

2636(A) I/G Pool
22x48
1



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: 8/7/2017

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

I (WE) Eric & Trisha Najork PRESENTLY

RESIDING AT NUMBER 215 Oak St Newburgh, NY 12550

TELEPHONE NUMBER (845) 527-6500

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:

9-1-43.12 (TAX MAP DESIGNATION)

215 Oak Street (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-43-F



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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: 7/19/2017
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: Locate pool in "Front" Yard."

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:



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

The project will not be visible from the neighboring properties or street level due to the steep topography and vegetation separating them from the proposed project.
The design and quality of the installation will be of the highest caliber to match the existing home.

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:

All reasonable locations would be considered a "Front Yard" due to being a Corner Lot.
The grandeur of the home and lot size makes this a unique situation.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

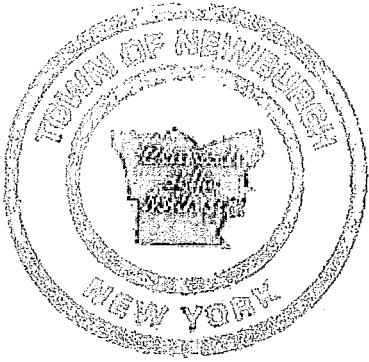
The variance sought is not substantial for two key reasons: The pool area will not be visible for either road or any neighboring properties. The pool was specifically kept behind the front plane of the home.

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 pool installation on the "front yard" will have no additional environmental impact.
The substantial size of the property is more than adequate to absorb any additional run off.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The nature of being a corner lot is the cause of the need for a variance.



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NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS Aug 1th DAY OF August 20 17

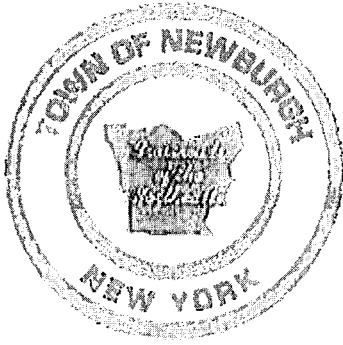
LYNNE A. EISENHUT
Notary Public - State of New York
No. 01E16148654
Qualified in Dutchess County
My Comm. Expires June 26, 20 18

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.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Eric Najork _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 215 Oak Street Newburgh, NY 12550
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
215 Oak Street Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Neave Group (Lee Kind)
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/27/2017 _____
Eric Najork
OWNER'S SIGNATURE

Sa M Brewer _____
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27th DAY OF July 2017

Sonia Belinda Torres _____
NOTARY PUBLIC

SONIA BELINDA TORRES
Notary Public, State of New York
Reg. No. 01TO4791846
Qualified in Dutchess County
Commission Expires 11/30/17

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

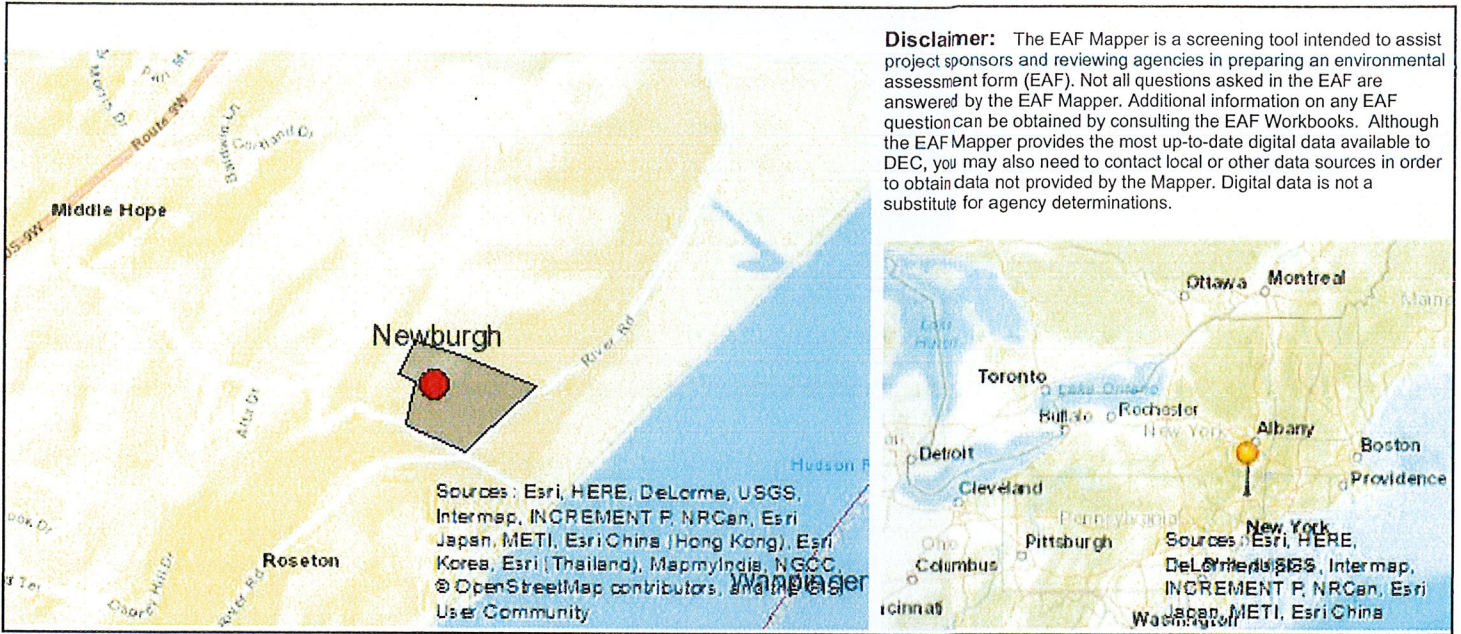
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

