



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

89-1-19,22

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	Newburgh PARK Associates
Project Name:	
Location of Project Site	747 BOULEVARD (DRURY LANE)

Tax Map #:	89-1-80.1
Tax Map #:	89-1-80.2
Tax Map #:	
Local File No.:	PLBL Ref 1
Size of Parcel*:	1.44 acres

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

Reason for County Review: ADJOINS I-84

Current Zoning District (include any overlays): IB

**Type of Review:**

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan      Sq. feet proposed (non-residential only): \_\_\_\_\_

Subdivision      Which approval is the applicant currently seeking?      SKETCH / PRELIM / FINAL (circle one)

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 yard setback, side yard setback

Other

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

Local board comments or elaboration:

[Signature]      9/10/17      Chairperson  
Signature of local official      Date      Zoning Board of Appeals

Municipal Contact Phone Number: 845-566-4901

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

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 9/6/17

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

I (WE) NEWBURGH PARK ASSOCIATES PRESENTLY

RESIDING AT NUMBER 398 PLAINS ROAD, WALLKILL, NY 12589

TELEPHONE NUMBER 845-629-1567

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:

89-1-80.1  
89-1-80.2 (TAX MAP DESIGNATION)

747 BLVD. (STREET ADDRESS)

IB (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).

185-18c (#4, B)



# TOWN OF NEWBURGH

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OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 8/21/17

4. DESCRIPTION OF VARIANCE SOUGHT: FRONT YARD SETBACK 21.8'  
SIDE YARD SETBACK 30'

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:

IT IS LOCATED IN AN INDUSTRIAL AREA.

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:

NO OTHER PROPERTY IS AVAILABLE.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE BUILDING WILL STILL BE LOCATED THE SAME DISTANCE FROM 747 BLVD.

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

IT IS LOCATED IN AN INDUSTRIAL AREA.

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

WHEN THE STATE TOOK THE PROPERTY FOR 747 BLVD AND THE EXIT RAMP FOR R.E. 84, THIS IS THE REMAINING PARCEL.



# TOWN OF NEWBURGH

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OLD TOWN HALL  
308 GARDNERTOWN ROAD  
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 7<sup>th</sup> DAY OF September 20 17

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

CHARLENE M. BLACK  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 20 18

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

DATRICK MULHOLLAND, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 398 PIANNS ROAD

IN THE COUNTY OF ULSTER AND STATE OF N.Y.

AND THAT HE/SHE IS THE OWNER IN FEE OF SBL-89-1-80.1

AND 89-1-80.2

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED ZEN CONSULTANTS, INC.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/6/17 DATRICK MULHOLLAND

OWNER'S SIGNATURE

[Handwritten Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF September 2017

[Handwritten Signature]  
NOTARY PUBLIC

**EVE FLANIGAN**  
Notary Public, State of New York  
Qualified in Orange County  
No. 4771149  
Commission Expires February 28, 2019

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: NPA Site Plan							
Project Location (describe, and attach a location map): Int. NYS Route 84 & NYS Route 747 Blvd.							
Brief Description of Proposed Action: Site plan for a new gas station and convenient store.							
Name of Applicant or Sponsor: Newburgh Park Associates		Telephone: 845-629-1567 E-Mail: klytte@zendci.com					
Address: 398 Plains Road							
City/PO: Wallkill		State: NY	Zip Code: 12589				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board Orange County Board of Health			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		1.44 acres					
b. Total acreage to be physically disturbed?		.95 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.44 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 type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input checked="" 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?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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 <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <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 type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input checked="" 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			



<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)?          If Yes, explain purpose and size: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input 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?          If Yes, describe: _____          _____</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?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>KEN LITTLE</u></p>		<p>Date: <u>9/6/17</u></p>
<p>Signature: <u>[Signature]</u></p>		

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
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]	Yes
Part 1 / Question 20 [Remediation Site]	No

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

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

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

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

July 21, 2017

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

RE: Newburgh Park Associates Site Plan [Gasoline Service Station]  
89-1-80.1 & 80.2 (Zone IB)  
NYS 747 & NYS 84 (17.03)

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Members of the Board:

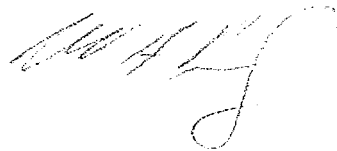
I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of July 20, 2017 requesting site plan approval for the construction of a gas station and convenience store. The proposed site plan will require variances as follows:

- Front yard setback of 21.8 feet where 60 feet is required;
- Side yard setback of 30 feet where 50 feet is required;

There is an existing, noncomplying garage on the premises that is proposed to be removed and will not, therefore, require variance relief.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act is a Type II Action. If it is not, I suggest that you conduct your review on an uncoordinated review basis.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Zen Consultants, Inc.

