



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:  
Local Referring Board:  
Applicant:  
Project Name:  
Location of Project Site:

Town of Newburgh  
Zoning Board of Appeals  
Matrix Newburgh I LLC.  
Route 17K & Corporate Blvd  
Newburgh

Tax Map #: 95-1-4-12  
Tax Map #: 95-1-69-25  
Tax Map #: 95-1-54-1  
Tax Map #: 95-1-49-12  
Local File No.: Planning Board Referral  
Size of Parcel\*: approx 70+ acres  
\*If more than one parcel, please include sum of all parcels.

Reason for County Review:

ON NYS Route 17K/I-87

Current Zoning District (include any overlays): IB

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) MAX. Building Height, MAX SQFTG Allowed
  - Other Total SIGNAGE, MAX. SQFTG OF SECOND FREE-STANDING
- Other

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

Local board comments or elaboration:

Signature of local official

10/16/15

Date

Chairperson  
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

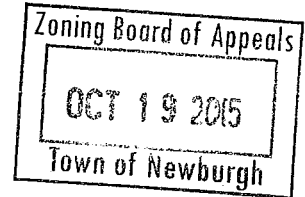
WHITEMAN  
OSTERMAN  
& HANNA LLP

Attorneys at Law  
*www.woh.com*

David R. Everett  
Partner  
518.487.7743 phone  
*deverett@woh.com*

One Commerce Plaza  
Albany, New York 12260  
518.487.7600 phone  
518.487.7777 fax

October 16, 2015



**Via Federal Express**

James E. Manley, Jr., Chairman  
Town of Newburgh Zoning Board of Appeals (ZBA)  
308 Gardnertown Road  
Newburgh, New York 12550

Dear Chairman Manley:

We represent Matrix Newburgh I, LLC ("Matrix"). On October 16, 2015, Matrix filed an application requesting three area variances and an interpretation for its proposed Business Park located on the north side of Route 17k across the street from Orr Road. Pursuant to a request from the ZBA's Clerk, we are writing to provide you with an updated application form which provides Matrix's full mailing address.

In addition, please be advised that Matrix has decided to withdraw its request for an interpretation at this time without prejudice to reapply for such an interpretation at a future date, if necessary.

If you have any questions, please let me know. Thank you kindly for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "DRE".

David R. Everett

Enclosure

c: John Ewasutyn, Planning Board Chairman  
Ken Griffin (Matrix)  
Chuck Utschig, P.E. (Langan)

WHITEMAN  
OSTERMAN  
& HANNA LLP

Attorneys at Law  
*www.woh.com*

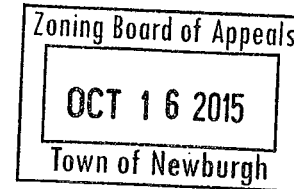
David R. Everett  
Partner  
518.487.7743 phone  
*deverett@woh.com*

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Albany, New York 12260  
518.487.7600 phone  
518.487.7777 fax

October 16, 2015

Via Hand Delivery

James E. Manley, Jr., Chairman  
Town of Newburgh Zoning Board of Appeals (ZBA)  
308 Gardnertown Road  
Newburgh, New York 12550



**Re: Application for Area Variances – Matrix Business Park at Newburgh**

Dear Chairman Manley:

We represent Matrix Newburgh I, LLC (“Matrix”). On September 11, 2015, Matrix submitted a site plan application to the Town of Newburgh Planning Board for the Matrix Business Park at Newburgh. The proposed project will be located on 71 acres of land on the north side of Route 17k across the street from Orr Road. The property is situated in the IB Zoning District. The project consists of a 565,320-sf multi-tenant warehouse building and associated site work (the “Project”).

AmerisourceBergen, a Fortune 50 company and a leading global pharmaceutical sourcing and distribution company will be the initial tenant in the building and will occupy approximately 317,500 square feet of the building. The Project will generate increased tax revenues for the Town as well as provide numerous construction and permanent jobs for local residents as well as other economic benefits.

On September 17, 2015, an initial Planning Board meeting was held to discuss the Project. The Planning Board subsequently referred the Project to the ZBA for several area variances. The following three variances and/or interpretations are being requested for the Project:

(1) A five-foot variance to increase the height of the warehouse building from 40 feet to 45 feet. Section 185-41(D)(2)(b) of the Town of Newburgh Zoning Code (the “Zoning Code”) allows a maximum building height of 40 feet for warehouses in business parks.

(2) A variance to allow a 214 square foot directional sign (107 sf per side) in the interior of the site. Section 185-14(B)(2)(b) of the Zoning Code provides that directional signs must not exceed 3 square feet.

(3) A request for interpretation and/or a variance, if deemed required by the ZBA, to allow a total of 614 square feet of business sign area for the Project. A conservative interpretation of Section 185-14(B)(1)(c) of the Zoning Code would permit only 210 square feet of business sign area for the Project. For purposes of this request, we have conservatively interpreted the Code to exclude our frontages along Routes I-84 and I-87 (2,712 feet and 1,640 feet respectively) from the allowable area calculation. Should the ZBA interpret the Code to include these street frontages, a variance would not be required for the project's proposed sign area.

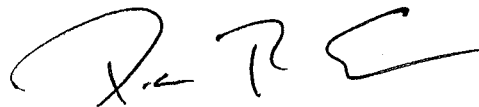
Enclosed is an original complete Town of Newburgh ZBA Application including the following items:

- Variance Narrative
- Town Clerk Receipt (Exhibit A)
- Planning Board's Referral to the ZBA (Exhibit B)
- Preliminary Site Plan for the Project (Exhibit C) (eleven copies provided, as requested)
- Original Certified Deeds for the Project site (Exhibit D)
- Assessor's List of Property Owners within 500' of Project site (Exhibit E)
- Photographs of the Project Site (Exhibit F)
- Short Environmental Assessment Form (Exhibit G)
- Proxy Statements (Exhibit H)
- Renderings of Proposed Monument and Directional Signage (Exhibit I)
- Rendering of Tenant's Wall Sign (Exhibit J)
- Renderings of Similar Existing Freestanding Signs Along Route 17k (Exhibit K)
- Rendering of Similar Wall Mounted Sign Along Route I-84 (Exhibit L)

For the reasons set forth in the attached Variance Narrative, we believe that all three variances will not have an undesirable effect or adverse impact on the surrounding area and should be granted.

We respectfully request that the ZBA place this application on its next available agenda for consideration. We look forward to working with the ZBA on this exciting new project for the Town of Newburgh.

Very truly yours,



David R. Everett

Encs.

c: John Ewasutyn, Planning Board Chairman  
Ken Griffin (Matrix)  
Chuck Utschig, P.E. (Langan)



Zoning Board of Appeals  
**OCT 19 2015**  
Town of Newburgh



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 10/16 /15

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

I (WE) Matrix Newburgh I, LLC PRESENTLY

RESIDING AT NUMBER Forsgate Drive CN 4000, Cranbury, NJ 08512

TELEPHONE NUMBER (732) 521-2900

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

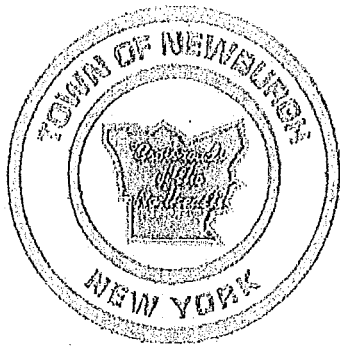
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-69.25  
95-1-49.12  
95-1-4.12 (TAX MAP DESIGNATION)  
95-1-54.1  
Rt. 17K (STREET ADDRESS)  
1B 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).