| Part 1 - Project and Sponsor Information | | | |
|--|--------------|----------------------------|--|
| Name of Action or Project: Najork Pavillion & Pool | | | |
| Project Location (describe, and attach a location map): 215 Oak Street Newburgh NY 12550 | | | |
| Brief Description of Proposed Action: Installation of an inground pool, patio, hot tub, paillion and pool code fence on a single-family lot. | | | |
| Name of Applicant or Sponsor: Neave Group (Lee Kind) | | Telephone: (845) 401-6181 | |
| Address: 80 Airport Drive | | E-Mail: lee@neavegroup.com | |
| City/PO: Wappingers Falls | State: NY | Zip Code: 12590 | |
| 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"/> |
| 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: Building Permit - Town of Newburgh Building Department Area Variance - Town of Newburgh Zoning Board of Appeals | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? _____ 54.4 acres | | | |
| b. Total acreage to be physically disturbed? _____ 0.3 acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 68.75 acres | | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | | | |
|---|--|-------------------------------------|--------------------------|--|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? | NO | YES | N/A | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Consistent with the adopted comprehensive plan? | NO | YES | N/A | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| | b. Are public transportation service(s) available at or near the site of the proposed action? | | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| | 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | NO | YES | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | NO | YES | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area? | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | NO | YES | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| | _____ | | | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: | | | | |
| <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| 16. Is the project site located in the 100 year flood plain? | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ | NO | YES | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | _____ | | | |

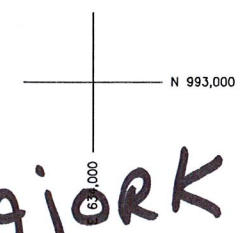
| | | |
|---|--|---|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>1,344 SqFt _____</p> <p>_____</p> | <p>NO</p> <p><input 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>_____</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>Industrial site along Hudson River _____</p> <p>_____</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input checked="" type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Lee Kind</u> Date: <u>8/1/2017</u></p> <p>Signature: <u></u></p> | | |



| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National Register of Historic Places] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | Yes |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | Yes |



NAJORK
215 OAK STREET
(9-1-43.12)



SECTION 112 SECTION 121

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

FNSW LLC
TO
Eric Najork &
Drisha Najork

SECTION 9 BLOCK 1 LOT 43.1

RECORD AND RETURN TO: (name and address)

PAUL MARIS
5020 RT 9W
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 [checked] MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

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

PAYMENT TYPE: CHECK [checked]
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$
TAX EXEMPT
Taxable MORTGAGE AMT. \$
DATE

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Paul Maris

RECORDED/FILED
06/27/2003/ 16:37:34
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20030091206
DEED / BK 11102 PG 1709
RECORDING FEE \$2.00
TTX# 011110 TRANS TAX 0.00
Receipt#131757 suemay



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 June 27, 2003 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF: IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY Aug 8, 2017

**BARGAIN AND SALE DEED, WITH COVENANT
AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 4th day of **June**, 2003

BETWEEN FNSN LLC, 770 River Road, Newburgh, New York 12550,

party of the first part, and

Eric Najork and Trisha Najork, 7 Marne Avenue, Newburgh, New York 12550,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of TEN AND NO/100 DOLLARS and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and more particularly described in Schedule "A" annexed hereto and made part hereof.

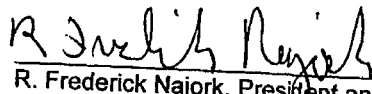
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;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

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

IN PRESENCE OF:


R. Frederick Najork, President and Declarant
FNSN, LLC


Susan D. Najork, Vice President and Declarant
FNSN, LLC

State of New York, County of Orange ss:

On the 4 day of June in the year 2003 before me, the undersigned, personally appeared R. Frederick Najork, 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 he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Gladys E. Rodriguez
Notary Public

GLADYS E. RODRIGUEZ
Notary Public, State of New York
No. 01RO6041589
Qualified in Ulster County
Commission Expires May 8, 2004

State of New York, County of Orange ss:

On the 4 day of June in the year 2003 before me, the undersigned, personally appeared Susan D. Najork, 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 he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Gladys E. Rodriguez
Notary Public

GLADYSE. RODRIGUEZ
Notary Public, State of New York
No. 01RO6041589
Qualified in Ulster County
Commission Expires May 8, 2004

SCHEDULE 'A'

All that tract or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, being Lot 2 as shown on a filed map entitled "Subdivision Of Lands Of FNSN LLC", said filed map being filed in the Orange County Clerk's Office on May 20, 2003 as Map No. 168-03, bounded and described as follows:

Beginning at a point on the northerly line of Oak Street, said point being the intersection of the northerly line of Oak Street with the westerly line of lands now or formerly Hess Oil & Chemical Corporation (L.1823 P.786) thence along the northerly line of Oak Street, on a curve to the right having a radius of 315.00' for a distance of 39.19, North 44-34-00 West 97.42' and North 47-37-00 West 8.46' to a point; thence along Lot 1 as shown on said filed Map No. 168-03; North 25-17-52 east 373.17' and North 51-05-00 West 175.00' to a point; thence along Lot 3 as shown on said filed Map No. 168-03, North 38-55-00 East 78.71' and North 37-56-00 East 243.40' to a point; thence continuing along Lot 3 as shown on said filed Map No. 168-03 and along a stone wall, South 61-00-00 east 369.38' and South 56-17-00 East 35.42' to a point; thence along lands now or formerly Hess Oil & Chemical Corporation (L.1823 P.786) along generally along a stone wall and the remains of a stone wall, South 41-59-00 West 143.50', South 36-44-00 West 76.00', South 60-44-00 West 14.00', South 40-42-00 West 150.00', South 42-03-00 West 57.20', South 38-58-00 West 53.00', South 44-19-00 West 46.00', South 39-00-00 West 46.89', South 44-02-00 West 35.79' and South 40-48-00 West 149.24' to the point or place of beginning. Containing 5.19 acres of land, more or less.

Together with a 60' Wide Right-Of Way over Lot 3 as shown on said filed Map No. 168-03.

Together with Temporary Grading Easement No. 1 as shown on said filed Map No. 168-03.

Subject to Temporary Grading Easement No. 2 as shown on said filed Map No. 168-03.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.

