



Edward A. Nims
County Executive

Orange County Department of Planning

Submittal Form for Mandatory Review of Local Planning Action

as per NY's General Municipal Law §239-1(m), & n

Referral ID#
County, county

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 NY's GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Tax Map #:

95-1-53

Local Refining Board:

Zoning Board of Appeals

Tax Map #:

Applicant:

Newburgh Commons LLC - Route 17 Carlsle

Tax Map #:

Project Name:

Volkswagen of Newburgh

Local File No.:

Location of Project Site:

114-118 Route 17K

Size of Parcel:

5.1 acres

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

Reason for County Review:

on Route 17K

Current Zoning District (include any overlays):

IB-A/O

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)

FRONT YARDS SETBACKS

Other

(TWO FRONT YARDS)

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

Local board comments or elaboration:

Shane Cardone

9/13/13

Chairperson,
Zoning Board of Appeals

Signature of local official

Date

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@orangecounty.gov

TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: September 13, 2013

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

I (WE) Route 17 Cars, LLC PRESENTLY
RESIDING AT NUMBER 1143 Dutchess Turnpike, Poughkeepsie, New York, 12603
TELEPHONE NUMBER (845) 454-2400 ext. 122

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- ACCESSORY APARTMENT

1. LOCATION OF THE PROPERTY:

(S-B-L) 95-1-53 (TAX MAP DESIGNATION)
114-118 Route 17K, in proximity to McDonald Street,
Town of Newburgh, NY 12550 (STREET ADDRESS)
(IB) Interchange Business, Airport Overlay (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).

Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for
the IB District – Schedule 8, and Town Code § 185-17 (A) for front yard setback
requirements, corner lots.

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: N/A
 - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: August 19, 2013
4. DESCRIPTION OF VARIANCE SOUGHT: The Petitioner is requesting to construct a Volkswagen automobile dealership on a parcel located off NYS Route 17K, directly east of McDonald Street. Immediately alongside the property, is a narrow, grass and dirt covered traveled way, called Mulberry Lane. According to a letter dated August 19, 2013, the Town of Newburgh Planning Board Consultant indicated that the Town Building Inspector ruled Mulberry Lane to be a private road. Pursuant to the Town Planning Board Attorney's referral letter to the Town of Newburgh Zoning Board of Appeals, this lot is considered a corner lot. According to Town Code § 185-17(a), front yard setbacks are required on both street frontages. Town Code Chapter 185 Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8, provides that the minimum front yard setback is 50 feet. The proposed setback along this private road is 40 feet, which requires a variance of 10 feet. The Town's consultant indicates in his referral letter, that a setback of 60 feet is required, however, the Bulk Table provides that the setback is 50 feet.
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:
- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
N/A
- (ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**
- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
N/A
 - c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
N/A
 - d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
N/A

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 proposed setback is from a private road, which has limited access to four (4) parcels, some of which are vacant, in proximity to the proposed Volkswagen automobile dealership. The requested setback would not be inconsistent with the character of the Interchange Business District. The proposed setback meets the standard required for side yard setbacks in the IB District, but because of this limited use, unimproved narrow private road, the lot is considered a corner, which requires the additional setback. There would be limited potential negative visual impacts to neighboring properties, and trees and other shrubbery exist along the private road. Due to the nature of the site, the adjacent property owners will not be negatively impacted.

- 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:

As a result of the shape of the lot, and the property's location alongside a limited use, unimproved narrow private road, its status as a corner lot requires front yard setbacks for each street frontage. The location of the proposed stormwater management basin and the wetland along the side of the property cause the proposed building to be setback 40 feet from the private road, and this variance must be sought. The benefit sought by the applicant cannot be achieved by any other method.

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

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, as a result of the limited use, private road, and the parcel's status as a corner lot, the proposed setback will be visible primarily by the limited use of the adjacent property owners. Additionally, the proposed setback satisfies the standard required for a side yard setback in the Interchange Business District. However, because it is considered a corner lot, an additional setback is required. The proposed 40-foot setback requires only a small variance of 10 feet. This is not a significant difference, and therefore, if granted, would not be substantial.