185-14(B) (1) (c) (sign area)  
185-41 (D) (2) (b) (building height)  
185-14 (B) (2) (b) (directional sign size)



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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: 9/22/15

4. DESCRIPTION OF VARIANCE SOUGHT: See attached cover letter

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:

\_\_\_\_\_  
\_\_\_\_\_

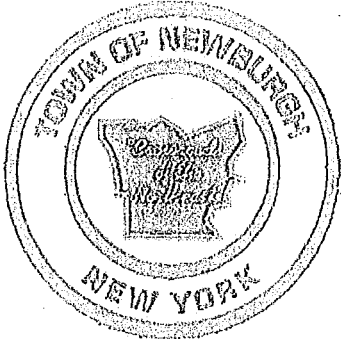
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF NEWBURGH

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

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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:

See attached cover letter

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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:

See attached cover letter

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See attached cover letter

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

See attached cover letter

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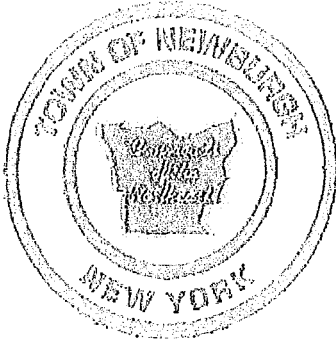
e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

See attached cover letter

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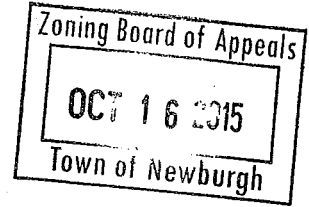
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# TOWN OF NEWBURGH

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7. ADDITIONAL REASONS (IF PERTINENT):

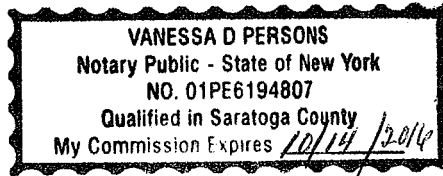
\_\_\_\_\_  
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\_\_\_\_\_

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

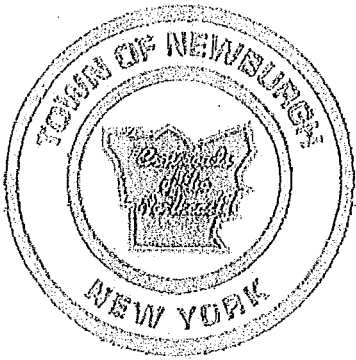
SWORN TO THIS 16<sup>th</sup> DAY OF October 2015

\_\_\_\_\_  
NOTARY PUBLIC



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.

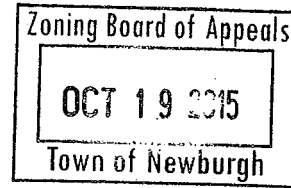
(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

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### 7. ADDITIONAL REASONS (IF PERTINENT):

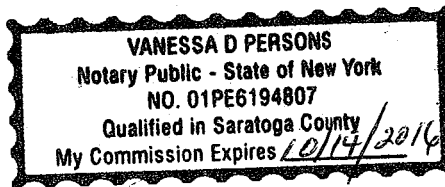
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16<sup>th</sup> DAY OF October 20 15

NOTARY PUBLIC



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)

# Short Environmental Assessment Form

## Part 1 - Project Information

### 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: Matrix Business Park at Newburgh			
Project Location (describe, and attach a location map): Section 95 Block 1, Lots TBD (previously Lots 4.12, 54.1, 69.25 and 49.12) in the Town of Newburgh, Orange County, New York			
Brief Description of Proposed Action: The proposed actions consists of a ±565,320-square foot warehouse facility and associated parking loading and parking spaces. Access to the project site will be provided via a new full-access driveway located along NYS Route 17K across from Orr Avenue. Three variances are requested: (i) to allow 45 feet building height where Section 185-41(D)(2)(b) provides for 40 feet maximum; (ii) to allow for a larger directional sign than permitted under Section 185-14(B)(2)(b); and (iii) to allow 498 sq. feet of total sign area where Section 185-14(B)(1)(c) provides that total sign area shall not exceed 1/2 of the total length of street frontage, which equates to 210 sq. ft.			
Name of Applicant or Sponsor: Matrix Newburgh I, LLC		Telephone: (732) 521-2900	
		E-Mail: kgriffin@matrixcompanies.com	
Address: Forsgate Drive CN 4000			
City/PO: Cranbury		State: NJ	Zip Code: 08512
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 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: See addendum, attached.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? <span style="float: right;">+/- 71.7 acres</span>			
b. Total acreage to be physically disturbed? <span style="float: right;">+/- 55.0 acres</span>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">+/- 71.7 acres</span>			
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Stewart Int'l Airport, Army Nat'l Guard</u> <input type="checkbox"/> Parkland			



<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>Stormwater management/drainage in a total of 11 basins, the total approximate size of the proposed impoundments is 5 acres and will contain +/- 5.3 million gallons of stormwater.</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Josh S. Taylor</u></p>		<p>Date: <u>10/6/15</u></p>
<p>Signature: <u>Josh S. Taylor</u></p>		



Agency Use Only [If applicable]

Project:

Date:


**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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"/>
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"/>

Agency Use Only [If applicable]

Project: \_\_\_\_\_  
Date: \_\_\_\_\_

***Short Environmental Assessment Form  
Part 3 Determination of Significance***

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.

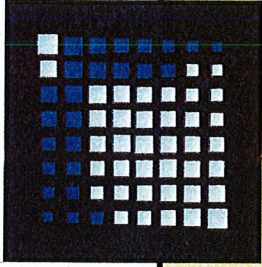
\_\_\_\_\_  
Name of Lead Agency \_\_\_\_\_  
Date

\_\_\_\_\_  
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)

10 ft

26.75 in



16 in

# MATRIX

BUSINESS PARK AT NEWBURGH

A

B

C

8 ft

9 ft 4 in

11 ft 8 in

5 in

29 in

A PROPERTY BY  MATRIX 732-521-2900

24 in

I



AmerisourceBergen®

5



## Matrix Business Park at Newburgh

### Variance Narrative

#### Building Height Variance

Section 185-41(D)(2)(b) of the Zoning Code allows a maximum building height of 40 feet for warehouses in business parks in the IB (Interchange Business) Zoning District. The proposed building will be 45 feet tall to accommodate the tenant's internal building operations. Therefore, a minor height variance of 5 feet is requested for the Project.

Pursuant to Section 267-b of the NYS Town Law, in making its determination on this variance, the ZBA shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community of such grant. As you know, in making such determination, the ZBA must consider the following criteria:

**a) The Variance Will Not Produce an Undesirable Change in the Character of the Neighborhood or a Detriment to Nearby Properties Because:**

The Project site is located in the IB (Interchange Business) Zoning District. The surrounding neighborhood contains a number of large warehouse distribution facilities and mixed commercial uses including a hotel, gas station and Stewart International Airport.

Development in the area is characterized by buildings of varying shapes, sizes and setbacks that are widely spaced and whose elevations and relative heights vary greatly with the surrounding topography. This is in contrast to a typical downtown business district where the buildings are set close together along a common thoroughfare or street, and where the buildings are of essentially uniform size and height, and where they are at the same ground elevation.

Given the nature and pattern of the surrounding development, and due to the large setbacks associated with the proposed warehouse building, there will be no closely adjacent buildings that would accentuate any difference in height by comparison.

Due to the unique size, location, setbacks and topography of the site, the views and perspectives of the proposed building will be limited. Existing vegetation around the perimeter of the site will be preserved to the maximum extent practicable and will thereby partially screen views from surrounding public roads.

Therefore, the proposed Project will be consistent with the existing character of the surrounding area and will not produce any detriment to nearby properties.

**b) The Benefit Sought by the Applicant Cannot Be Achieved by Some Method, Feasible for the Applicant to Pursue, Other Than an Area Variance, Because:**

The proposed building height is standard for the industry and needed to attract quality tenants for the permitted use, which will ensure establishment of appropriate and long-standing uses of the facility consistent with those permitted within the IB Zoning District. The tenant's operations require 36 feet of clear storage height inside the building which translates to a 45-foot tall building. The additional height above the operational space is the minimum needed to construct adequate structural members, to provide proper clearance for lighting, ventilation and fire protection (sprinklers) and to provide adequate roof slopes for drainage. There are no viable

alternatives available. A smaller building height would cause the tenant to seek alternative locations for its Project and the loss of new economic benefits for the Town and the region.

**c) The Requested Area Variance is not Substantial Because:**

The Zoning Code provides for a 40-foot maximum building height for business parks in the IB Zoning District. The proposed variance would allow a mere 5 feet of additional height. It should be noted that the Zoning Code allows 50 foot building heights for other uses in the IB Zoning District, particularly for hotels. Thus, the 45 foot proposed building height for the Project remains below the maximum height allowed for other buildings in the IB Zoning District.

**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 visual impact of the additional height will be mitigated by the building's large setbacks from the property line and nearby public roads. For example, the building will be set back over 900 feet from Corporate Blvd, over 700 feet from I-87, over 1200 feet from Route 17k and about 300 feet from 1-84. Practically speaking, it is difficult for the human eye to discern a 5 foot height difference at relatively large setback distances.

Moreover, the visual impact of the additional height will be further mitigated by grading and terracing of the site. The parking lots on site will effectively "terrace" the building, setting it well back from the top of any slopes and thereby mitigating the visual impact of a building with no setback from atop the slope. In addition, the increased building height will be mitigated by lower finished floor elevation. The finished floor elevation will be, on average, 15 feet (up to 30 feet maximum) below existing grades so in effect, the building will be "set down" on the site.

Finally, as illustrated in the attached aerial photo and site photos (see Exhibits C & F), the existing tree canopy around the perimeter of the site will soften the views from surrounding roads. Overall, the proposed modest increase in allowable height will not create any discernable or negative visual impact, and will not detract from the aesthetics of the building, the site and its environs.