**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT:** NPA SITE PLAN  
**PROJECT NO.:** 17-03  
**PROJECT LOCATION:** SECTION 89, BLOCK 1, LOT 80.2 & 80.1  
**REVIEW DATE:** 14 JULY 2017  
**MEETING DATE:** 20 JULY 2017  
**PROJECT REPRESENTATIVE:** ZEN DESIGN CONSULTANTS

1. Schematic plans have been submitted for the design of the project. These plans identify the need for variances to develop the site. The following will identify variances based on a review of the schematic plan.
  - 1) Front yard setback: 60 required 21.8 provided.
  - 2) Side yard setback- canopy: 50 ft. required approximately 30 provided (not labeled on plans).
  - 3) Garage on Lot identified as 2A : Rear yard setback/front yard setback, accessory structure in front yard setback; note we believe the garage should be removed from the plan as part of the approval.
  - 4) Bulk Table should be modified to identify the variances needed. Variance for canopy is not depicted.

The following technical comments are provided on the sketch plan:

- 1) Truck traffic circulation for gasoline tankers accessing the site must be depicted on the plans.
- 2) Stormwater management must be addressed on the plans.
- 3) The Applicant should determine whether the building is required to be sprinklered. Conversations with Fire Inspectors office should be undertaken.
- 4) Further engineering review will be undertaken upon receipt of detailed design plans.

Respectfully submitted,

***McGoey, Hauser and Edsall  
Consulting Engineers, D.P.C.***

---

Patrick J. Hines  
Principal



89-1-80.2      334600 Newburgh      Active      R/S: 1      School: Valley Central  
 Newburgh Park Associates Inc      Roll Year: 2018      Curr Yr      Vacant comm      Land AV: 25,500  
 Drury Ln      Land Size: 1.00 acres      Total AV: 25,500

Parcel 89-1-80.2

- History
- Assessment
  - Spec Dist(s)
- Description
- Owner(s)
- Images
- Gis
- Site (1) Com
  - Land(s)
  - Valuation

Rank	Book	Page	Prior Print Key
1	3600	186	
2			89-1-19.22
3			89-1-19.22-22



89-1-80.1      334600 Newburgh      Active      R/S 1      School: Valley Central  
 Newburgh Park Associates Inc      Roll Year: 2018 Curr Yr      Com vac w/imp      Land AV: 14,500  
 Drury Ln      Land Size: 0.42 acres      Total AV: 19,500

- Parcel 89-1-80.1
  - History
  - Assessment
    - Spec Dist(s)
  - Description
  - Owner(s)
  - Images
  - Gis
  - Site (1) Com
    - Land(s)
    - Imprvmt(s)
    - Valuation

Rank	Book	Page	Prior Print Key
1	3600	186	
2			89-1-19.22
3			89-1-19.22-21

3

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

# 91-1588

ALEX NICHOLS and PATRICK MULHOLLAND

SECTION 89 BLOCK 1 LOT 19.23

-to-  
NEWBURGH PARK ASSOCIATES, INC.

RECORD AND RETURN TO:

John J. Basso, Esq.  
Spiegel, Pergament, Brown & Basso  
272 Mill Street, P.O. Box 831  
Poughkeepsie, New York 12602

