



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
Local Referring Board:	Zoning Board of Appeals
Applicant:	LAXMI Estates II LLC
Project Name:	Dunkin Donuts
Location of Project Site:	5277 Route 9W

Tax Map #:	20-2-40
Tax Map #:	
Tax Map #:	
Local File No.:	AB Referral
Size of Parcel*:	2 acres

*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/LHI over 4A5

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) USE NOT PERMITTED IN B ZONE
- Other

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

Local board comments or elaboration:

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

Municipal Contact Phone Number: 845-566-4901

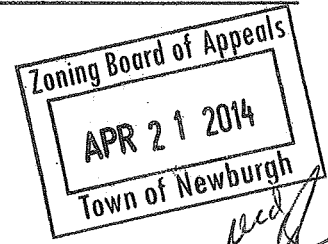
If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

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@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:

- X A USE VARIANCE
- 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 does not list drive-throughs as a
permitted use.

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 drive-thru use.

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 site has 3 existing carwash drive-thru bays today. This application proposes to keep the drive-thru closest to the building and eliminate the other two, thus reducing the number of drive-thru lanes.
(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:
This project is a redevelopment of an existing facility with drive-thru uses.

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
The number of drive-thru lanes is being reduced and the existing building is being remodeled.

d) **THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:**
The applicant has owned the facility for many years. The applicant has
not recently purchased the property.

6. IF AN AREA VARIANCE IS REQUESTED:

a) **THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:**

b) **THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:**

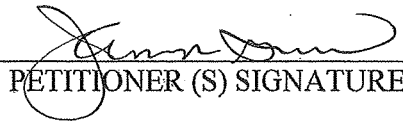
c) **THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**

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

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

7. ADDITIONAL REASONS (IF PERTINENT):

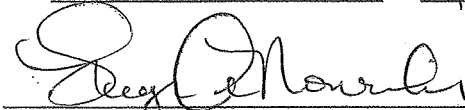
N/A



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17TH DAY OF APRIL 2014



NOTARY PUBLIC

FAYE A. NOWICKI
Notary Public, State of New York
Qualified in Schenectady Co., No. 01N06255780
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

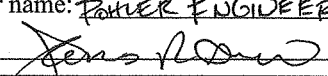
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: 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				

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: POWER 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



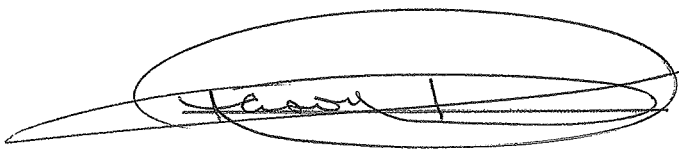
OWNER'S SIGNATURE



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

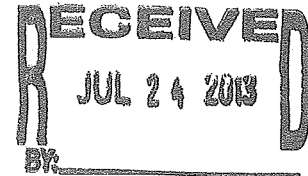
James B. Biagi
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddublaw.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



Joseph P. ORZLEN
TO
Laxmi Estates II
LLC.

SECTION 20 BLOCK 2 LOT 40

RECORD AND RETURN TO:
(name and address)

G. SLADAR LISA
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)
- 2001 WASHINGTONVILLE (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 WALKKILL (TN)
 - 5489 WARWICK (TN)
 - 5401 FLORIDA (VLG)
 - 5403 GREENWOOD LAKE (VLG)
 - 5405 WARWICK (VLG)
 - 5600 WAWAYANDA (TN)
 - 5889 WOODBURY (TN)
 - 5801 HARRIMAN (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 PH 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, I.L.C, 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," *formally 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;

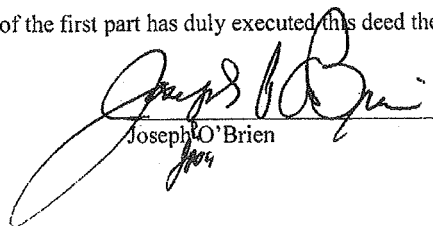
TO HAVE AND TO HOLD the premises granted unto the party of the second part, or the heirs, successors and assigns of the party of the second part forever.

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 Zaines 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

SECTION 24

De Vito Drive

SECTION 26

Carter Avenue