**e) The Hardship has not been Self-Created Because:**

The hardship is market-driven. As the ZBA knows, the self-imposed nature of a hardship is not determinative of an area variance application. Granting this variance will allow the Project to proceed and will allow for the creation of economic benefits including increased tax revenues and jobs in the Town and the region.

## **Variance For Larger Directional Sign**

Section 185-14(B)(2)(b) of the Zoning Code allows for “free standing internal directional signs which may be illuminated and shall have an area of not more than three square feet a piece.” Matrix is seeking an area variance to allow a maximum directional sign area of 214 square feet (107 sf per side) in the interior of the business park to safely direct various tenants’ employees, visitors and truck traffic on the site. A proposed rendering of the directional sign is included in Exhibit I.

Pursuant to Section 267-b of the NYS Town Law, in making its determination on this variance, the ZBA shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community of such grant. As you know, in making such determination, the ZBA must consider the following criteria:

**a) The Variance Will Not Produce an Undesirable Change in the Character of the Neighborhood or a Detriment to Nearby Properties Because:**

The directional sign will be located in the interior of the site as depicted on the enclosed site plan. As such, the sign will be located a significant distance from the neighboring property lines and public roads. Trees, topography and setbacks will significantly reduce or eliminate visibility from nearby roads and adjacent properties. As a result, there will be limited, if any impact to nearby properties.

Moreover, the proposed directional sign will be similar in character, size and content to the freestanding business sign being proposed for the entrance to the Business Park on Route 17k. This will ensure that all freestanding signs (whether business signs or directional signs) follow a common theme within the Business Park.

**b) The Benefit Sought by the Applicant Cannot be Achieved by Some Method, Feasible for the Applicant to Pursue, Other than an Area Variance, Because:**

There is no other method to achieve this purpose other than the variance. Section 185-14(B)(2)(b) limits the maximum area for a directional signs to 3 square feet. It will be very difficult to read and discern words and graphics on a sign of that size particularly for large trucks that require additional safe stopping distances. The benefit resulting from the larger sign is increased visibility for all vehicles using the site; this is not achievable other than by increasing the size of the sign.

**c) The Requested Area Variance is not Substantial Because:**

The requested variance is substantial. However, as noted above, the sign will not be noticeably visible from surrounding properties or roadways; will reduce visual clutter on the site by combining all directional signs into one sign; and will promote safety by providing signage that easily readable by all vehicles, particularly large trucks which require greater safe stopping distances.

**d) The Proposed Variance Will Not Have an Adverse Effect or Impact on the Physical or Environmental Conditions in the Neighborhood or District Because:**

As mentioned above, the directional sign will not be noticeably visible from any adjacent property or any public roads. The larger sign is recognizable from longer distances which allows for greater stopping distances needed by trucks, and which provides a greater element of safety for all vehicles. Therefore, it will not adversely affect the environment or the surrounding neighborhood.

**e) The Hardship Has Not Been Self-Created Because:**

The hardship is self-created. However, as explained above the larger sign increases the vehicle safety for cars and trucks using the facility and is not out of context with the scale and character of the development. As the ZBA knows, the self-imposed nature of a hardship is not determinative of an area variance application. Granting this variance will allow the Project to proceed and will allow for the creation of economic benefits including increased tax revenues and jobs in the Town and the region.



## Variance For Larger Business Sign Area

Section 185-14(B)(1)(c) of the Zoning Code provides that “the total area of all [business] signs on a lot shall not exceed 1/2 of the total length of street frontage of the lot in linear feet.” The combined street frontage of the property along Corporate Blvd and Route 17k is equal to 421 feet. As a result, the Project is allowed to provide only 210 square feet of total business signage (freestanding plus wall signage). For purposes of this request, we have conservatively interpreted the Code to exclude Matrix’s property frontages along Routes I-84 (1,640 feet) and I-87 (2,712 feet) from the allowable area calculation.

The Project proposes a total of 614 square feet of business signage. This includes:

- (1) Two 100 square-foot wall signs (200 sf total) for future tenant(s) in the north half of the building. These signs would be mounted on the northwest and northeast sides of the building. It should be noted that the tenant(s) for the north half of the warehouse have not been identified yet and, thus, specific renderings have not been prepared for these signs. However, suitably-sized signage is critical to attracting quality tenants and Matrix’s desires to provide signage of a size that will accommodate most tenant’s needs, and that will be readily visible while remaining aesthetically pleasing and compatible with the size and scale of the building.
- (2) Two 100 square-foot wall signs (200 sf total) for Amerisource Bergen in the south half of the building. These signs would be mounted on the south and east sides of the building (The sign renderings are depicted in Exhibit J).
- (3) One freestanding monument sign (107 square feet per side, 214 square feet total) for the Business Park at the Project’s entrance on Route 17k. (The sign rendering is depicted in Exhibit I). This sign is similar in size, scale and character to other freestanding signs being used on neighboring properties along Route 17k today including, among others, signs for the Northeast Business Center, the Citgo Gas Station and the National Guard Airforce Base at Stewart Airport (see Exhibit K).

The locations of all the proposed business signs are depicted on the enclosed site plan.

Pursuant to Section 267-b of the NYS Town Law, in making its determination on this variance, the ZBA shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community of such grant. As you know, in making such determination, the ZBA must consider the following criteria:

**a) The Variance Will Not Produce an Undesirable Change in the Character of the Neighborhood or a Detriment to Nearby Properties Because:**

As noted above, the proposed freestanding business sign will be similar in size, scale and character to other freestanding signs in the IB Zoning District including signs along the Route 300 corridor and signs on neighboring properties along Route 17k including signs for the Northeast Business Park, the Citgo Gas Station and the National Guard Airforce Base at Stewart Airport (See Exhibit K). As a result, the sign should not have an undesirable change to the character of the neighborhood.

All wall mounted signs will be set back a considerable distance from neighboring properties or surrounding roadways. For example, the signs will be located over 1200 feet from Route 17k

and over 500 feet from the I-87 exit ramp. Moreover, existing tree cover around the perimeter of the site will screen and/or soften the view of the signs from neighboring properties and roadways. As a result, these signs will not have an undesirable change to the character of the neighborhood.

**b) The Benefit Sought by the Applicant Cannot be Achieved by Some Method, Feasible for the Applicant to Pursue, Other than an Area Variance, Because:**

Under the most conservative interpretation of the Zoning Code, the total sign area permitted on the site is limited to only 210 square feet. While this may accommodate a suitably-sized monument sign for the Business Park, it leaves very little additional area available for wall signage given the size and scale of a typical warehouse building that is otherwise permitted by Code. There is no other method to achieve this purpose other than to request the variance.

**c) The Requested Area Variance is not Substantial Because:**

The requested variance is substantial in the context of the Code. However, it should be noted that the proposed wall signage would cover less than one percent (1%) of any single façade of the building.

**d) The Proposed Variance Will Not Have an Adverse Effect or Impact on the Physical or Environmental Conditions in the Neighborhood or District Because:**

For the reasons set forth above, the additional signage area on the site will not have an adverse impact on the environment or the neighborhood.

**e) The Hardship Has not Been Self-Created Because:**

The hardship has been self-created but to some extent is also market-driven. Brand identity, image, and recognition is important to tenants. They require suitably-sized signage that can be easily recognized by the public and they will be attracted to those facilities that can provide a reasonable amount of readily-visible signage.

It should be noted that the Town's 2005 Comprehensive Plan suggested revisions to the Zoning Code that would distinguish between different kinds of businesses and would more closely relate the size of signage to the overall square footage of various uses as opposed to street frontage. It has been our experience that many sign ordinances and codes relate allowable wall sign area to a percentage of façade area or length. Under this approach, it should be noted that the proposed wall signage, would cover less than one percent (1%) of any single façade of the building.

For the reasons stated above, the proposed variances will not have any adverse impacts on adjoining properties or on the public health, safety and welfare. Moreover, the variances will help facilitate the Project which will generate additional tax revenue, jobs and other economic benefits to the Town and the region. As a result, we respectfully request that the variances be granted.

B

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

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

James G. Sweeney, P.C., of Counsel

James B. Biagi, of Counsel

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

28 Bruen Place  
P.O. Box 610  
Goshen, NY 10924  
Phone (845) 294-9447  
[ma@dskllolaw.com](mailto:ma@dskllolaw.com)  
Fax (845) 294-6553  
(Not for Service of Process)

September 22, 2015

Town of Newburgh Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, NY 12550

RE: Matrix Business Park at Newburgh (15.26)  
Route 17K & McGuire Way (Zone IB)  
Section 95, Block 1, Lot TBD (portion of prior lots 4.12, 54.1, 69.25 and 49.12)

---

Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of September 16, 2015 seeking site plan approval for the development of a 565,320 square-foot multi-tenant warehouse building. The proposed building height and the number of signs on the premises will exceed the requirements allowed under the Town of Newburgh Code. Therefore, the planning board has asked me to refer this matter to you for consideration of the following variances:

- An area variance allowing a building height of 45 feet where 40 feet is the maximum height allowed;
- A variance permitting two free-standing signs to be located on the premises where only one free-standing is permitted.

