



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:	Lowitt Ventures LLC
Project Name:	
Location of Project Site	444 Quaker Street Wallkill

Tax Map #:	11-1-12.1
Tax Map #:	
Tax Map #:	
Local File No.:	2469-14
Size of Parcel*:	2.98 Acres

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

Reason for County Review: Within 500ft of Route 300 North

Current Zoning District (include any overlays): A/R

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)      Maximum Allowed Sq Footage of Accessory Buildings - Maximum Allowed Storage of \_\_\_\_\_

Is this an update to a previously submitted referral? YES / NO (circle one)      Not more than 4 cars

Local board comments or elaboration:

*Shae Cardone* 1/30/15      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](mailto:planning@orangecountygov.com)





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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: OCTOBER 30, 2014
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: N/A

4. DESCRIPTION OF VARIANCE SOUGHT: AREA VARIANCE PERMITTING ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION (MODIFICATION OF A PRIOR BUILT 30 FT X 60 FT ACCESSORY BUILDING) TO BE MODIFIED TO A 30 FT X 48 FT DETACHED ACCESSORY BUILDING ON THE PREMISES LOCATED AT 444 QUAKER ST., NEWBURGH, NY

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:

N/A

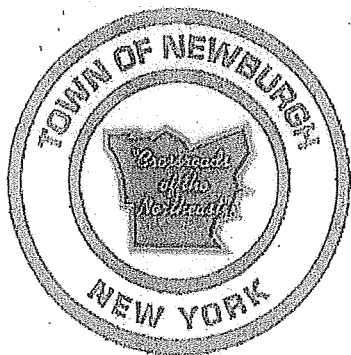
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

N/A

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

N/A



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308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK 12550

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

N/A

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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 VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE TO THE CHARACTER OF THE NEIGHBORHOOD. OTHER NEARBY PROPERTIES HAVE SIMILAR LARGE ACCESSORY BUILDINGS THAT ARE NOT SUBSTANTIALLY DIFFERENT FROM THE PROPOSED CONSTRUCTION.

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 HAS AND WILL CONTINUE TO INCUR SUBSTANTIAL ECONOMIC HARDSHIP AS A RESULT OF THE NEED TO MODIFY THE EXISTING STRUCTURE AND REDUCE ITS SIZE. APPLICANT UNDERSTANDS HIS RESPONSIBILITY IN THAT REGARD, BUT RESPECTFULLY REQUESTS THE BOARD TO MINIMIZE THE ECONOMIC IMPACT.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

WHILE TECHNICALLY, THE REQUESTED VARIANCE IS SUBSTANTIAL, IT IS RESPECTFULLY SUBMITTED TO THE BOARD THAT THE DESIGN AND PRESENTATION IS AESTHETICALLY PLEASING AND WILL NOT ADVERSELY IMPACT THE VALUE OF OTHER PROPERTIES IN THE NEIGHBORHOOD.

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

THE PROPOSED CONSTRUCTION WILL CONSIST OF AN ENCLOSED STRUCTURE USED FOR PERSONAL HOBBIES AND WILL PRODUCE NO DANGEROUS ENVIRONMENTAL WASTE.

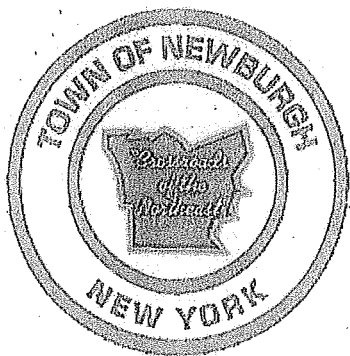
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e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

APPLICANT ERRONEOUSLY RELIED ON BUILDING MANUFACTURER FOR OBTAINING PERMITS, ETC AND TO COMPLY WITH ZONING.

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ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

SEE AFFIDAVIT OF STEVEN LOWITT ANNEXED HERETO.

LOWITT VENTURES, LLC

BY: *Steven Lowitt*  
PETITIONER (S) SIGNATURE  
STEVEN LOWITT, MEMBER

STATE OF NEW YORK: COUNTY OF ORANGE:

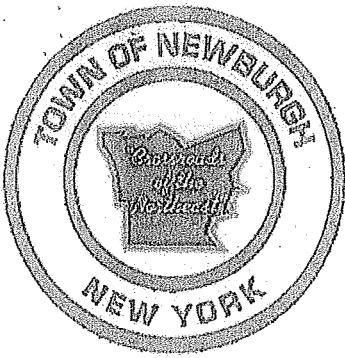
SWORN TO THIS 20<sup>th</sup> DAY OF January 20 15

*Sara A. Morales*  
NOTARY PUBLIC

SARA A. MORALES  
Notary Public, State of New York  
No. 01MO6157515  
Qualified in Orange County  
Commission Expires 12/11, 2018

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

STEVEN LOWITT (SOLE MEMBER OF \_\_\_\_\_, DEPOSES AND SAYS THAT LOWITT VENTURES, LLC, A NY LIMITED LIABILITY CO.)