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 noted above, the limited use, narrow private road causes this lot to be considered a corner lot, and thus the setback required is that of a front yard, which is greater than a side yard in the IB District. The proposed setback meets the standard required for side yard setbacks. Additionally, there would be limited potential negative visual impacts to neighboring properties, and trees and other shrubbery exist along the private road. Due to the nature of the site, the adjacent property owners will not be negatively impacted. This variance is not substantial and will have no adverse environmental or physical impacts on the neighborhood or in the district.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: As noted by Terry Rice in his Practice Commentaries for Town Law §274-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variances are required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the proposed Volkswagen automobile dealership development meets the Code's requirements.

7. ADDITIONAL REASONS (IF PERTINENT):

Please see the attached site plan, and a copy of the narrative that accompanied the Planning Board application.



Route 17 Cars, LLC
 By: Eric Kahn
 PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 12 DAY OF Sept 2013

THERESSA MULLIGAN
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01MU6122837


 NOTARY PUBLIC

QUALIFIED IN DUTCHESS COUNTY
 COMMISSION EXPIRES FEBRUARY 22, 2017
 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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Newburgh Commons, LLC , DEPOSES AND SAYS THAT
HE/SHE RESIDES AT Two Shinev Court, Monroe, New York
IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF a certain parcel of real property located on NYS Route 17K, at the intersection of McDonald Street, Town of Newburgh, New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Route 17 Cars, LLC, Dominic Cordisco, Esq., & John Meyer Consulting, PC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/11/13


Abe Goldberger
Newburgh Commons, LLC
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF SEPT. 20 13

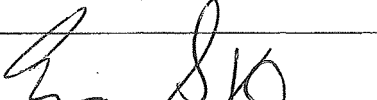


NOTARY PUBLIC

ABRAHAM GLANZ
Notary Public, State of New York
No. 01GL6080184
Qualified in Orange County
Commission Expires 09/09/2014

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|--|--|
| 1. APPLICANT/SPONSOR ROUTE 17 CARS, LLC | 2. PROJECT NAME VOLKSWAGEN OF NEWBURGH |
| 3. PROJECT LOCATION: Municipality: TOWN OF NEWBURGH County: ORANGE COUNTY | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 114-118 ROUTE 17K, IN PROXIMITY TO MCDONALD STREET, TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK 12550. | |
| 5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: THE APPLICANT PROPOSES TO CONSTRUCT A NEW VOLKSWAGEN AUTOMOBILE DEALERSHIP ON PROPERTY LOCATED OFF OF NYS ROUTE 17K, CONSISTING OF AN AUTOMOBILE SHOWROOM/SALES AREA, A VEHICLE SERVICING AREA AND ASSOCIATED CUSTOMER AND STORAGE PARKING SPACES. | |
| 7. AMOUNT OF LAND AFFECTED: Initially <u>5.0 +/-</u> acres Ultimately <u>5.0 +/-</u> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly: THE PROPOSED SITE ABUTS A NARROW, LIMITED USE UNIMPROVED PRIVATE STREET, WHICH MAKES THIS LOT A CORNER LOT. IN ACCORANCE WITH TOWN CODE § 185-17, THE FRONTAGE ON THE PRIVATE STREET REQUIRES A FRONT YARD SETBACK OF 50 FEET, INSTEAD OF THE 40 FOOT SIDE YARD SETBACK CURRENTLY SHOWN. | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: AIRPORT OVERLAY DISTRICT. THE SITE IS LOCATED IN PROXIMITY TO STEWART AIRPORT, COMMERCIAL USES, AND LIMITED RESIDENTIAL USES. | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY, FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permits/Approvals: FAA FORM 7460-1, NYSDEC 401 WATER QUALITY CERTIFICATE, SITE PLAN APPROVAL. | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permits/Approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | |
| Applicant/Sponsor Name: ROUTE 17 CARS, LLC | Date: SEPTEMBER 13, 2013 |
| Signature:  | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another Involved Agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important, or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a Positive Declaration.

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 **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

| | |
|--|---|
| 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) |

DATE :

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.

Nicholas A. Pascale
Benjamin M. Wilkinson
Sebastian Lemos
Hunter D. Raines
Taylor M. Palmer

*LL.M. in Taxation

September 13, 2013

BY HAND DELIVERY

Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: Volkswagen of Newburgh // Front Yard Setback Variance Application
Our File No.: 13953 - 65377

Dear Board Members:

Our client, Route 17 Cars, LLC, respectively submits a variance application to construct a Volkswagen automobile dealership located off NYS Route 17K, directly east of the United States National Guard Entrance to Stewart Airport (McDonald Street) in the Town of Newburgh, New York. The lot has frontage on NYS Route 17K, as well as frontage alongside a narrow, unimproved private road called Mulberry Lane. The site is located in the IB – Interchange Business, and Airport Overlay Districts, and is identified on the tax map as Section 95, Block 1, Lot 53 (SBL 95-1-53).