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

FMSN LLC

TO
KFN LLC

SECTION 9 BLOCK 1 LOT 43.1

RECORD AND RETURN TO:
(name and address)

PAUL L. MARKS
Attorney At Law
5020 ROUTE 9W, SUITE 103
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

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- ___ 4005 KIRYAS JOEL (VLG)

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 - ___ 4489 MOUNT HOPE (TN)
 - ___ 4401 OTISVILLE (VLG)
 - ___ 4600 NEWBURGH (TN)
 - ___ 4800 NEW WINDSOR (TN)
 - ___ 5089 TUXEDO (TN)
 - ___ 5001 TUXEDO PARK (VLG)
 - ___ 5200 WALKKILL (TN)
 - ___ 5489 WARWICK (TN)
 - ___ 5401 FLORIDA (VLG)
 - ___ 5403 GREENWOOD LAKE (VLG)
 - ___ 5405 WARWICK (VLG)
 - ___ 5600 WAWAYANDA (TN)
 - ___ 5889 WOODBURY (TN)
 - ___ 5801 HARRIMAN (VLG)
- CITIES**
- ___ 0900 MIDDLETOWN
 - ___ 1100 NEWBURGH
 - ___ 1300 PORT JERVIS
 - ___ 9999 HOLD

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

PAYMENT TYPE: CHECK
 CASH ___
 CHARGE ___
 NO FEE ___

Taxable
 CONSIDERATION \$ 0
 TAX EXEMPT ___

Taxable
 MORTGAGE AMT. \$ ___
 DATE ___

MORTGAGE TAX TYPE:

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: P. Marks

RECORDED/FILED
05/27/2004/ 16:10:12
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20040069464
DEED / BK 11512 PG 0179
RECORDING FEES 92.00
TTX# 011815 TRANS TAX 0.00
Receipt#274787 jack



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 May 27, 2004 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY August 8, 2017

**BARGAIN AND SALE DEED, WITH COVENANT
AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 3 day of May, 2004

BETWEEN FNSN LLC, 770 River Road, Newburgh, New York 12550,

party of the first part, and

KFN LLC, 155 North Plank Road, Newburgh, New York 12550,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of TEN AND NO/100 DOLLARS and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and more particularly described in Schedule "A" annexed hereto and made part hereof.


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" when ever the sense of this indenture so requires.

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

IN PRESENCE OF:



R. Frederick Najork, President and Declarant
FNSN, LLC



Susan D. Najork, Vice President and Declarant
FNSN, LLC

State of New York, County of Orange ss:

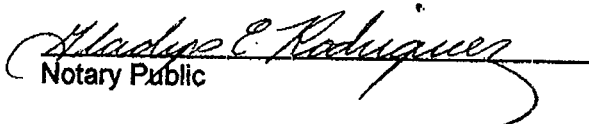
On the *30th* day of May in the year 2004 before me, the undersigned, personally appeared R. Frederick Najork, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

GLADYS E. RODRIGUEZ
Notary Public, State of New York
No. 01RO6041589
Qualified in Ulster County
Commission Expires May 8, 2006

State of New York, County of Orange ss:

On the *30th* day of May in the year 2004 before me, the undersigned, personally appeared Susan D. Najork, 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 he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

GLADYS E. RODRIGUEZ
Notary Public, State of New York
No. 01RO6041589
Qualified in Ulster County
Commission Expires May 8, 2006

SCHEDULE "A"

All that tract or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, being Lot 1 as shown on a filed map entitled "Subdivision Of Lands Of FNSN LLC", said filed map being filed in the Orange County Clerk's Office on 5/10/03 as Map No. 168-03 bounded and described as follows:

Beginning at a point on the northerly line of Oak Street, said point being the intersection of the northerly line of Oak Street with the westerly line of Lot 2 as shown on said filed Map No. YYYY; thence along the northerly line of Oak Street, North 47-37-00 West '86.44', on a curve to the left having a radius of 325.00' for a distance of 171.30' and North 77-49-00 West 12.02' to a point; thence along Lot 3 as shown on said filed Map No. YYYY, North 38-55-00 East 397.00' to a point; thence along Lot 2 as shown on said filed Map No. YYYY, South 51-05-00 East 175.00' and South 25-17-52 West 373.17' to the point or place of beginning. Containing 1.84 acre of land, more or less.

Together with a 60' Wide Right-Of Way over Lot 3 as shown on said filed Map No. YYYY.

Together with Temporary Grading Easement No. 1 as shown on said filed Map No. YYYY.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.

map 4 168-03

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

Hess Corporation
TO
Buckeye Terminals,
LLC

SECTION 9 BLOCK 1 LOT 33, 38, 44
9 3 57464
RECORD AND RETURN TO:
(name and address)



Eric J. Marcuson, Esq.
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 4289 MONTGOMERY (TN) NO PAGES 18 CROSS REF.
2001 WASHINGTONVILLE (VLG) 4201 MAYBROOK (VLG) CERT. COPY ADD'L X-REF.
2289 CHESTER (TN) 4203 MONTGOMERY (VLG) MAP# PGS.
2201 CHESTER (VLG) 4205 WALDEN (VLG) PAYMENT TYPE: CHECK [checked]
2489 CORNWALL (TN) 4489 MOUNT HOPE (TN) CASH
2401 CORNWALL (VLG) 4401 OTISVILLE (VLG) CHARGE
2600 CRAWFORD (TN) 4600 NEWBURGH (TN) NO FEE
2800 DEERPARK (TN) 4800 NEW WINDSOR (TN) Taxable
3089 GOSHEN (TN) 5089 TUXEDO (TN) CONSIDERATION \$ 11,000,000
3001 GOSHEN (VLG) 5001 TUXEDO PARK (VLG) TAX
3003 FLORIDA (VLG) 5200 WALLKILL (TN) Taxable
EXEMPT 5489 WARWICK (TN) MORTGAGE AMT. \$
3005 CHESTER (VLG) 5401 FLORIDA (VLG)
3200 GREENVILLE (TN) 5403 GREENWOOD LAKE (VLG)
3489 HAMPTONBURGH (TN) 5405 WARWICK (VLG)
DATE 5600 WAWAYANDA (TN)
3401 MAYBROOK (VLG) 5889 WOODBURY (TN)
3689 HIGHLANDS (TN) 5801 HARRIMAN (VLG)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG) 0900 MIDDLETOWN
4003 HARRIMAN (VLG) 1100 NEWBURGH
4005 KIRYAS JOEL (VLG) 1300 PORT JERVIS
9999 HOLD

- 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

ANN G. RABBITT
ORANGE COUNTY CLERK

ROM: 7:57 Am.