HE/SHE RESIDES AT 443 QUAKER STREET, WALLKILL, NY 12589

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

444 QUAKER STREET, WALLKILL, NY 12589 (11-1-12.1)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED DANIEL J. BLOOM, ESQ.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN. LOWITT VENTURES, LLC

DATED: 1-20-15 BY: *Steven Lowitt*

STEVEN LOWITT  
OWNER'S SIGNATURE

*[Handwritten Signature]*

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20<sup>th</sup> DAY OF January 2015

*Sara A. Morales*

NOTARY PUBLIC

SARA A. MORALES  
Notary Public, State of New York  
No. 01MO6157515

Qualified in Orange County  
Commission Expires 12/11, 2018

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

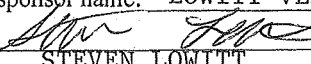
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: MODIFICATION OF AN EXISTING ILLEGAL DETACHED ACCESSORY BUILDING			
Project Location (describe, and attach a location map): 444 QUAKER STREET, WALLKILL, TOWN OF NEWBURGH, NY 12589 (11-1-12.1)			
Brief Description of Proposed Action: MODIFICATION OF AN EXISTING ILLEGAL DETACHED ACCESSORY BUILDING TO REDUCE ITS SIZE FROM 30 FT X 60 FT TO 30 FT X 48 FT.			
Name of Applicant or Sponsor: LOWITT VENTURES, LLC		Telephone: (845) 857-6112	
		E-Mail:	
Address: 443 QUAKER STREET			
City/PO: WALLKILL		State: NY	Zip Code: 12589
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
X			
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
X			
3.a. Total acreage of the site of the proposed action? <u>  .98  </u> acres			
b. Total acreage to be physically disturbed?                      _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?      _____ 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 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
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: _____ _____ _____	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	X	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>LOWITT VENTURES, LLC</u>	Date: <u>11/20/15</u>	
Signature: <u></u> STEVEN LOWITT		

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

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

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

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

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.

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.

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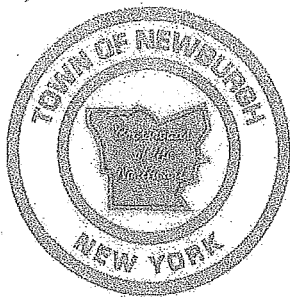
Name of Lead Agency Date

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Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

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Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)



# 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

**2469-14**

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/27/2014

Application No. 14-0807

To: Lowitt Ventures, LLC  
443 Quaker St  
Walkill, NY 12589

SBL: 11-1-12.1  
ADDRESS: 444 Quaker St

ZONE: A-R

PLEASE TAKE NOTICE that your application dated 10/23/2014 for permit to keep a prior built 30' x 48' detached accessory building on the premises located at 444 Quaker St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4 Shall not exceed the maximum allowed square footage.
- 2) Bulk table schedule 2 Storage of not more than 4 vehicles.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

YES

2469-14

NAME: Lowitt Ventures LLC

ADDRESS: 443 Quaker St Walkkill NY 12589

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 30' x 48' garage @ 444 Quaker St. Walkkill NY 12589

SBL: 11-1-12.1      ZONE: A-R

TOWN WATER:  YES

TOWN SEWER:  NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
SQAURE FEET	762.73 SF	832* SF	2272 SF	1440 SF	173.07%
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:      **ALLOWED 762.73 SF (PREVIOUS VARIANCE OF 69.27 SF) TOTAOL = 832 S.F.  
 REQUESTING AN ADDITIONAL 1440 S.F.**

**VARIANCE(S) REQUIRED:**

- 1 185-15-A-4 Exceeds the maximum allowed square footage of the formula & previous variance.
- 2 Bulk table schedule 2 allows a maximum of 4 vehicle storage.
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina

DATE: 27-Oct-14

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

ESTATE OF LILLIAN BENEDICT  
*Jacqueline Muir Co-Executor*  
*Eileen Colman Co-Executor*  
TO  
LOWITT VENTURES, LLC

SECTION 11 BLOCK 1 LOT 12.1

RECORD AND RETURN TO:  
(name and address)