The applicant is requesting a 10-foot variance for the front yard setback, alongside Mulberry Lane. The Town of Newburgh Code § 185-17(a) requires front yard setbacks for both street frontages for corner lots. The proposed front yard setback alongside the private road, Mulberry Lane, is 40 feet, which is less than the minimum 50 feet as required in Town Code Chapter 185, Attachment 13, Table of Use and Bulk Regulations for the IB District – Schedule 8.

The Town of Newburgh Planning Board Attorney provided a referral letter, dated August 19, 2013, and we request to be placed on the next available Zoning Board of Appeals agenda. If you have any questions or comments, please feel free to contact me.

Very truly yours,


DOMINIC CORDISCO

DRC/TMP/317008

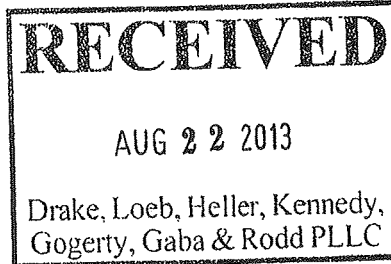
Enclosures

cc: Ken Wersted, P.E.
Joseph Sarchino, P.E.
Eric Kahn
Peter Burack

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

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

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



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

August 19, 2013

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

RE: Volkswagon of Newburgh 13.11
Route 17K
95-1-53 (Zone IB)

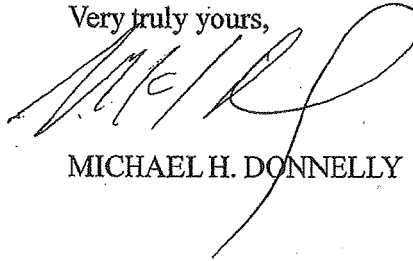
Members of the Board:

The above referenced applicant made its initial appearance before the Town of Newburgh Planning Board on August 15, 2013. The applicant proposes to build an automobile dealership on property located on Route 17K in the town's IB zoning district. Immediately alongside of the property is a roadway known as Mulberry Lane. The building inspector has ruled that this is a private road, making this lot a corner lot. On the site plan submitted to the planning board, the required 60 feet of front yard setback for the frontage on Mulberry Lane is not satisfied. Required is 60 feet, shown is 40 feet. While the applicant wishes the opportunity to research further the status of Mulberry Lane and to attempt to have the building inspector reverse his ruling based on that research, it appears likely that the applicant will require an area variance. Therefore, the planning board has instructed me to refer this matter to you for consideration of an area variance for building setback on Mulberry Lane. At the same time, the applicant has requested that the matter be referred to you for the purpose of considering a sign area variance

If the variances before you are not Type II actions under SEQRA, the planning board

suggests that you handle your variance review on an uncoordinated basis. The planning board has no particular matters to bring to your attention in regard to this application.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

Cc: Town of Newburgh Planning Board
David A. Donovan, Esq.
Dominic Cordisco, Esq.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
 THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



PE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Butter Hill Development
 Properties

TO

Newburgh Commons, LLC

SECTION 91 BLOCK 1 LOT 53

RECORD AND RETURN TO:
(Name and Address)

