 feet to a point in the aforementioned northwesterly line of U.S. Route 9W; thence, along the last said line, on a curve to the right having a radius of 1880 feet and an arc length of 171.17 feet to the point or place of beginning, containing 2.01 acres of land more or less.

LAXMI Estates II LLC.
 5277 Route 9W
 20-2-40

SECTION 23

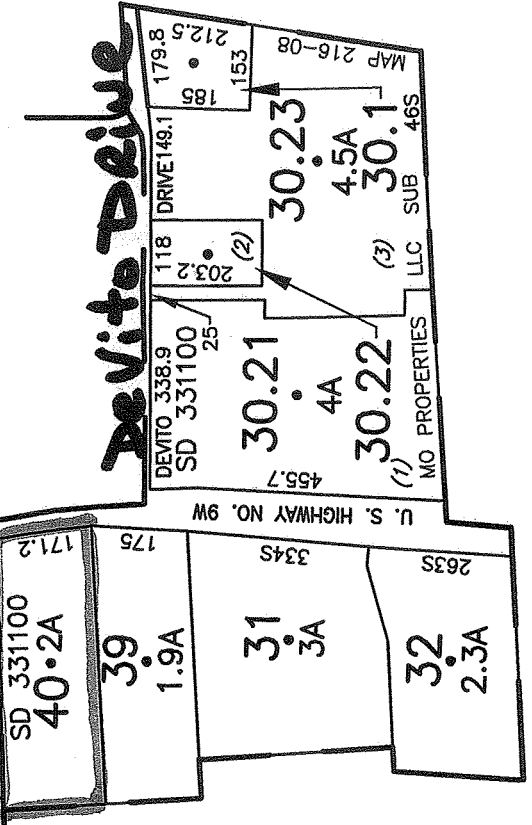
Route 9W



CARTER AVENUE

SECTION 24

De Vito Drive



SECTION 26