RECORDED/FILED
01/22/2014 12:46:22
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140005967
DEED C / BK 13707PG 1822
RECORDING FEES 385.00
TTX# 003732 T TAX 44,000.00
Receipt#1711983 dab

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. 22, 2014 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY Aug. 8, 2017



Must Print on 8 1/2 * 14 (Legal-size) Paper or not valid and will not be accepted.

Bargain and Sale Deed

WITHOUT COVENANT AGAINST GRANTOR'S ACTS

**HESS CORPORATION,
a Delaware corporation**

TO

**BUCKEYE TERMINALS, LLC
a Delaware limited liability company**

ORANGE COUNTY, NEW YORK

| <u>Address</u> | <u>Section</u> | <u>Block</u> | <u>Lot</u> |
|--|----------------|--------------|------------|
| River Road, Newburgh | 9 | 1 | 35 |
| 924 River Road, Newburgh | 9 | 1 | 36 |
| Oak Street, Newburgh | 9 | 1 | 37 |
| Oak Street, Newburgh | 9 | 1 | 38 |
| River Road, Newburgh | 9 | 1 | 41 |
| Intersection of Oak Street and River Road, Newburgh | 9 | 3 | 57 |
| River Road, Newburgh | 9 | 3 | 64 |

RETURN BY MAIL TO:

**Eric J. Marcuson, Esq.
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia PA 19103-2921**

**Bargain and Sale Deed
WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made as of the 11th day of December, 2013

BETWEEN HESS CORPORATION, a Delaware corporation (f/k/a Amerada Hess Corporation; successor by merger of Hess Oil & Chemical Corporation with and into Amerada Hess Corporation; successor by merger of Mid-Hudson Oil Company, Inc. (which was a New York corporation incorporated on March 6, 1935) with and into Amerada Hess Corporation (which merger was completed on December 1, 1969)), having an address at 1 Hess Plaza, Woodbridge, New Jersey 07095, party of the first part, and BUCKEYE TERMINALS, LLC, a Delaware limited liability company, with offices at 1 Greenway Plaza, Suite 6000, Houston, Texas 77046, party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York, more commonly known as River Road, 924 River Road, Oak Street, Oak Street, River Road, Intersection of Oak Street and River Road and River Road, each in Newburgh, New York, and more particularly described on **Exhibit A** attached hereto and hereby made part hereof.

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.

THIS conveyance is subject to:

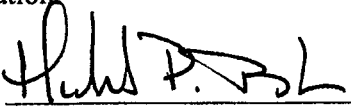
Any and all real property taxes not yet due and payable; any and all right, title and interest the public may have in and to the public highways running through or adjacent to the premises; and any and all easements, covenants and restrictions of record to the extent valid, subsisting and enforceable.

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.

[Signature page follows immediately]

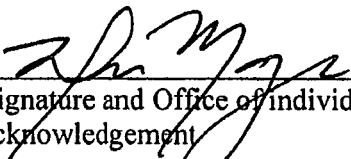
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

HESS CORPORATION, a Delaware corporation

By: 
Name: Nicholas P. Brontas Jr.
Title: Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK

On the 5th day of December in the year 2013 before me, the undersigned, a Notary Public in and for said State, personally appeared NICHOLAS P. BRONTAS JR., 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 entity upon behalf of which the individual(s) acted, executed the instrument.


Signature and Office of individual taking acknowledgement

DREW MICHAEL MAGEE
Notary Public, State of New York
No. 01MA6287272
Qualified in New York County
Commission Expires Aug. 5, 2017

[Signature Page to Bargain and Sale Deed – Roseton Terminal]

Exhibit A to Deed

Legal Description

PARCEL I

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

BEGINNING at a point on the westerly side of River Road, said point being the southeasterly corner of the herein described parcel, said point also being a corner of the lands of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and being located North 64° 46' 36" East 2697.39 feet from the southwesterly corner of the lands of the Hess Oil and Chemical Corporation as also described in Liber 1823 of deeds at page 786;

Thence along the division line between the herein described parcel and said other lands of the Hess Oil and Chemical Corporation, North 06° 35' 40" West 35.44 feet, North 02° 02' 10" East 25.81 feet, North 17° 12' 10" East 23.24 feet, North 22° 07' 40" East 16.54 feet, North 51° 48' 10" West 32.00 feet, North 38° 11' 50" East 200.00 feet, South 51° 48' 10" East 42.00 feet, South 38° 11' 50" West 27.00 feet and South 51° 48' 10" East 83.00 feet to a point on River Road;

Thence along the westerly side of River Road, South 47° 02' 09" West 259.66 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFROM THE 12' PRIVATE ROAD CROSSING THE ABOVE DESCRIBED PARCEL IN A GENERAL NORTHERLY DIRECTION, BUT TOGETHER WITH THE RIGHT TO USE SAID ROAD FOR INGRESS AND EGRESS.

PARCEL II

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

BEGINNING at the southwesterly corner of the herein described parcel, said point being on the southerly side of Oak Street and being marked by an iron pipe found, said point being the northeasterly corner of the lands now or formerly of Master Developers, LLC as described in Liber 12074 of deeds at page 864 and also being the northwesterly corner of the lands now or formerly of James H. and Ann S. Brackett as described in Liber 1785 of deeds at page 1069;

Thence northerly crossing Oak Street, North 43° 11' 32" East 67.39 feet to a point on the northerly side of Oak Street;