RA DORTMAN, Lynch + Knoebel, Esq.
 51 North Broadway
 Nyack, Ny 10960

RE IS NO FEE FOR THE RECORDING OF THIS PAGE
 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) | _____ | 4299 MONTGOMERY (TN) | _____ |
| 2001 WASHINGTONVILLE (VLG) | _____ | 4201 MAYBROOK (VLG) | _____ |
| 2289 CHESTER (TN) | _____ | 4203 MONTGOMERY (VLG) | _____ |
| 2201 CHESTER (VLG) | _____ | 4205 WALDEN (VLG) | _____ |
| 2489 CORNWALL (TN) | _____ | 4489 MOUNT HOPE (TN) | _____ |
| 2401 CORNWALL (VLG) | _____ | 4401 OTISVILLE (VLG) | _____ |
| 2600 CRAWFORD (TN) | _____ | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) | _____ |
| 2800 DEERPARK (TN) | _____ | 4800 NEW WINDSOR (TN) | _____ |
| 3099 GOSHEN (TN) | _____ | 5089 TUXEDO (TN) | _____ |
| 3001 GOSHEN (VLG) | _____ | 5001 TUXEDO PARK (VLG) | _____ |
| 3003 FLORIDA (VLG) | _____ | 5200 WALLKILL (TN) | _____ |
| 3005 CHESTER (VLG) | _____ | 5489 WARWICK (TN) | _____ |
| 3200 GREENVILLE (TN) | _____ | 5401 FLORIDA (VLG) | _____ |
| 3489 HAMPTONBURGH (TN) | _____ | 5403 GREENWOOD LAKE (VLG) | _____ |
| 3401 MAYBROOK (VLG) | _____ | 5405 WARWICK (VLG) | _____ |
| 3689 HIGHLANDS (TN) | _____ | 5800 WAWAYANDA (TN) | _____ |
| 3801 HIGHLAND FALLS (VLG) | _____ | 5889 WOODBURY (TN) | _____ |
| 3889 MINISINK (TN) | _____ | 5801 HARRIMAN (VLG) | _____ |
| 3801 UNIONVILLE (VLG) | _____ | | |
| 4089 MONROE (TN) | _____ | | |
| 4001 MONROE (VLG) | _____ | | |
| 4003 HARRIMAN (VLG) | _____ | | |
| 4005 KIRYAS JOEL (VLG) | _____ | | |

CITIES

- | | |
|-------|------------------|
| _____ | 0900 MIDDLETOWN |
| _____ | 1100 NEWBURGH |
| _____ | 1300 PORT JERVIS |
| _____ | 9999 HOLD |

NO PAGES 5 CROSS REF _____
 CERT COPY _____ AFFET _____

PAYMENT TYPE CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 650,000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE 7-14-02

- MORTGAGE TYPE:**
- ___ (A) COMMERCIAL
 - ___ (B) 1 OR 2 FAMILY
 - ___ (C) UNDER \$10,000
 - ___ (E) EXEMPT
 - ___ (F) 3 TO 6 UNITS
 - ___ (H) NAT PERSON/CR UNION
 - ___ (J) NAT PER-CR UN1 CR 2
 - ___ (K) CONDO

Donna L. Benson
 DONNA L. BENSON
 Orange County Clerk

RECEIVED FROM: *V. J. Monte*

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
 I, DONNA L. BENSON, 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 7-22-02 AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 9-10-13

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

LIBER 5942 PAGE 96

LIBER 5942 PAGE 96

ORANGE COUNTY CLERKS OFFICE 48000 MLV
 RECORDED/FILED 07/22/2002 09:45:32 AM

FEE \$ 50.00 EDUCATION FUND 20.00
 SERIAL NUMBER: 011905
 DEED CNTL NO 61031 RE TAX 2600.00



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

THIS INDENTURE, made on July 17, Two Thousand Two
BETWEEN

BUTTERHILL DEVELOPMENT PROPERTIES, a Limited Partnership,
c/o Gerrit V. Lydecker, 33 Sweet Briar Road, Stamford, CT 06905,

party of the first part, and

NEWBURGH COMMONS, LLC, c/o BURTON I. DORFMAN,
51 North Broadway, Nyack, NY 10960,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

----- (TEN) ----- dollars,
lawful money of the United States, 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 ~~XXXXX~~ more particularly described in the attached SCHEDULE "A".

BEING the same premises described in that certain deed dated December 31, 1987
from EPIC DEVELOPMENT GROUP, LTD, to BUTTERHILL DEVELOPMENT PROPERTIES, which
deed was recorded in the Orange County Clerk's Office on December 31, 1987
in Liber 3009 at page 96.

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 incumbered 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:

BUTTERHILL DEVELOPMENT PROPERTIES
A Limited Partnership


BY: GERRIT V. LYBECKER,
General Partner

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 305-a)

State of New York, County of ORANGE ss.:

On July 17, 2002 before me, the undersigned, personally appeared

GERRIT V. LYPECKER

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.