CONTROL NO. 54692 DATE 12/31/91 CHECK  CASH \_\_\_\_\_ CHARGE \_\_\_\_\_

INSTRUMENT TYPE: DEED  MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

- IG20 Blooming Grove \_\_\_\_\_
- JH22 Chester \_\_\_\_\_
- JO24 Cornwall \_\_\_\_\_
- JR26 Crawford \_\_\_\_\_
- JP28 Deepark \_\_\_\_\_
- JO30 Goshen \_\_\_\_\_
- JR32 Greenville \_\_\_\_\_
- JA34 Hamptonburgh \_\_\_\_\_
- HI36 Highland \_\_\_\_\_
- WK38 Minisink \_\_\_\_\_
- ME40 Monroe \_\_\_\_\_
- MY42 Montgomery \_\_\_\_\_
- MH44 Mount Hope \_\_\_\_\_
- NT46 Newburgh (T)
- NW48 New Windsor \_\_\_\_\_
- TU50 Tuxedo \_\_\_\_\_
- WL52 Walkill \_\_\_\_\_
- WK54 Warwick \_\_\_\_\_
- WA56 Wawayanda \_\_\_\_\_
- WO58 Woodbury \_\_\_\_\_
- MN09 Middletown \_\_\_\_\_
- NC11 Newburgh \_\_\_\_\_
- PJ13 Port Jervis \_\_\_\_\_
- 9999 Hold \_\_\_\_\_

RECEIVED  
\$ 70  
REAL ESTATE  
MAY 11 1992  
TRANSFER TAX  
ORANGE COUNTY

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 11th day of May 1992 at 12:00  
O'Clock P.M. in Liber 3600 deeds  
at page 186 and examined.

*Marion S. Murphy*  
County Clerk

Mortgage Amount \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

MORTGAGE TAX \$ \_\_\_\_\_  
TRANSFER TAX \$ 70-  
SERIAL NO. \_\_\_\_\_  
RECORD. FEE \$ 17-  
REPORT FORMS \$ 30-  
CERT. COPIES \$ \_\_\_\_\_

LIBER 3600 PAGE 186

KAR-VIN ABSTRACT CORP.  
273 Quassaick Avenue  
New Windsor, N.Y. 12553  
(914) 562-2622 FAX (914) 565-8737

ORC 05/11/92 12:00:27 21571 47.00  
9/15/98

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 54692 70.00 \*

\*\*\*\*\* SERIAL NUMBER: 006143 \*\*\*\*\*

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 11, 1992 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* Sept. 7, 2017

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

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

**THIS INDENTURE**, made the 31<sup>st</sup> day of December, nineteen hundred and Ninety One

**BETWEEN**

ALEX NICHOLS, residing at 62 Hegemens Lane, Long Island, New York,

-AND-

PATRICK MULHOLLAND, residing at 577 Grandview Road, Glenham, New York,

party of the first part, and

NEWBURGH PARK ASSOCIATES, INC., Drury Lane, RD #1, Rock Tavern, New York

party of the second part,

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

dollars,

lawful money of the United States,

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

ALL that certain lot, piece or parcel of land situate in the Town of Newburgh in the County of Orange and State of New York, being the farm whereof Robert Beattie, late of the said Town of Newburgh, died, seized and possessed and is bounded and described as follows: On the north by lands now or formerly of James Waugh; on the East by lands now or formerly of John Robinson; on the South by lands now or formerly of John B. Kernochan; on the West by lands now or formerly of James M. Arnott and George Ormston, containing one hundred and forty acres of land, be the same, more or less.

EXCEPTING AND RESERVING however, from the said farm of lands all that part or portion thereof constituting parcel No. 408 of the Board of Water Supply of the City of New York, on the right of way for the Catskill Aqueduct, said excepted portion containing about 21.985 acres of land, more or less.

ALSO, EXCEPTING AND RESERVING from the said farm all that certain, lot, piece or parcel of land situate in the Town of Newburgh, in the County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the south line of lands of McGibbon at the point where the east line of the Catskill Aqueduct property intersects the same (at a concrete fence post) and running thence easterly along the south line of said McGibbon lands about 321 feet to the center of a stone wall fence at an angle in the line of the said McGibbon lands; thence southerly along the westerly line of said McGibbon lands, being the center line of a stone wall fence about 380 feet to a point in the east line of the said Catskill Aqueduct property at another concrete fence post; and thence northerly along the easterly line of the said Catskill Aqueduct property about 556 feet to the point or place of beginning, containing all within said bounds.



TOGETHER with such right of way as the party of the first part has from the property herein described over and across said Catskill Aqueduct property to the public highway such right of way being located near the north end of the course last above described.