Thence along the division line between the herein described parcel and Lot 2 and Lot 3 as shown on a map entitled "Subdivision Plan, Subdivision of Lands of FNSN LLC", dated January 29, 2003, prepared by Robert D. Kalaka, L.S. and filed in the Orange County Clerk's Office on May 20, 2003 as Filed Map #168-03 in part along a stone wall, North 42° 08' 48" East 149.24 feet, North 45° 22' 48" East 35.79 feet, North 40° 20' 48" East 46.89 feet, North 45° 39' 48" East 46.00 feet, North 40° 18' 48" East 53.00 feet, North 43° 23' 48" East 57.20 feet, North 42° 02' 48" East 150.00 feet, North 62° 04' 48" East 14.00 feet, North 38° 04' 48" East 76.00 feet, North 43° 19' 48" East 143.50 feet, North 38° 07' 48" East 36.39 feet, North 42° 14' 48" East 77.69 feet, North 40° 42' 48" East 112.00 feet, North 37° 37' 48" East 237.50 feet, North 37° 48' 48" East 234.00 feet and North 35° 26' 48" East 29.00 feet to a stone wall corner;

Thence continuing along the division line between the herein described parcel Lot 3 as shown on said Filed Map #168-03, along no physical bounds, North 46° 27' 48" East 854.00 feet to a stone wall corner;

Thence continuing along a stone wall, North 49° 10' 48" East 922.75 feet to the intersection of stone walls, said point being the northwesterly corner of the herein described parcel;

Thence along the division line between the herein described parcel and the lands now or formerly of CCI Roseton LLC as described in Liber 13629 of deeds at page 783 and in part along a stone wall, South 60° 14' 53" East 78.38 feet, South 62° 59' 10" East 108.35 feet, South 61° 19' 03" East 121.20 feet, South 65° 08' 27" East 142.80 feet, South 63° 19' 03" East 151.75 feet, South 60° 29' 23" East 156.81 feet and South 62° 51' 25" East 160.27 feet to a point in River Road and to a northeasterly corner of the herein described parcel;

Thence along River Road and continuing along the division line between the herein described parcel and said lands now or formerly of CCI Roseton LLC, South 38° 48' 40" West 416.28 feet and South 36° 34' 10" West 92.29 feet to a point in River Road;

Thence continuing along the division line between the herein described parcel and said lands now or formerly of CCI Roseton LLC South 37° 14' 20" East 889.59 feet to a point on the westerly side of the lands now or formerly of New York Central Lines LLC as described in Liber 5154 of deeds at page 183;

Thence crossing said New York Central Lines LLC, South 37° 14' 20" East 99.26 feet to a point on the easterly side of said lands now or formerly of New York Central Lines LLC;

Thence continuing along the division line between the herein described parcel and said lands now or formerly of CCI Roseton LLC South 37° 14' 20" East 226.75 feet into the Hudson River;

Thence down the Hudson River, South 62° 21' 30" West 392.40 feet, South 59° 06' 30" West 882.00 feet, South 50° 02' 30" East 20.00 feet, South 55° 37' 40" West 1216.25 feet and North

33° 06' 00" West 201.00 feet to a point on the easterly side of said lands now or formerly of New York Central Lines LLC;

Thence crossing said New York Central Lines LLC, North 33° 06' 00" West 98.98 feet to a point on the westerly side of the New York Central Lines LLC;

Thence along the division line between the herein described parcel and the lands now or formerly of Mid-Hudson Oil Company Inc. as described in Liber 1604 of deeds at page 589 and Liber 1443 of deeds at page 278 and also along the lands now or formerly of the Amerada Hess Corporation as described in Liber 2301 of deeds at page 120, North 33° 06' 00" West 274.97 feet and South 56° 54' 00" West 487.93 feet to a point on the northerly side of Oak Street;

Thence along the northerly and easterly side of Oak Street, South 38° 46' 52" East 63.77 feet, South 32° 43' 27" East 34.24 feet, South 25° 19' 42" East 59.72 feet, South 02° 15' 29" East 63.63 feet to a point located North 44° 20' 23" West 0.70 feet from an iron pipe found and South 23° 55' 30" West 146.92 feet to a point on the westerly boundary of said lands now or formerly of Mid-Hudson Oil Company Inc. as described in Liber 1604 of deeds at page 589;

Thence along the division line between the herein described parcel and said lands now or formerly of Mid-Hudson Oil Company Inc., South 56° 54' 00" West 85.49 feet to a point;

Thence continuing along said division line between said lands now or formerly of Mid-Hudson Oil Company Inc, and crossing Oak Street, N 33°06'00" W 50.00 feet to a point in Oak Street;

Thence along the division line between the herein described parcel and the lands now or formerly of Glenn Giametta as described in Liber 12296 of deeds at page 92 and along the westerly side of Oak Street, North 56° 54' 00" East 99.61 feet and North 33° 08' 54" West 6.84 feet to a point;

Thence continuing along the westerly side of Oak Street, North 23° 55' 30" East 104.15 feet and North 02° 27' 11" West 42.15 feet to a point located North 47° 39' 04" East 0.24 feet from a concrete monument found;

Thence continuing along the southerly side of Oak Street and along the division line between the herein described parcel and the lands now or formerly of Roseton, LLC as described in Liber 12215 of deeds at page 660, North 33° 08' 54" West 117.70 feet to a point located North 02° 58' 56" East 1.32 feet from a concrete monument found and North 44° 30' 54" West 101.50 feet to an iron rod found;

Thence continuing along the southerly side of Oak Street and along the division line between the herein described parcel, the lands now or formerly of Kathleen Dunphy as described in Liber 3284 of deeds at page 155 and also along the lands now or formerly of the Mid-Hudson Oil Company, Inc., North 46° 30' 06" West 264.50 feet and North 47° 40' 00" West 122.90 feet to the point of intersection of the southerly side of Oak Street and the easterly side of River Road;

Thence continuing along the easterly side of River Road and along the division line between the herein described parcel and said lands now or formerly of the Mid-Hudson Oil Company, Inc, North 81° 27' 00" West 81.23 feet to a point;

Thence crossing River Road and also along the division line between the herein described parcel and the lands now or formerly of Donald and Theresa Brooks as described in Liber 13279 of deeds at page 1607 and along the lands now or formerly of James H. and Ann S. Brackett as described in Liber 1785 of deeds at page 1069 North 42° 34' 59" West 116.31 feet and North 58° 37' 17" West 266.09 feet to the point or place of beginning.

EXCEPTING SO MUCH THERE FROM AS LIES IN THE BEDS OF RIVER ROAD AND OAK STREET.