[Handwritten signature]

PHILIP A. CROTTY
(signature and office of individual taking acknowledgment)
Qualified in Orange County
Reg. No. 4520410
Commission Expires March 30, 2006

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 305-b)

State of _____ County of _____ ss.:

On _____ 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, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared

the subscribing witness(es) 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(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

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

() if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. VJM 11967
BUTTERHILL DEVELOPMENT PROPERTIES

SECTION 95
BLOCK 1
LOT 53
COUNTY OR TOWN Newburgh

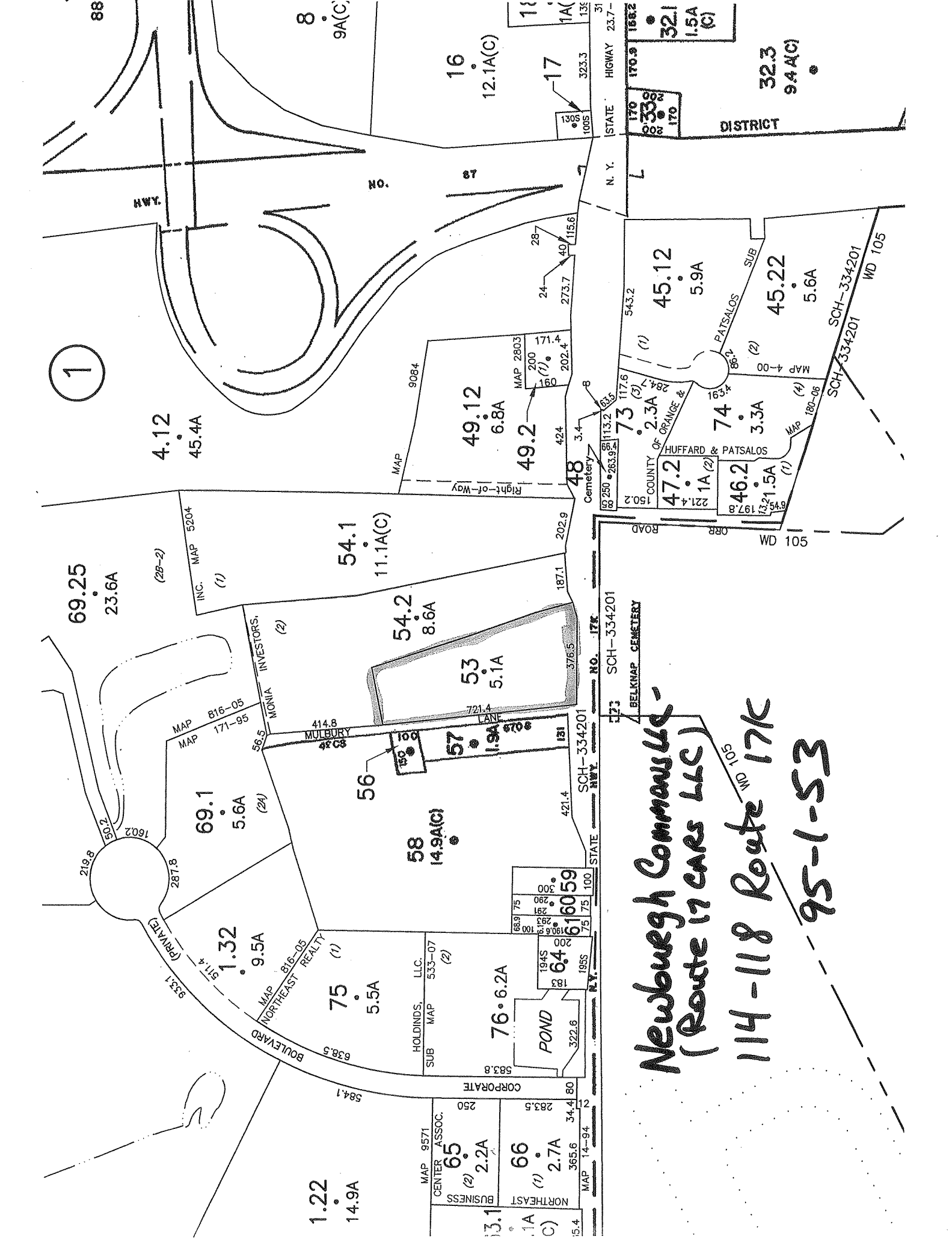
TO
NEWBURGH COMMONS, LLC

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

LIBER 5942 PAGE 100



Newbough Commons LLC
 (Route 17 cars LLC)
 114-118 Route 17K
 95-1-53