EXCEPTING AND RESERVING the lands and premises described in a deed from Frank Agor, Jr. and Fannie Clara Agor, to Andrew C. Smith and Mildred Smith, dated May 24, 1945 and recorded in the Orange County Clerk's Office on May 26, 1945 in Liber 958 of Deeds at page 572; and also in a deed from Frank Agor, Jr. and Fannie Clara Agor, to Arthur Douglas Agor and Doris May Agor, dated May 24, 1945 and recorded in the Orange County Clerk's Office on May 26, 1945 in Liber 958 of Deeds at page 575, and reference is made to the record of said deeds for a complete description thereof.

EXCEPTING AND RESERVING therefrom all those certain premises described in the following deeds; (1) George Huiss and Viola Huiss, his wife, to the County of Orange, dated September 19, 1952 and recorded in the Orange County Clerk's Office on September 22, 1952 in Liber 1244 of Deeds at Page 233, (2) George Huiss and Viola Huiss, his wife, to William J. Heitzman and Rosalie E. Heitzman, his wife, dated July 11, 1955 and recorded in the Orange County Clerk's Office on July 18, 1955 in Liber 1354 of Deeds at page 138, (3) George Huiss and Viola Huiss, his wife, to Robert Paul Mazzarella and Carole H. Clarkson, as joint tenants with the right of survivorship, dated May 10, 1965 and recorded in the Orange County Clerk's Office on May 26, 1965 in Liber 1713 of Deeds at page 542, (4) George Huiss and Viola Huiss, his wife, to George Huiss, Jr. and John R. Horton, Jr., dated July 13, 1972 and recorded in the Orange County Clerk's Office on July 17, 1972 in Liber 1912 of Deeds at page 654, and (5) George Huiss and Viola Huiss, his wife, to Carole H. Mazzarella, dated April 23, 1973 and recorded in the Orange County Clerk's Office on April 26, 1973 in Liber 1940 of Deeds at page 461.

FURTHER EXCEPTING any premises taken by the State of New York by virtue of Notices of Appropriation recorded in the Orange County Clerk's Office in the following libers and pages; 1867/462; 1788/99; 1788/100; 1885/1065; and 1897/128, and subject to oil and gas leases recorded in Liber 2057, page 1134 and Liber 2216, page 570.

BEING same premises conveyed to Patrick Mulholand and Alex Nichols, by deed from George and Viola Huiss, dated December 17, 1984 and recorded in the Orange County Clerk's Office on December 20, 1984 in Liber 2309 of Deeds at page 804.

**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.

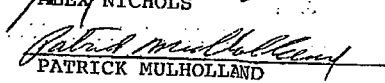
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost 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:

  
 \_\_\_\_\_  
 ALEX NICHOLS

  
 \_\_\_\_\_  
 PATRICK MULHOLLAND

STATE OF NEW YORK, COUNTY OF *Dutchess*

On the *31<sup>st</sup>* day of December 19 91, before me personally came

ALEX NICHOLS

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*[Signature]*  
NOTARY PUBLIC

JOHN J. BASSO  
NOTARY PUBLIC, State of New York  
Reg. No. 4979437  
Qualified in Dutchess County *93*  
Commission Expires March 25, 19*93*

STATE OF NEW YORK, COUNTY OF *Dutchess*

On the *31<sup>st</sup>* day of December 1991, before me personally came

PATRICK MULHOLLAND

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*[Signature]*  
NOTARY PUBLIC

JOHN J. BASSO  
NOTARY PUBLIC, State of New York  
Reg. No. 4979437  
Qualified in Dutchess County *93*  
Commission Expires March 25, 19*93*

STATE OF NEW YORK, COUNTY OF

On the        day of        19        , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.        ;

that he is the        of        ;

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the        day of        19        , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.        ;

that he is the        of        ;

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

***Bargain and Sale Deed***

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. \_\_\_\_\_

SECTION \_\_\_\_\_  
BLOCK \_\_\_\_\_  
LOT \_\_\_\_\_  
COUNTY OR TOWN \_\_\_\_\_

TO

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by  
**SECURITY TITLE AND GUARANTY COMPANY**  
CHARTERED 1928 **ST** IN NEW YORK