Also Excepting and Reserving therefrom such parts of the above described premises as have heretofore been conveyed to the West Shore Railroad Company as described as follows:

FOR INFORMATION ONLY PORTION OF TAX LOT 9-1-27

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

BEGINNING at the northwesterly corner of the herein described parcel, said point being on the westerly side of the lands now or formerly of New York Central Lines LLC as described in Liber 5154 of deeds at page 183 said point also being the southeasterly corner of the lands now or formerly of CCI Roseton LLC as described in Liber 13629 of deeds at page 783;

Thence crossing said New York Central Lines LLC, South 37° 14' 20" East 99.26 feet to a point on the easterly side of said lands now or formerly of New York Central Lines LLC;

Thence along the division line between the herein described parcel and the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786, South 56° 54' 00" West 412.65 feet, South 31° 12' 00" East 0.50 feet, South 56° 54' 00" West 909.36 feet, North 49° 46' 50" West 0.54 feet, South 56° 54' 00" West 1143.54 feet to the southeasterly corner of the herein described parcel;

Thence crossing said lands now or formerly of New York Central Lines LLC, North 33° 06' 00" West 98.98 feet to a point on the westerly side of said lands now or formerly of New York Central Lines LLC;

Thence along the division line between the herein described parcel and said lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786, North 56° 54' 00" East 1113.88 feet, North 49° 46' 50" West 0.52 feet, North 56° 54' 00"

East 942.64 feet, South 31° 12' 00" East 0.50 feet and North 56° 54' 00" East 402.21 feet to the point or place of beginning.

Further Excepting and Reserving therefrom such parts of the above described premises certain lots as have heretofore been conveyed and as described as follows:

FOR INFORMATION ONLY TAX LOT 9-1-31

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

BEGINNING at a point on the westerly side of River Road, said point being the northeasterly corner of the herein described parcel, the northeasterly corner of the lands now or formerly of CCI Roseton, LLC as described in Liber 13629 of deeds at page 783, being located North 58° 36' 20" East 3580.32 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and also being located South 73° 41' 48" East 4.31 feet from an iron pipe found;

Thence along the westerly side of River Road, South 38° 48' 40" West 91.00 feet to a point;

Thence along the division line between the lands now or formerly of CCI Roseton, LLC and said lands of Edward and Mary Anna Venuti as described in Liber 2496 of deeds at page 53, North 52° 46' 56" West 150.00 feet to a point;

Thence along the division line between the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and said lands now or formerly of CCI Roseton, LLC, North 38° 48' 40" East 91.00 feet and South 52° 46' 56" East 150.00 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-32

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

BEGINNING at a point on the westerly side of River Road, said point being the southeasterly corner of the herein described parcel, the northeasterly corner of the lands now or formerly of John R. Busby as described in Liber 5013 of deeds at page 156 and being located North 59° 35' 37" East 3417.11 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786;

Thence along the division line between the herein described parcel and said lands now or formerly of John R. Busby, North 52° 46' 56" West 150.00 feet to a point;

Thence along the division line between the herein described parcel and said lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786, North 38° 48' 40" East 83.00 feet to a point;

Thence along the division line of the lands now or formerly of Edward and Mary Anna Venuti as described in Liber 2496 of deeds at page 53 and the lands now or formerly of CCI Roseton, LLC as described in Liber 13629 of deeds at page 783, South 52° 46' 56" East 150.00 feet to a point on the westerly side of River Road;

Thence along the westerly side of River Road, South 38° 48' 40" West 83.00 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-33

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

BEGINNING at a point on the westerly side of River Road, said point being the southeasterly corner of the herein described parcel, said point also being a corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and being located North 60° 23' 44" East 3295.89 feet from the southwestly corner of the lands now or formerly of the Hess Oil and Chemical Corporation also as described in Liber 1823 of deeds at page 786;

Thence along the division line between the herein described parcel and said lands now or formerly of the Hess Oil and Chemical Corporation North 52° 46' 56" West 150.00 feet and North 38° 48' 40" East 130.00 feet to a point;

Thence along the division line between the lands now or formerly of John R. Busby as described in Liber 5013 of deeds at page 156 and the lands now or formerly of Edward and Mary Anna Venuti as described in Liber 2496 of deeds at page 53, South 52° 46' 56" East 150.00 feet to a point on the westerly side of River Road;

Thence along the westerly side of River Road, South 38° 48' 40" West 130.00 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-34

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

BEGINNING at a point on the westerly side of River Road, said point being the northeasterly corner of the herein described parcel, the northeasterly corner of the lands now or formerly of CCI Roseton, LLC as described in Liber 13629 of deeds at page 783, also being a corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of

deeds at page 786 and being located N 61°11'44" E 3187.49 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation as also described in Liber 1823 of deeds at page 786;

Thence along the westerly side of River Road, South 36° 50' 14" West 62.00 feet to a point located South 06° 00' 41" West 0.34 feet from an iron rod found;

Thence along the division line between the lands now or formerly of CCI Roseton, LLC and said lands of the Hess Oil and Chemical Corporation, North 51° 44' 16" West 150.00 feet to a point located South 61° 11' 17" East 0.51 feet from an concrete monument found, North 38° 15' 44" East 62.00 feet to a point located South 77° 49' 26" East 0.20 feet from an concrete monument found and South 51° 43' 46" East 148.46 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-35

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

BEGINNING at a point on the westerly side of River Road, said point being the southeasterly corner of the herein described parcel, said point also being a corner of the lands of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and being located North 64° 46' 36" East 2697.39 feet from the southwesterly corner of the lands of the Hess Oil and Chemical Corporation as also described in Liber 1823 of deeds at page 786;

Thence along the division line between the herein described parcel and said other lands of the Hess Oil and Chemical Corporation, North 06° 35' 40" West 35.44 feet, North 02° 02' 10" East 25.81 feet, North 17° 12' 10" East 23.24 feet, North 22° 07' 40" East 16.54 feet, North 51° 48' 10" West 32.00 feet, North 38° 11' 50" East 200.00 feet, South 51°48'10" East 42.00 feet, South 38° 11' 50" West 27.00 feet and South 51° 48' 10" East 83.00 feet to a point on River Road;