The planning board has no particular matters to bring to your attention. If your review of this matter is not a Type II action under the New York State Environmental Quality

Review Act the planning board sees no reason why your review of this project cannot be conducted on an uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. H. Donnelly". The signature is stylized and somewhat cursive.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
David R. Everett, Esq.



TOWN OF NEWBURGH

Crossroads of the Northeast

5  
H

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

Re: Application of Matrix  
Newburgh I, LLC  
SBL: 95-1-49.12

PROXY

ANGELA DIBRIZZI, NICOLAS C. DIBRIZZI, ELISA DIBRIZZI and SERENA DIBRIZZI,  
f/k/a SERENA RUSSO, being the Trustees of Trusts created under Article THIRD  
and Article FOURTH of the Last Will and Testament of COSIMO DIBRIZZI,  
dated March 7, 1994, all \_\_\_\_\_, DEPOSES AND SAYS THAT

the Address for the Trustees of the Article Third & Article Fourth Trusts is  
HE/SHE RESIDES AT 1089 Little Britain Road, New Windsor, NY 12553

IN THE COUNTY OF Orange AND STATE OF New York

THE TESTAMENTARY TRUSTS UNDER ART. THIRD & FOURTH OF LWT OF COSIMO DIBRIZZI  
AND THAT HE/SHE IS THE OWNER IN FEE OF Section 95 Block 1

Lot 49.12 located on Route 17K, in the Town of Newburgh, Orange Co., NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

tion, being all of the Trustees of said Trusts, have authorized  
TION AND THAT HE/SHE HAS AUTHORIZED MATRIX NEWBURGH I, LLC

and/or its attorneys, Whiteman Osterman & Hanna  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

TESTAMENTARY TRUSTEES OF TRUSTS UNDER ARTICLES  
THIRD & FOURTH OF LWT OF COSIMO DIBRIZZI

DATED: 10/15/15

By: Angela DiBrizzi  
Angela DiBrizzi, Trustee

OWNER'S SIGNATURE

Jeanne Natale  
WITNESS' SIGNATURE

By: Nicolas DiBrizzi  
Nicolas DiBrizzi, Trustee

By: Elisa DiBrizzi  
Elisa DiBrizzi, Trustee

By: Serena DiBrizzi  
Serena DiBRIZZI, f/k/a Serena Russo, Trustee

STATE OF NEW YORK: COUNTY OF ORANGE:

ANGELA DIBRIZZI, NICOLAS DIBRIZZI, ELISA DIBRIZZI & SERENA DIBRIZZI  
SWORN TO THIS 15<sup>th</sup> DAY OF October 2015

Corinne Leissler  
NOTARY PUBLIC

CORINNE LEISSLER  
NOTARY PUBLIC, STATE OF NEW YORK

No. 01LE6285625  
Qualified in ORANGE COUNTY  
Commission Expires: July 8, 2017



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Re: Application of  
Matrix Newburgh I, LLC  
Site Plan Application  
SBL: 95-1-54.1

NICOLAS DI BRIZZI, as Managing

Member of COS17, LLC, a NY

Limited Liability Company, DEPOSES AND SAYS THAT  
the address of COS17, LLC is  
HE/SHE RESIDES AT 1089 Little Britain Road, New Windsor, NY 12553

IN THE COUNTY OF Orange AND STATE OF New York  
COS17, LLC

AND THAT ~~HE/SHE~~ IS THE OWNER IN FEE OF Section 95 Block 1

Lot 54.1 located on Route 17K, in the Town of Newburgh, Orange Co., NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
NICOLAS DI BRIZZI, as Managing Member

TION AND THAT ~~HE/SHE~~ HAS AUTHORIZED MATRIX NEWBURGH I, LLC  
and/or its attorneys, Whiteman Osterman & Hanna

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.  
COS17, LLC

DATED: 10/15/15

By: Nicolas DiBrizzi  
Nicolas DiBrizzi, Managing Member

OWNER'S SIGNATURE

Johanne Natale

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

NICOLAS DI BRIZZI  
SWORN TO THIS 15<sup>th</sup> DAY OF October 20 15

Corinne Leissler  
NOTARY PUBLIC

**CORINNE LEISSLER**  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01LE6285625  
Qualified in ORANGE COUNTY  
Commission Expires: July 8, 2017



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Matrix Newburgh I, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT Forsgate Drive

IN THE COUNTY OF Middlesex AND STATE OF NJ

AND THAT HE/SHE IS THE OWNER IN FEE OF Tax ID 95-1-4.12

Route 17K

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Whiteman Osterman & Hanna LLP  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/6/15

[Signature]

OWNER'S SIGNATURE

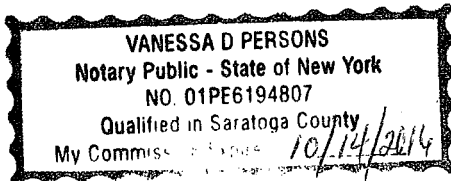
[Signature]  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6<sup>th</sup> DAY OF October 202015

[Signature]

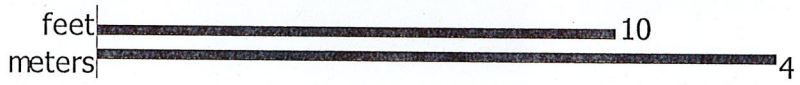
NOTARY PUBLIC







Google earth







Google earth

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Google earth



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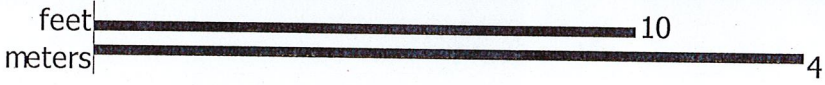




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Google earth

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# 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

LEMPRA ASSOCIATES and  
HVA '86 ASSOCIATES, L.P.  
  
TO  
  
MATRIX NEWBURGH I, L.L.C.

SECTION 95 BLOCK 1 LOT 4.12

RECORD AND RETURN TO:  
(name and address)

Michael E. Rothpletz, Esq.  
Drinker, Biddle & Reath, LLP  
500 Campus Drive  
Florham Park, NJ 07932



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

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

NO. PAGES 5 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ 1,900,000.00  
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  
ORANGE COUNTY CLERK

Received From Horizon Title

RECORDED/FILED  
09/17/2007/ 16:04:56  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE # 20070101292  
DEED C / BK 12528 PG 0629  
RECORDING FEES 210.00  
TTX# 001290 T TAX 7,600.00  
Receipt#787951 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 September 17, 2007 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 September 30, 2015  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY



— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

**THIS INDENTURE**, made the 11<sup>th</sup> day of September, in the year 2007

**BETWEEN** LEMPRA ASSOCIATES, Limited, a New Jersey Limited Partnership. and  
HVA '86 ASSOCIATES, L.P., a New Jersey Limited Partnership, with a business address of 80 Greenwood Avenue, Midland Park, New Jersey 07432

party of the first part, and MATRIX NEWBURGH I, L.L.C , with a business address of CN 4000 Forsgate Drive, Cranbury, New Jersey 08512

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

ONE MILLION NINE HUNDRED THOUSAND AND 00/100 (\$1,900,000.00) 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 Township of Newburgh, County of Orange and State of New York and being more particularly described on SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

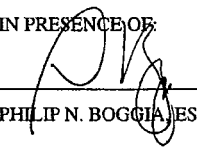
BEING THE SAME PREMISES conveyed by Deed from Herbert Sandler dated 12/10/86, recorded 12/11/86 in Liber 2622, page 97 and by Deed from Cosimo DiBrizzi dated 8/31/88, recorded 9/2/88 in Liber 3001, page 75.

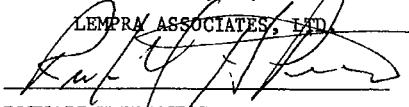
**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **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.

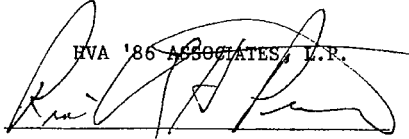
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**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  
  
\_\_\_\_\_  
PHILIP N. BOGGIA, ESQ.