John J. Basso, Esq.  
Spiegel, Pergament, Brown & Basso  
272 Mill Street, P.O. Box 831  
Poughkeepsie, New York 12602  
Zip No. \_\_\_\_\_

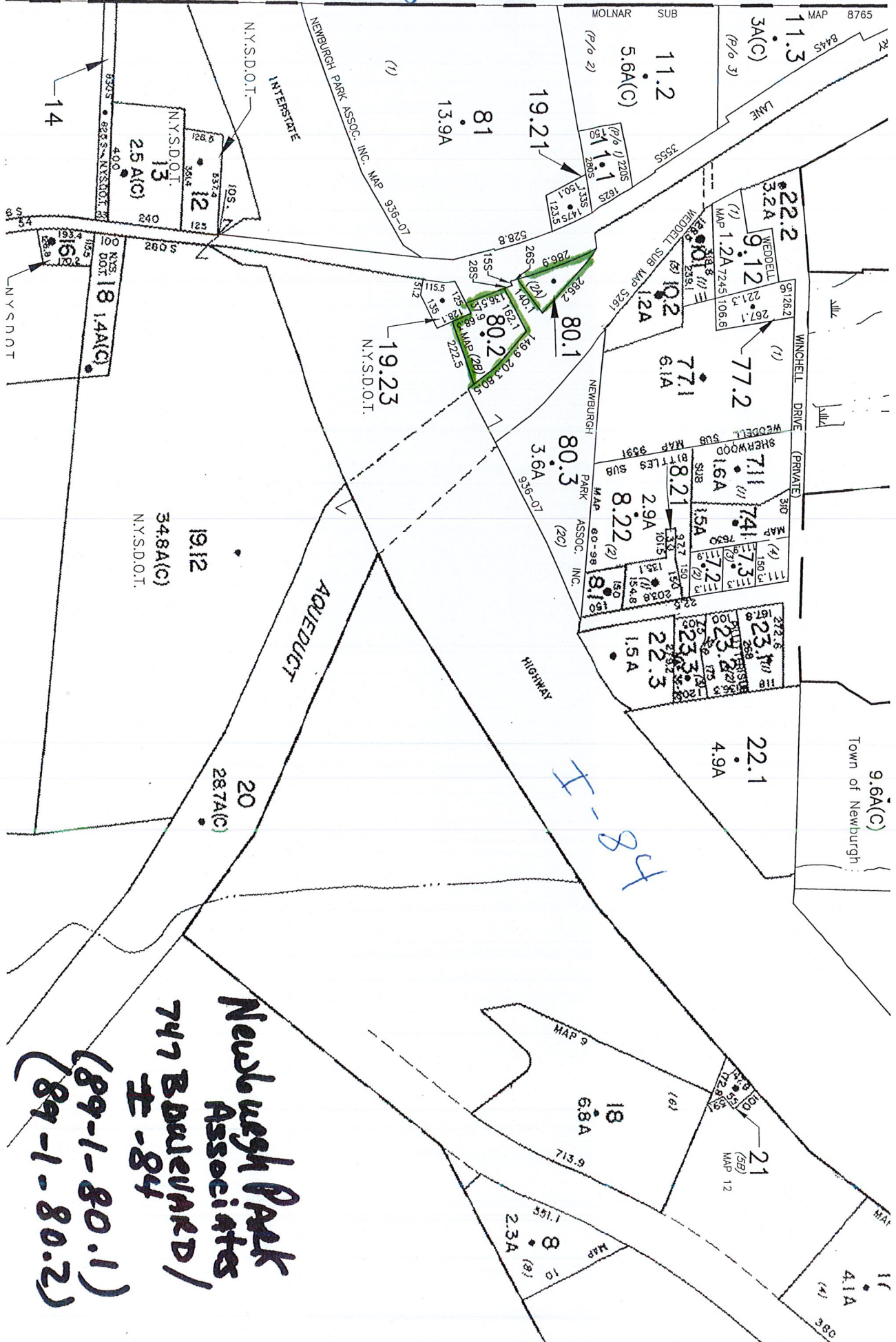
RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3600 PAGE 190

WN

# Town of Montgomery

OF



**Newburgh Park Associates**  
**747 Boulevard / F-84**  
**(89-1-80.1)**  
**(89-1-80.2)**