Thence along the westerly side of River Road, South 47° 02' 09" West 259.66 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-39

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

BEGINNING at a point on the easterly side of River Road, said point being the northwesterly corner of the herein described parcel, the southwesterly corner of the lands now or formerly of Caroline M. Sasso as described in Liber 13619 of deeds at page 1839, the northwesterly corner of the lands now or formerly of Virginia J. Burke as described in Liber 5959 of deeds at page 275 and being located North 86° 09' 35" East 892.14 feet from the southwesterly corner of the

lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786;

Thence along the division line between said lands now or formerly of Sasso and Burke, South 33° 54' 30" E 220.00 feet to a point;

Thence along the division line between said lands now or formerly of said Burke and said lands now or formerly of the Hess Oil and Chemical Corporation also as described in Liber 1823 of deeds at page 786, South 56° 54' 00" West 500.00 feet to a point on the northerly side of Oak Street;

Thence along the northerly side of Oak Street, North 50° 06' 10" West 209.79 feet and North 04° 07' 30" East 40.00 feet to the point at the intersection of the northerly side of Oak Street with the easterly side of River Road,

Thence along the easterly side of River Road North 59° 50' 30" East 425.00 feet and North 52° 02' 30" East 110.00 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-40

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

BEGINNING at a point on the easterly side of River Road, said point being the northwesterly corner of the herein described parcel, the northwesterly corner of the lands now or formerly of Caroline M. Sasso as described in Liber 13619 of deeds at page 1839, the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Division, Amerada Hess Corporation as described in Liber 1840 of deeds at page 732 and being located North 78° 57' 09" East 1350.20 feet from the southwesterly corner of the lands of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786;

Thence along the division line between said lands now or formerly of Sasso and said lands now or formerly of the Hess Oil and Chemical Division, Amerada Hess Corporation, South 33° 06' 00" East 149.09 feet to a point;

Thence along the division line between said lands now or formerly of Sasso and said lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786, South 56° 54' 00" West 470.00 feet to a point;

Thence along the division line between said lands now or formerly of Sasso and the lands now or formerly of Virginia J. Burke as described in Liber 5959 of deeds at page 275, North 33° 54' 30" West 220.00 feet to a point on the easterly side of River Road;

Thence along the easterly side of River Road 493 feet more or less, having a tie course bearing North 65° 25' 18" East 478.39 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-41

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

BEGINNING at a point on the easterly side of River Road, said point being the southwesterly corner of the herein described parcel, the northwesterly corner of the lands now or formerly of Caroline M. Sasso as described in Liber 13619 of deeds at page 1839 and being located North 78° 57' 09" East 1350.20 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786;

Thence along the easterly side of River Road, North 52° 27' 10" East 23.52 feet, North 73° 50' 10" East 39.15 feet and North 84° 34' 10" East 100.60 feet to a point located North 79° 38' 59" West 0.37 feet from a capped iron rod found;

Thence along the division line between the herein described parcel, and said lands now or formerly of the Hess Oil and Chemical Corporation, South 33° 06' 00" East 202.79 feet and South 53° 05' 10" West 150.33 to a point;

Thence continuing along the division line between the herein described parcel, and said lands now or formerly of the Hess Oil and Chemical Corporation and also along said lands now or formerly of Sasso, North 33° 06' 00" West 269.09 feet to the point or place of beginning.

FOR INFORMATION ONLY TAX LOT 9-1-42

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

BEGINNING at a point on the westerly side of River Road, said point being the southeasterly corner of the herein described parcel and the southeasterly corner of the lands now or formerly of Caroline M. Sasso as described in Liber 13258 of deeds at page 1055, being a corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and being located North 89° 40' 28" East 718.77 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation also as described in Liber 1823 of deeds at page 786;

Thence along the division line between said lands now or formerly of Sasso and said lands now or formerly of the Hess Oil and Chemical Corporation, North 33° 03' 00" West 50.00 feet to an iron pipe found, North 56° 57' 00" East 75.00 feet and South 33° 03' 00" East passing through an iron pipe at a distance of 5.4', 50.00 feet to a point on the westerly side of River Road;

Thence along the westerly side of River Road, South 56° 57' 00" West 75.00 feet to the point or place of beginning.

PARCEL III

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

BEGINNING at the southeasterly corner of the herein described parcel, said point being on the easterly side of Oak Street and the westerly side of the lands now or formerly of New York Central Lines LLC as described in Liber 5154 of deeds at page 183;

Thence along the easterly side of Oak Street, North 23° 55' 30" East 146.92 feet to a point located North 44° 20' 23" West 0.70 feet from an iron pipe found;

Thence along the division line between the lands now or formerly of the Amerada Hess Corporation as described in Liber 2301 of deeds at page 120 and the lands now or formerly of the Mid-Hudson Oil Co., Inc. as described in Liber 1443 of deeds at page 278, North 47° 26' 10" East 149.57 feet and North 33° 06' 00" West 186.91 feet to a point;

Thence along the division line between the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786 and said lands now or formerly of the Mid-Hudson Oil Co., Inc., North 56° 54' 00" East 375.00 feet and South 33° 06' 00" East 274.97 feet to a point on the westerly side of said lands now or formerly of New York Central Lines LLC;

Thence along the division line between the herein described parcel and said lands now or formerly of New York Central Lines LLC, South 56° 54' 00" West 284.28 feet, South 53° 04' 59" East 17.56 feet and South 56° 54' 00" West 367.51 feet to the point or place of beginning.

Together with the rights and benefits under that certain Indenture granted to Mid-Hudson Oil Company, Inc., as Grantor's predecessor in interest, recorded in Liber 1443, Page 278, in the records of Orange County.

Together with the rights and benefits under that certain Agreement recorded in Liber 1469, Page 499, in the records of Orange County.