LEMPRA ASSOCIATES, LTD.  
BY:   
RICHARD H. PRANT, General Partner

HVA '86 ASSOCIATES, L.P.  
BY:   
RICHARD H. PRANT, General Partner

**SCHEDULE A**

**WRITTEN DESCRIPTION  
SECTION 95, BLOCK 1, LOT 4.12  
IN THE TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK**

---

Beginning at the intersection of the northerly line of NY State Highway Route 17 (width varies), and the westerly line of Interstate Route 87, width varies, thence running the following courses and distances;

- 1) Along said northerly line of NY State Highway Route 17, North 72°11'23" West, a distance of 115.64 feet to a point; thence
- 2) Still along said northerly line of NY State Highway Route 17, North 14°31'32" East, a distance of 28.00 feet to a point; thence
- 3) Still along said northerly line of NY State Highway Route 17 North 75°28'28" West, a distance of 40.00 feet to a point; thence
- 4) Still along said northerly line of NY State Highway Route 17, South 14°31'32" West, a distance of 24.00 feet to a point; thence
- 5) Still along said NY State Highway Route 17, North 72°35'24" West, a distance of 220.35 feet to a point on the northerly line of NY State Highway Route 17; thence
- 6) Still along said northerly line of NY State Highway Route 17, North 76°38'47" West, a distance of 53.40 feet to a point on the easterly line of Section 95 Block 1 Lot 49.2; thence
- 7) Along said easterly line of Section 95 Block 1 Lot 49.2, North 09°03'58" East, a distance of 171.36 feet to a point on the easterly line of Section 95 Block 1 lot 49.12; thence
- 8) Along said easterly line of Section 95 Block 1 Lot 49.12, North 10°15'49" East, a distance of 358.82 feet to a point on the northerly line of Section 95 Block 1 Lot 49.12; thence
- 9) Along said northerly line of Section 95 Block 1 Lot 49.12, North 66°33'42" West, a distance of 307.62 feet to a point; thence
- 10) Still along said northerly line of Section 95 Block 1 Lot 49.12, North 62°39'22" West, a distance of 211.26 feet to a point on the easterly line of Section 95 Block 1 Lot 54.1; thence
- 11) Along said easterly line of Section 95 Block 1 Lot 54.1, North 62°54'47" West, a distance of 50.96 feet to a point; thence
- 12) Still along said easterly line of Section 95 Block 1 Lot 54.1, North 15°31'03" East, a distance of 815.42 feet to a point on the easterly line of Section 95 Block 1 Lot 69.25; thence
- 13) Along said easterly line of Section 95 Block 1 Lot 69.25, North 07°12'24" East, a distance of 1315.17 feet to a point on the southerly line of Interstate Route 84; thence
- 14) Along said southerly line of Interstate Route 84, North 86°38'12" East, a distance of 335.91 feet to a point; thence
- 15) Still along said southerly line of Interstate Route 84, North 87°00'05" East, a distance of 295.38 feet to a point; thence
- 16) Still along said southerly line of Interstate Route 84, North 86°43'58" East, a distance of 153.29 feet to a point on the aforementioned Interstate Route 84; thence
- 17) Still along said southerly line of Interstate Route 84, South 72°29'50" East, a distance of 176.00 feet to a point on the westerly line of Interstate Route 87; thence



- 18) Along said westerly line of Interstate Route 87, South  $02^{\circ}18'41''$  West, a distance of 79.18 feet to a point; thence
- 19) Still along said westerly line of Interstate Route 87, South  $05^{\circ}34'49''$  West, a distance of 131.08 feet to a point; thence
- 20) Still along said westerly line of Interstate Route 87, South  $06^{\circ}43'07''$  West, a distance of 1251.02 feet to a point on the northerly line of the Interstate Route 87 ; thence
- 21) Along said northerly line of Interstate Route 87 , North  $74^{\circ}02'52''$  West, a distance of 109.10 feet to a point; thence
- 22) Still along said northerly line of Interstate Route 87 Ramp, on a curve to the left, having an arc distance of 361.03 feet, a radius of 832.18 feet and a central angle of  $24^{\circ}51'25''$  and being subtended by a chord which bears South  $87^{\circ}36'51''$  West 358.21 feet to a point on; thence
- 23) Still along said northerly line of Interstate Route 87, on a curve to the left, having an arc distance of 271.91 feet, a radius of 832.18 feet and a central angle of  $18^{\circ}43'15''$  and being subtended by a chord which bears South  $61^{\circ}46'35''$  West 270.70 feet to a point on; thence
- 24) Still along said westerly line of Interstate Route 87, South  $46^{\circ}25'05''$  West, a distance of 23.85 feet to a point; thence
- 25) Still along said westerly line of Interstate Route 87, on a curve to the left, having an arc distance of 214.91 feet, a radius of 212.03 feet and a central angle of  $58^{\circ}04'25''$  and being subtended by a chord which bears South  $18^{\circ}09'12''$  West 205.83 feet to a point on the southwesterly line of Interstate Route 87; thence
- 26) Still along said southwesterly line of Interstate Route 87, on a curve to the left, having an arc distance of 213.60 feet, a radius of 618.34 feet and a central angle of  $19^{\circ}47'33''$  and being subtended by a chord which bears South  $28^{\circ}18'18''$  East 212.54 feet to a point; thence
- 27) Still along said southwesterly line of Interstate Route 87, South  $41^{\circ}55'45''$  East, a distance of 173.84 feet to a point; thence
- 28) Still along said southwesterly line of Interstate Route 87, South  $37^{\circ}20'41''$  East, a distance of 209.95 feet to a point; thence
- 29) Still along said westerly line Interstate Route 87, South  $26^{\circ}24'59''$  East, a distance of 134.84 feet to a point; thence
- 30) Still along said westerly line of Interstate Route 87, South  $20^{\circ}35'17''$  East, a distance of 47.88 feet to a point; thence
- 31) Still along said westerly line of Interstate Route 87, South  $11^{\circ}05'11''$  East, a distance of 38.92 feet to a point; thence
- 32) Still along said westerly line of Interstate Route 87, South  $08^{\circ}01'48''$  East, a distance of 92.92 feet to a point; thence
- 33) Still along said westerly line of Interstate Route 87, South  $04^{\circ}27'05''$  East, a distance of 217.25 feet to a; thence
- 34) Still along said westerly line of Interstate Route 87, South  $00^{\circ}50'02''$  West, a distance of 78.71 feet to a point; thence
- 35) Still along said westerly line of Interstate Route 87, South  $05^{\circ}43'07''$  West, a distance of 123.07 feet to the Point of Beginning.

Encompassing an area of 45.409 acres, more or less.

This description is prepared in accordance with a plan entitled "Matrix Newburgh, Boundary and Topographic Survey " prepared by Langan Engineering and Environmental services, Inc. Elmwood Park, New Jersey, Job No. 9190601, dated September 6, 2007, Drawing Nos. 07.01 thru 07.04.

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, personally appeared

\_\_\_\_\_, 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 by 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.

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**Bargain and Sale Deed  
With Covenants**


**Title No. 4110-Horizon Title Services Corp.**

**LEMPRA ASSOCIATES, LTD, & HVA'86 ASSOCIATES, L.P.**

**TO**

**MATRIX NEWBURGH I, L.L.C.**

**DISTRIBUTED BY**



**YOUR TITLE EXPERTS**  
The Judicial Title Insurance Agency LLC  
800-281-TITLE (8485) FAX: 800-FAX-9396

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, personally appeared Richard Prant, General Partner of Lempra Associates, Limited, and Richard Prant, General Partner of HVA'86 Associates, L.P.

\_\_\_\_\_, 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 by 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.

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE**

\*State of New Jersey, County of Bergen, ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the 11th day of September in the year 2007, before me a Notary Public of the State of New Jersey the undersigned personally appeared Richard Prant, General Partner of Lempra Associates, Ltd. and Richard Prant, General Partner of HVA'86 Associates, L.P. 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), that by 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 make such appearance before the undersigned in the Borough of Midland Park, County of Bergen and State of New Jersey.

*Denise J. Hill*

DENISE J. HILL  
(add the city or political subdivision of the State of New Jersey in which place the acknowledgement was taken). No. 85003

Qualified in Bergen County  
Commission Expires 9/03/2009

SECTION: 95

BLOCK: 1

LOT: 4.12

COUNTY OR TOWN: Orange County/Town of Newburgh

**RETURN BY MAIL TO:**

MICHAEL E. ROTHPLETZ, ESQ.  
DRINKER, BIDDLE & REATH, LLP  
500 Campus Drive  
Florham Park, New Jersey 07932



# 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

Land Holding, LLC  
  
TO  
  
Matrix Newburgh I, LLC

SECTION 95 BLOCK 1 LOT 69.25



RECORD AND RETURN TO:  
(name and address)

Michael E. Rothpletz, Jr., Esq.  
Drinker, Biddle & Reath LLP  
500 Campus Drive  
Florham Park, NJ 07932

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

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

NO. PAGES 7 CROSS REF.      
CERT. COPY     ADD'L X-REF.      
MAP#     PGS.    