GreenAcre Abstract LLC  
201 Ward Street, Suite 2A  
Montgomery, NY 12549



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 BY MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289	MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201	MAYBROOK (VLG)
2003 SO. BLOOMING GROVE (VLG)	4203	MONTGOMERY (VLG)
2289 CHESTER (TN)	4205	WALDEN (VLG)
2201 CHESTER (VLG)	4489	MOUNT HOPE (TN)
2489 CORNWALL (TN)	4401	OTISVILLE (VLG)
2401 CORNWALL (VLG)	4600	NEWBURGH (TN)
2600 CRAWFORD (TN)	4800	NEW WINDSOR (TN)
2800 DEERPARK (TN)	5089	TUXEDO (TN)
3089 GOSHEN (TN)	5001	TUXEDO PARK (VLG)
3001 GOSHEN (VLG)	5200	WALLKILL (TN)
3003 FLORIDA (VLG)	5489	WARWICK (TN)
3005 CHESTER (VLG)	5401	FLORIDA (VLG)
3200 GREENVILLE (TN)	5403	GREENWOOD LAKE (VLG)
3489 HAMPTONBURGH (TN)	5405	WARWICK (VLG)
3401 MAYBROOK (VLG)	5600	WAWAYANDA (TN)
3689 HIGHLANDS (TN)	5889	WOODBURY (TN)
3601 HIGHLAND FALLS (VLG)	5801	HARRIMAN (VLG)
3889 MINISINK (TN)	5809	WOODBURY (VLG)
3801 UNIONVILLE (VLG)		CITIES
4089 MONROE (TN)	0900	MIDDLETOWN
4001 MONROE (VLG)	1100	NEWBURGH
4003 HARRIMAN (VLG)	1300	PORT JERVIS
4005 KIRYAS JOEL (VLG)		
	9999	HOLD

NO. PAGES 5 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_  
PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ 86,000.00  
TAX EXEMPT \_\_\_\_\_  
Taxable  
MORTGAGE AMT. \$ \_\_\_\_\_

MORTGAGE TAX TYPE:

- \_\_\_ (A) COMMERCIAL/FULL 1.05%
- \_\_\_ (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 *GreenAcre*

RECORDED/FILED  
07/17/2012/ 13:47:36  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE#20120066722  
DEED R / BK 13375PG 0910  
RECORDING FEES 195.00  
TTX# 005931 T TAX 344.00  
Receipt#1476896 rose

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 07/17/12 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 11/14/5, 2014



**EXECUTOR'S DEED**

**THIS INDENTURE**, made this 10<sup>th</sup> day of May, 2012

**BETWEEN Jacqueline Murr, presently residing at 847 Corn Planter's Circle, Carolina Shores, NC 28467 and Eileen Coleman, presently residing at 265 East Granada Avenue, Hershey, PA 17033, Co-Executors of the Last Will and Testament of Lillian Benedict, late of Orange County, deceased,**

party of the first part, and

**Lowitt Ventures, LLC with offices located at 443 Quaker Street, Wallkill, New York 12589,**

party of the second part,

**WITNESSETH**, that the party of the first part, by virtue of the power and authority given in and by said Last Will and Testament, and in consideration of

**EIGHTY SIX THOUSAND ----- (\$86,000.00) DOLLARS,**

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

**SEE SCHEDULE "A" ATTACHED**

**BEING** and intended to the same premises conveyed by George C. Benedict to George C. Benedict and Lillian M. Benedict by Deed dated March 8, 1966 and recorded in the Orange County Clerk's Office on March 9, 1966 in Liber 1738 of Deeds at page 578, the said George C. Benedict having died a resident of Orange County on December 4, 1984 and having left surviving him, his wife, Lillian Benedict, and the said Lillian Benedict having died a resident of Orange County on January 21, 2012, and Letters of Testamentary were issued to Jacqueline Murr and Eileen Coleman on April 18, 2012 under Orange County Surrogate's File No. 2012-197.

**TOGETHER WITH AND SUBJECT TO** covenants, easements, restrictions & agreements of record, if any.

**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 thereto;

**TOGETHER** with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise;

**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 read "parties" whenever the sense of this indenture so requires.

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

*Estate of Lilian Benedict*

*Jacqueline Murr*  
\_\_\_\_\_  
JACQUELINE MURR, Co-Executor

*Eileen Colman*  
\_\_\_\_\_  
EILEEN COLMAN, Co-Executor

STATE OF NORTH CAROLINA

SS.:

COUNTY OF BRUNSWICK

On the 10 day of May in the year 2012 before me, the undersigned personally appeared Jacqueline Murr, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he /she/they executed the same in his/her/their capacity(ies), and that be his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

Sunset Beach  
(Insert the City or other political subdivision)

in Brunswick County, NC  
(& insert the County or other place acknowledgment taken)

**CYNTHIA L HAACK**  
Notary Public  
New Hanover Co., North Carolina  
My Commission Expires Dec. 11, 2016

Cynthia L Haack  
(signature and office of individual taking acknowledgment)

STATE OF PENNSYLVANIA

SS.:

COUNTY OF DAUPHIN

On the 15<sup>th</sup> day of May in the year 2012 before me, the undersigned personally appeared Eileen Coleman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he /she/they executed the same in his/her/their capacity(ies), and that be his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