PARCEL IV

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

BEGINNING at a point on the easterly side of Oak Street, said point being the southeasterly corner of the herein described parcel, said point being a corner of the lands now or formerly of the Mid-Hudson Oil Co., Inc. as described in Liber 1443 of deeds at page 278 and being located North 44° 20' 23" West 0.70 feet from an iron pipe found;

Thence along the easterly side of Oak Street, North 02° 15' 29" West 63.63 feet, North 25° 19' 42" West 59.72 feet, North 32° 43' 27" West 34.24 feet and North 38° 46' 52" West 63.77 feet to a point;

Thence along the division line between the herein described parcel and the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786, North 56° 54' 00" East 112.93 feet to a point;

Thence along the division line between the herein described parcel and the lands now or formerly of Mid-Hudson Oil Co., Inc. as described in Liber 1443 of deeds at page 278, South 33° 06' 00" East 186.91 feet and South 47° 26' 10" West 149.57 feet to the point or place of beginning.

PARCEL V

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

BEGINNING at a point on the easterly side of River Road, said point being the southwesterly corner of the herein described parcel, the northwesterly corner of the lands now or formerly of Caroline M. Sasso as described in Liber 13619 of deeds at page 1839 and being located North 78° 57' 09" East 1350.20 feet from the southwesterly corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at page 786;

Thence along the easterly side of River Road, North 52° 27' 10" East 23.52 feet, North 73° 50' 10" East 39.15 feet and North 84° 34' 10" East 100.60 feet to a point located North 79° 38' 59" West 0.37 feet from a capped iron rod found;

Thence along the division line between the herein described parcel, and said lands now or formerly of the Hess Oil and Chemical Corporation, South 33° 06' 00" East 202.79 feet and South 53° 05' 10" West 150.33 to a point;

Thence continuing along the division line between the herein described parcel, and said lands now or formerly of the Hess Oil and Chemical Corporation and also along said lands now or formerly of Sasso, North 33° 06' 00" West 269.09 feet to the point or place of beginning.

PARCEL VI

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

BEGINNING at a point on the southerly side of River Road, said point being the northwesterly corner of the herein described parcel and said point being the northeasterly corner of Lot 4 as shown on a map entitled "Minor Subdivision prepared for Exim Stewart Development Inc., dated January 30 1981, revised February 16, 1981, prepared by Albert R. Sparaco Jr., P.L.S. and filed in the Orange County Clerk's Office on March 5, 1981 as Filed Map # 5529;

Thence along the southerly side of River Road, South 81° 27' 00" East 475.00 feet to the intersection of River Road with the southerly side of Oak Street;

Thence along the southerly side of Oak Street, South 47° 40' 00" East 122.90 feet to a point;

Thence along the division line between the herein described parcel and the lands now or formerly of Kathleen Dunphy as described in Liber 3284 of deeds at page 155 and along the lands now or formerly of Roseton, LLC as described in Liber 12215 of deeds at page 660, South 56° 54' 00" West 702.30 feet and South 33° 06' 00" East 609.27 feet to a point located North 42° 22' 09" West 0.93 feet from a concrete monument found;

Thence along the division line between the herein described parcel and the lands now or formerly of Mid-Hudson Oil Company, Inc as described in Liber 1604 of deeds at page 589, South 56° 54' 00" West 312.87 feet to a point located North 33° 09' 28" West 1.14 feet from a capped iron rod found;

Thence along the division line between the herein described parcel and Amended Lot 2 and Lot 21 as shown on a map entitled "Subdivision Plat prepared for Anchorage-On-Hudson", dated December 17, 1999, last revised October 10, 2001, prepared by Dennis Walden, L.S. and Filed in the Orange County Clerk's Office on October 17, 2002 as Filed map # 216-02, North 63° 36' 00" West 659.40 feet to a point;

Thence along the division line between the herein described parcel and the lands now or formerly of Carmela Maroney as described in Liber 4349 of deeds at page 200 and also along Lot 1, Lot 2, Lot 3 and Lot 4 as shown on said aforementioned Filed Map #5529, North 30° 38' 00" East 1075.00 feet to the point or place of beginning.

Together with the rights and benefits under that certain Indenture granted to Mid-Hudson Oil Company, Inc., as Grantor's predecessor in interest, recorded in Liber 1590, Page 414, in the records of Orange County.

PARCEL VII

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

BEGINNING at the northwesterly corner of the herein described parcel, said point being the northeasterly corner of the lands now or formerly of the Mid-Hudson Oil Co., Inc., as described in Liber 1443 of deeds at page 278, said point being a corner of the lands now or formerly of the Hess Oil and Chemical Corporation as described in Liber 1823 of deeds at Page 286 and said point also being on the westerly side of the lands now or formerly of New York Central Lines LLC as described in Liber 5154 of deeds at page 183;

Thence along the division line between the herein described parcel and said lands now or formerly of New York Central Lines LLC, South 33° 06' 00" East 30.50 feet and South 56° 54' 00" West 1833.28 feet and North 33° 06' 00" West 29.00 feet to a point;

Thence along the division line between the herein described parcel and Amended Lot 2 as shown on a map entitled "Subdivision Plat prepared for Anchorage-On-Hudson", dated December 17, 1999, last revised October 10, 2001, prepared by Dennis Walden, L.S. and Filed in the Orange County Clerk's Office on October 17, 2002 as Filed map # 216-02 and along the lands now or formerly of the Mid-Hudson Oil Company, Inc., as described in Liber 1590 of deeds at page 414 and along the lands now or formerly of Roseton, LLC as described in Liber 12215 of deeds at page 660, North 56° 54' 00" East 557.00 feet to a point located North 27° 42' 29" West 0.72 feet from a concrete monument found;

Thence North 33° 06' 00" West 35.00 feet to a point located North 25° 53' 31" West 0.68 feet from a concrete monument found;

Thence North 56° 54' 00" East 545.00 feet to a point in Oak Street;

Thence crossing Oak Street, South 33° 06' 00" East 50.00 feet to a point;

Thence along the easterly side of Oak Street and also along the division line between the herein described parcel and said lands now or formerly of the Mid-Hudson Oil Co., Inc., as described in Liber 1443 of deeds at page 278, North 56° 54' 00" East 453.00 feet, North 53° 04' 59" West 17.56 feet and North 56° 54' 00" East 284.28 feet to the point or place of beginning.

All Parcels together with the benefits of all rights and easements appurtenant to the above described premises.