PAYMENT TYPE: CHECK /  
CASH      
CHARGE      
NO FEE    

Taxable  
CONSIDERATION \$ 1,000,000  
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  
ORANGE COUNTY CLERK

Received From Warrior

RECORDED/FILED  
09/10/2007/ 10:07:22  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE # 20070098510  
DEED C / BK 12523 PG 0202  
RECORDING FEES 216.00  
TTX# 001085 T TAX 4,000.00  
Receipt#784754 juls

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 September 10, 2007 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbit September 30, 2015  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY



**BARGAIN AND SALE DEED**  
**(WITH COVENANTS AGAINST GRANTOR'S ACTS)**

---

**THIS BARGAIN AND SALE DEED (WITH COVENANTS AGAINST GRANTOR'S ACTS)**, is made this 5<sup>th</sup> day of SEPT., in the year 2007,

BETWEEN

**LAND HOLDING, LLC**, a Delaware limited liability company  
and successor by merger with Land Holding, Inc.  
c/o PNC Realty Services  
Two PNC Plaza – 19<sup>th</sup> Floor  
620 Liberty Avenue  
Pittsburgh, PA 15222

the party of the first part, and "Grantor," and

**MATRIX NEWBURGH I, LLC**, a New Jersey limited liability company  
c/o MATRIX REALTY, INC.  
CN 4000  
Forsgate Drive  
Cranbury, NJ 08512

the party of the second part, and "Grantee."

**WITNESSETH**, that the Grantor, in consideration of Ten and 00/100 Dollars (\$10.00) paid by the Grantee, does hereby grant and release unto the Grantee, and its successors and assigns forever:

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being situate in the Town of Newburgh, County of Orange and State of New York, being also known as a portion of Lot 69.25 in Section 95, Block 1 on the Tax Map of the Town of Newburgh, County of Orange and State of New York and being more particularly described on Schedule "A" attached hereto and made a part hereof. The Lot is also known as Lot 2B-2 on the "Plan of Subdivision, Lot 2B, Lot Line Change for Northeast Distribution Center" dated March 10, 2005, and filed with the Orange County Clerk's Office as Map No. 816-05.

**TOGETHER** with the appurtenances and all the estate and rights of the Grantor in and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the Grantee and its successors and assigns forever;

**THE PROPERTY DOES NOT LIE WITHIN AN AGRICULTURAL DISTRICT.**

**AND** the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

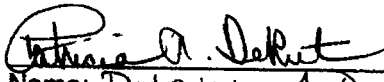
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

THIS CONVEYANCE is made in the ordinary course of business of the Grantor and does not constitute a sale of all or substantially all of the assets of Grantor. This Indenture has been authorized by the appropriate limited liability company action, and the signatories herein have signed the same in furtherance of such action.

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

WITNESS:

LAND HOLDING, LLC, a Delaware limited liability company and successor to Land Holding, Inc.

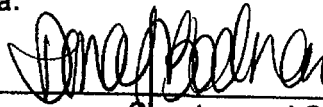
  
Name: Patricia A. DEKRET

By:   
Kathleen S. Calhoun, Vice President

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF ALLEGHENY )

On the 9<sup>th</sup> day of September in the year 2007, before me, the undersigned, personally appeared Kathleen S. Calhoun, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Pittsburgh, Allegheny County, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Dana L. Bodnar, Notary Public  
South Fayette Twp., Allegheny County  
My Commission Expires Aug. 30, 2010  
Member, Pennsylvania Association of Notaries

  
Signature and Office of  
Individual taking acknowledgment  
PNC Realty Services  
620 Liberty Avenue  
19<sup>th</sup> Floor  
Pittsburgh, PA 15222

**ACKNOWLEDGMENT BY SUBSCRIBING WITNESS:**

**COMMONWEALTH OF PENNSYLVANIA** )  
 ) **SS:**  
**COUNTY OF ALLEGHENY** )

On the 5<sup>TH</sup> day of SEPT. in the year 2007, before me, the undersigned, personally appeared

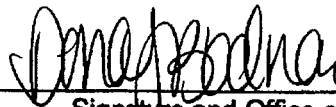
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that she resides in *(if the place of residence is in a city, include the street and street number, if any thereof):*

in the City of Pittsburgh, PA,

that she knows Kathleen S. Calhoun to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said Kathleen S. Calhoun execute the same; and that said witness at the same time subscribed her name as a witness thereto.

(  *If taken outside New York State insert city or political subdivision and state or country or other place acknowledgment taken* )

And that said subscribing witness made such appearance before the undersigned in Pittsburgh, Pennsylvania.



Signature and Office of  
Individual taking acknowledgment  
PNC Realty Services  
620 Liberty Avenue  
19<sup>th</sup> Floor  
Pittsburgh, PA 15222

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Dana L. Bodnar, Notary Public  
South Fayette Twp., Allegheny County  
My Commission Expires Aug. 30, 2010  
Member, Pennsylvania Association of Notaries

**SCHEDULE "A"**

**LEGAL DESCRIPTION – LAND**

(page 1 of 2)

**WRITTEN DESCRIPTION  
SECTION 95, BLOCK 1, LOT 69.25  
IN THE TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK**

---

Beginning at the intersection of the easterly line of Section 95 Block 1 Lot 69.1 and the southeasterly line of Corporate Boulevard, width varies, thence and running the following courses and distances;

- 1) Along said southeasterly line of Corporate Boulevard, on a curve to the left, having an arc distance of 160.21 feet, a radius of 150.00 feet and a central angle of 61°11'47" and being subtended by a chord which bears North 26°45'22" East 152.70 feet to a point on the southerly line of Block 1 Lot 67; thence
- 2) Along said southerly line of Section 95 Block 1 Lot 67, a curve to the right, having an arc distance of 193.12 feet, a radius of 656.82 feet and a central angle of 16°50'45" and being subtended by a chord which bears North 83°35'24" East 192.42 feet to a point; thence
- 3) Still along said southerly line of Section 95 Block 1 Lot 67, South 87°59'13" East, a distance of 443.11 feet to a point; thence
- 4) Still along said southerly line of Section 95 Block 1 Lot 67, North 71°00'05" East, a distance of 154.84 feet to a point on the easterly line of Section 95 Block 1 Lot 67; thence
- 5) Along said easterly line of Block 1 Lot 67, North 18°59'55" West, a distance of 50.00 feet to a point; thence
- 6) Still along said easterly line of Section 95 Block 1 Lot 67, North 07°12'24" East, a distance of 850.87 feet to a point on the southerly line of Interstate Route 84; thence
- 7) Along said southerly line of Interstate Route 84, South 68°26'58" East, a distance of 504.07 feet to a point on the westerly line of Section 95 Block 1 Lot 4.12; thence
- 8) Along said westerly line of Block 1 Lot 4.12, South 07°12'24" West, a distance of 1315.17 feet to a point on the northerly line of Section 95 Block 1 Lot 54.1; thence
- 9) Along said northerly line of Section 95 Block 1 Lot 54.1, North 83°54'31" West, a distance of 462.20 feet to a point; thence
- 10) Along said westerly line of Section 95 Block 1 Lot 54.1, South 02°08'29" West, a distance of 175.00 feet to a point on the northerly line of Section 95 Block 1 Lot 54.2; thence

**SCHEDULE "A"**

**LEGAL DESCRIPTION – LAND**  
(page 2 of 2)

- 
- 11) Along said northerly line of Section 95 Block 1 Lot 54.2, North 86°42'06" West, a distance of 362.17 feet to a point on the easterly line of Section 95 Block 1 Lot 69.1; thence
  - 12) Along said easterly line of Block 1 Lot 69.1, North 07°19'34" West, a distance of 377.72 feet to a point on the northerly line of Section 95 Block 1 Lot 69.1; thence
  - 13) Still along said northerly line of Section 95 Block 1 Lot 69.1, North 74°38'17" West, a distance of 349.64 feet to a point on the easterly line of Section 95 Block 1 Lot 69.1; thence
  - 14) Along said easterly line of Section 95 Block 1 Lot 69.1, North 34°59'36" West, a distance of 53.18 feet to the Point of Beginning.

Encompassing an area of 23.577 acres, more or less.

This description is prepared in accordance with a plan entitled "Matrix Newburgh, Boundary and Topographic Survey" prepared by Langan Engineering and Environmental Services, Inc. Elmwood Park, New Jersey, Job No. 9190601, dated 30 August 2007, Drawing No. 07.01.

Together with the benefits and subject to the burdens of a certain Declaration dated June 30, 1989 and recorded on July 7, 1989 in Liber 3159, Page 129; as modified by First Modification of Declaration dated November 30, 1994 and recorded on September 26, 1995 in Liber 4279, Page 1; as modified by Second Modification of Declaration dated September 26, 1995 and recorded in Liber 4279, Page 22; as modified by a Third Modification of Declaration dated September 1, 1999 and Ratification of Third Modification of Declaration dated April 23, 2003.

Together with the benefits and subject to the burdens of a certain Access Road Easement Agreement dated April 8, 1994 and recorded on April 21, 1994 in Liber 4030, Page 116.