DERRY TWP.  
(Insert the City or other political subdivision)

in DAUPHIN COUNTY, PA  
(& insert the County or other place acknowledgment taken)

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
SUSAN C. CIRANNI, Notary Public  
Derry Township, Dauphin County  
My Commission Expires April 09, 2013

Susan C. Ciranni  
(signature and office of individual taking acknowledgment)



**Schedule A Description**

Revised: 05/22/2012

Page 1

Title Number GA-121198-D

ALL that certain plot, piece or parcel of land situate lying and being in the Town of Newburgh, County of Orange and State of New York, being more accurately bounded and described as follows:

BEGINNING at a point in the centerline of Quaker Street, said point being the easterly most corner of lands now or formerly Schmidt, Liber 2212, page 260, and runs thence along the said Schmidt, and lands now or formerly Vazquez, Liber 12905, page 143, North 37° 23' 00" West 259.10 feet, to an iron pipe;

THENCE along the lands now or formerly Benedict, Liber 4509, page 226, and lands now or formerly Sypek, Liber 11896, page 824, North 58° 26' 00" East 169.60 feet;

THENCE along other lands now or formerly Schmidt, Liber 2212, page 260, South 37° 23' 00" East 246.10 feet;

THENCE along the centerline of Quaker Street, the following 2 courses and distances;

1. South 54° 06' 46" West 68.67 feet,
2. South 53° 59' 16" West 100.10 feet, to the point or place of BEGINNING.

"Being and intended to be the same premises conveyed to George C. Benedict and Lillian M. Benedict, Husband and Wife, who acquired title from George C. Benedict, by deed dated March 8, 1966 and recorded in the Orange County Clerk's Office on March 9, 1966 in Liber 1738 page 578 and also the same premises conveyed to George C. Benedict and Lillian M. Benedict, Husband and Wife, who acquired title from Maybelle Marius Benedict, by deed dated February 21, 1966 and recorded in the Orange County Clerk's Office on March 9, 1966 in Liber 1738 page 575. George C. Benedict died on December 4, 1984 leaving Lillian M. Benedict as surviving tenant by the entirety. Lillian M. Benedict died on January 21, 2012 testate. Letters Testamentary were issued to Jacqueline Murr and Eileen Coleman as Co-Executrices on April 18, 2012 under Orange County Surrogates Court File Number 197-12. "

# Bloom & Bloom, P.C.

ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM  
PETER E. BLOOM  
KEVIN D. BLOOM \*  
KATHLEEN L. BLOOM

\*ALSO ADMITTED IN FLORIDA

530 BLOOMING GROVE TURNPIKE  
P.O. BOX 4323  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE (845) 561-6920  
FAX: (845) 561-0978  
E-MAIL: [BLOOMBLOOM@hvc.rr.com](mailto:BLOOMBLOOM@hvc.rr.com)

January 30, 2015

Town of Newburgh  
Attn: Betty Gennarelli, ZBA Secretary  
308 Gardnertown Road  
Newburgh, New York 12550

*Via Hand Delivery*

**RE: STEVEN LOWITT - LOWITT VENTURES, LLC**  
**Town of Newburgh Tax Map: S/B/L: 11-1-12.1 (444 Quaker Street, Wallkill)**  
**Our File No.: G-2168**

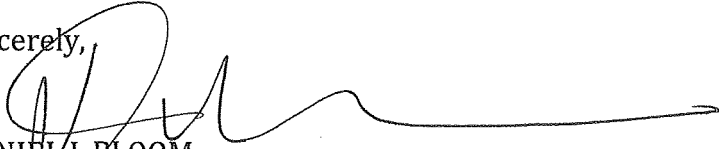
Dear Ms. Gennarelli:

Please be advised that the undersigned has been retained to represent Mr. Steven Lowitt, above-referenced, with respect to an Application for a Variance to the Zoning Board of Appeals of the Town of Newburgh regarding the above referenced violation. Therefore, enclosed please find the following documentation in accordance with same:

- a.) Original receipt issued by the Town Clerk, which represents payment of \$200.00 for legal notice publication fee and accompanying fees;
- b.) Copy of Notice of Disapproval of Building Permit Application, together with a copy of your letter dated October 30, 2014;
- c.) Eleven (11) copies of plot plan;
- d.) Certified copy of Deed;
- e.) Original Assessor's list of property owners within 500 feet of property;
- f.) Four (4) photographs of premises, taken at different angles;
- g.) Application with Short Environmental Assessment, Part I; and
- h.) Proxy.

If the enclosures meet with your approval, kindly schedule this matter for a hearing and advise.

Sincerely,

  
DANIEL J. BLOOM  
DJB/sm (encs.)

cc: Lowitt Ventures, LLC  
Attn: Steven Lowitt  
443 Quaker Street  
Wallkill, New York 12589