**BARGAIN AND SALE DEED  
WITH COVENANTS AGAINST GRANTOR'S  
ACTS**

**TITLE NO.: O-14111**

---

**SECTION: 95  
BLOCK: 1  
LOT: 69.25  
COUNTY OR TOWN: NEWBURGH**

**LAND HOLDING, LLC**

**TO**

**MATRIX REALTY, INC.**

**RETURN BY MAIL TO:**

**Michael E. Rothpletz, Jr., Esq.  
Drinker Biddle & Reath LLP  
500 Campus Drive  
Florham Park, New Jersey 07932**

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

ANGELA DIBRIZZI, AS EXECUTRIX OF THE LAST WILL AND TESTAMENT OF COSIMO DIBRIZZI

TO TRUSTEES ANGELA DIBRIZZI, ELISA DIBRIZZI, NICOLAS C. DIBRIZZI AND SERENA RUSSO

SECTION 95 BLOCK 1 LOT 49.12

RECORD AND RETURN TO: (name and address)

TARSHIS, CATANIA, LIBERTH, MAHON & MILLIGRAM, PLLC P.O. BOX 1479 ONE CORWIN COURT NEWBURGH, N.Y. 12550



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 X 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) X 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)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)
9999 HOLD

NO. PAGES 1 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK X
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$
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 Tarshis

RECORDED/FILED
01/06/2010/ 11:14:20
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100001300
DEED C / BK 12948PG 1116
RECORDING FEES 330.00
TTX# 003405 T TAX 0.00
Receipt#1118753 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 Jan. 6, 2010 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 Oct 8, 2015

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



**EXECUTOR'S DEED (INDIVIDUAL OR CORPORATION)**

**THIS INDENTURE**, made the 15 day of December, 2009,

BETWEEN

ANGELA DiBRIZZI, residing at 566 River Road, Newburgh, New York 12550, as Executrix of the Last Will and Testament of COSIMO DiBRIZZI, late of Orange County who died on the 30<sup>th</sup> day of August, 2004, party of the first part, and

ANGELA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C. DiBRIZZI, and SERENA RUSSO, residing at 566 River Road, Newburgh, New York 12550, as Trustees under the Trust created pursuant to Article Third under the Last Will and Testament of COSIMO DiBRIZZI, Deceased dated March 7, 1994 as to a forty (40%) percent interest, and ANGELA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C. DiBRIZZI, and SERENA RUSSO, residing at 566 River Road, Newburgh, New York 12550, as Trustees under the Trust created pursuant to Article Fourth under the Last Will and Testament of COSIMO DiBRIZZI, Deceased dated March 7, 1994 as to a sixty (60%) percent interest, parties of the second part,

**WITNESSETH**, that the party of the first part, to whom letters testamentary were issued by the Surrogate's Court, Orange County, New York on September 9, 2004 and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and Ten Dollars (\$10.00) lawful money of the United States and other good and valuable consideration pursuant to Will paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever,

**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 particularly bounded and described on Schedule A annexed hereto.

**BEING** and intended to be the same premises conveyed in a certain deed dated March 14, 1985 from Fred W. Rustmann and Gertrude S. Rustmann to Cosimo DiBrizzi and recorded in the office of the Orange County Clerk on March 18, 1985 in Liber 2337 at Page 174 and deed dated August 31, 1988 from Lempra Associates, Limited to Cosimo DiBrizzi and recorded in the office of the Orange County Clerk on September 2, 1988 in Liber 3001 of deeds at page 72.

**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 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,



EXECUTOR'S DEED

\*\*\*\*\*

ANGELIA DiBRIZZI, as Executrix of the Last Will  
and Testament of COSIMO DiBRIZZI,

to

ANGELIA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C.  
DiBRIZZI, and SERENA RUSSO, as Trustees under the  
Trust created pursuant to Article Third under the Last Will  
and Testament of COSIMO DiBRIZZI, and

ANGELIA DiBRIZZI, ELISA DiBRIZZI, NICOLAS C.  
DiBRIZZI, and SERENA RUSSO, as Trustees under the  
Trust created pursuant to Article Fourth under the Last Will  
and Testament of COSIMO DiBRIZZI

\*\*\*\*\*

SECTION 95  
BLOCK 1  
LOT 49.12  
COUNTY/CITY/TOWN  
Orange/Town of Newburgh

RETURN BY MAIL TO:  
TARSHIS, CATANIA, LIBERTH,  
MAHON & MILLIGRAM, PLLC  
One Corwin Court, POB 1479  
Newburgh, New York 12550  
SLT/gpa - 3412-52621

Schedule A

**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, bounded and described as follows:**

BEGINNING at a point on the northerly line of S.H. 113 (Route 17 K) distant 57+' easterly as measured along said Route 17 K from lands now or formerly of DeLong, said point of beginning being in line of lands conveyed by Harold F. Denniston to Hoyt-Simmons, Inc. by deed dated April 7, 1969, and recorded in Orange County Clerk's Office on May 2, 1969, in Liber 1818 cp 1037 and from said point of beginning the following courses and distances:

As measured along lands of Denniston conveyed to Hoyt-Simmons, Inc., the following six courses and distances:

- (1) North 27° 50' 15" East a distance of 612.12 feet; thence
- (2) South 50° 34' 05" East a distance of 211.26 feet; thence
- (3) South 54° 28' 25" East a distance of 359.15 feet; thence
- (4) South 21° 30' 40" west a distance of 239.18 feet; thence
- (5) South 22° 37' 40" West a distance of 154.24 feet; thence
- (6) South 20° 34' 40" West a distance of 127.95 feet to the northerly side of New York State Route 17 K; thence as measured along the northerly line of Route 17 K the

following five courses and distances:

- (7) North 64° 33' 27" West a distance of 216.04 feet to a granite monument; thence
- (8) North 48° 02' 20" West a distance of 85.32 feet to a granite monument; thence
- (9) North 62° 34' 40" West a distance of 27.79 feet to a granite monument; thence
- (10) North 64° 57' 15" West a distance of 291.60 feet to a concrete monument; thence

(11) North 64° 57' 15" West 1.80 feet to the point and place of beginning.

EXCEPTING THEREFROM 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, more particularly described as follows:

BEGINNING at a point in the northerly line of New York State Highway Route 17K, where the same is intersected by the dividing line between lands now or formerly DeLong on the west, and lands now or formerly Samuel L. Grimes on the east, and running thence:

- A. North 76° 06' 38" East 57.38 feet to a bend therein, thence;
- B. South 77° 15' 30" East 293.40 feet to another bend therein, thence;
- C. South 74° 52' 55" East 27.79 feet to another bend therein, thence;
- D. South 60° 20' 35" East 45.46 feet to the point of beginning and running thence;
- (1) South 60° 20' 35" East 39.86 feet along the said northerly line of New York State Highway Route 17K, to a bend therein, thence;
- (2) South 76° 51' 42" East 162.54 feet still along the same to a point, thence
- (3) North 08° 51' 00" East 171.36 feet to a point, thence
- (4) North 76° 51' 42" west 200.00 feet to a point, thence;
- (5) South 08° 51' 00" West 160.00 feet to the aforementioned northerly line of New York State Highway Route 17K, and to the point and **place** of beginning.

BEING known as Lot 1, on map entitled, "Proposed subdivision and Topographic Map of Glendale Associates, Town of Newburgh, Orange County, New York". Filed in the Orange County Clerk's Office on June 19, 1972, as Filed Map #2803 as prepared by the Raimondi Associates, P.C. 110 State Road, Monroe, New York and

BEGINNING at a point in the northerly line of N.Y.S. Route 17K, said point being in the division line between the lands now or formerly of Monia Investors, Inc. on the west and the

parcel herein described on the east; thence, along the last said division line, N15° - 32' - 00" E 650.30 feet to a point; thence, through the lands of Lempra Associates and H.V.A. 86 Associates, S63° - 09' - 45" E 50.96 feet to a point on the division line between the lands now or formerly DiBrizzi on the east and the parcel herein described on the west; thence, along the last said division line, S15° - 32' - 00" W 612.12 feet to a point in the aforesaid northerly line of N.Y.S. Route 17K; thence, along the last said line S76° - 06' - 37" W 57.38 feet to the point or place of beginning.

**SUBJECT TO** an easement right-of-way granted in Liber 1119 cp 239 and recorded in the office of the Clerk of Orange County, New York, the state of facts shown on Survey and Topographical Map for Carlyle Construction Corp., Lands of Cosimo DiBrizzi dated September 14, 1987, prepared by Vincent J. Doce Associates, Newburgh, New York and Filed Map No. 2803 recorded in the office of the Clerk of Orange County.

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

Samuel Plessner  
TO  
Cos 17, LLC

SECTION 95 BLOCK 1 LOT 54.1

RECORD AND RETURN TO:  
(name and address)

James A. Loeb, Esq.  
Drake, Sommers, Loeb, Tarshis,  
Catania & Liberth  
PO Box 1479  
Newburgh, NY 12550



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)
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- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)

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

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

Taxable  
CONSIDERATION \$ 1,000,000  
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

- CITIES
- 0900 MIDDLETOWN
  - 1100 NEWBURGH
  - 1300 PORT JERVIS

9999 HOLD

Donna L. Benson  
DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: *Horizon*

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 Feb. 23, 2005 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* Oct. 8, 2015

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

RECORDED/FILED  
02/23/2005 / 07:26:31  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY

FILE # 20050019589  
DEED C / BK 11757 PG 1339  
RECORDING FEES 207.00  
TTX# 007870 T TAX 4,000.00  
Receipt#302267 111



N.Y.S.  
TAX

\$

**DEED**

**THIS INDENTURE** is made the 5<sup>th</sup> day of January, 2005, between **SAMUEL PLESSER**, residing at 3 Westford Street, Albany, New York 12208 (hereinafter called the "Grantor") and **COS17, LLC**, a New York limited liability company, with an address at 1089 Little Britain Road, New Windsor, New York 12553 (hereinafter called the "Grantee")

**WITNESSETH:** that the Grantor, in consideration of One Dollar (\$1.00) lawful money of the United States and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged by the Grantor, does hereby remise and release unto the Grantee, its successors and assigns forever

**ALL THAT TRACT OR PARCEL OF LAND** situate, lying and being in the Town of Newburgh, County of Orange and State of New York as more particularly described on Schedule "A" attached hereto and made a part hereof (hereinafter called the "Premises").

**BEING THE SAME PREMISES** as were conveyed to the Grantor by Monia Investors, Inc. by deed dated December 20, 1986 and recorded in the Orange County Clerk's Office on February 2, 1987 in Liber 2653 of Deeds at Page 94.

Subject to all easements, restrictions, covenants and conditions of record affecting the Premises.

Together with the appurtenances and all the estate and rights of the Grantor in, and to, the Premises.

**TO HAVE AND TO HOLD** the Premises granted unto the Grantee, its successors and assigns forever.

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

**AND** the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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.

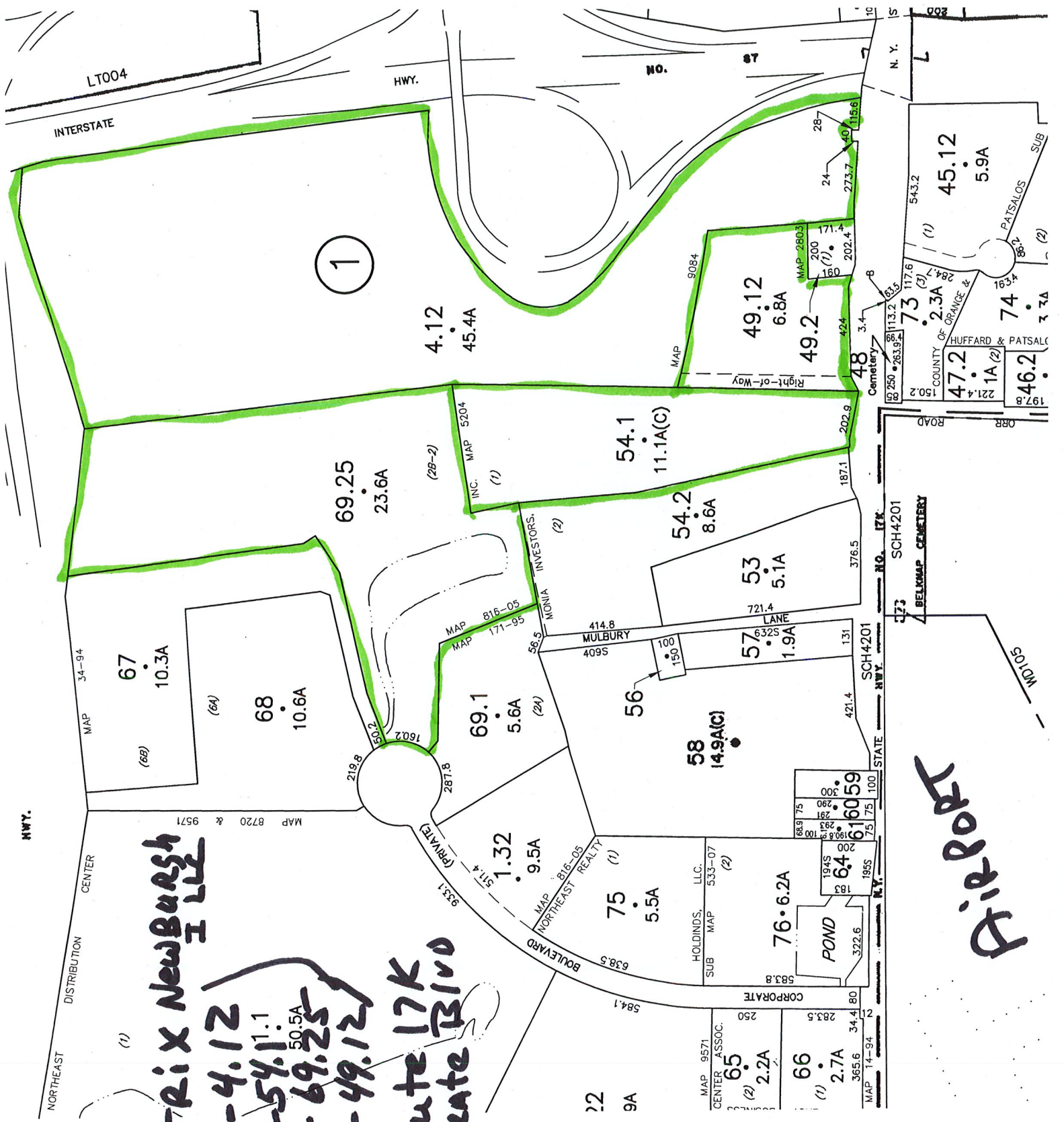




## S C H E D U L E " A "

All that certain lot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, known as Lot 1 on a plan entitled "Minor Subdivision, Lands of Monia Investors, Inc." and filed in the Orange County Clerk's Office on March 20, 1980 as map no. 5204 and being more accurately bounded and described as follows:

Beginning at a point on the northerly line of New York State Route 17K marking the southeasterly corner of the herein described parcel and the southwesterly corner of lands N/F of Cosimo DiBrizzi (T.M. 95-1-49.12), also being known as Lot 2, as shown on a plan entitled "Lot Line Change, Lands of Lempra Associates and H.V.A. 86 Associates and Cosimo DiBrizzi" and filed in the Orange County Clerk's Office on September 3, 1988 as map no. 90845; thence from said point of beginning and along the northerly line of New York State Route 17K on the following two courses and distances: North 53°-19'-03" West 177.81'; thence North 68°-34'-03" West 25.10' to the southeasterly corner of lands N/F of Commercial Ctr. at 59 LP (T.M. 95-1-54.2); thence along the northeasterly line of said lands on the following two courses and distances: North 14°-00'-45" East 786.11'; thence North 21°-01'-30" East 424.87' to a point in a stone wall marking the southeasterly corner of lands N/F of Northeast Business Center (T.M. 95-1-69.2), known as Lot 2B as shown on a plan entitled "Plan of Subdivision, Lot 2, Northeast Distribution Center" and filed in the Orange County Clerk's Office on August 16, 1996 as map no. 171-96; thence along a portion of the easterly and southerly line of said lands on the following two courses and distances: North 13°-16'-00" East 175.00' to an iron rod found; thence South 72°-47'-00" East 462.20' to a pipe found in a stone wall marking the southeasterly corner of said lands, said pipe also being on the westerly line of lands N/F of Lempra Associates and H.V.A. 86 Associates and Cosimo DiBrizzi (T.M. 95-1-4.12), said lot also being known as Lot 3, as shown on a plan entitled "Lot Line Change, Lands of Lempra Associates and H.V.A. 86 Associates and Cosimo DiBrizzi" and filed in the Orange County Clerk's Office on September 3, 1988 as map no. 90845; thence along the westerly line of said lands and continuing along the westerly line of other lands of Cosimo DiBrizzi (T.M. 95-1-49.12), following for the most part along a stone wall on the remaining three courses and distances: South 26°-01'-33" West 163.90'; thence South 26°-31'-33" West 430.30'; thence South 26°-56'-33" West 870.41' to the point of place of beginning.



(1)  
**Matrix Newburgh I LLC**  
 95-1-4.12  
 95-1-54.1.1  
 50.5A  
 95-1-69.25  
 95-1-49.12  
 Route 17K  
 Corporate Blvd

**Fire Road**

1

SCH 4201  
 BELMONT CEMETERY

SCH 4201  
 STATE HWY.

SCH 4201  
 STATE HWY.

SCH 4201  
 STATE HWY.

SCH 4201  
 STATE HWY.

SCH 4201  
 STATE HWY.