



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

Zoning Board of Appeals
DEC 17 2021
Town of Newburgh

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4901
FAX LINE 845-564-7802

APPLICATION

DATED: 1/11/21

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

I (WE) SNK PETROLEUM WHOLESALERS PRESENTLY
RESIDING AT NUMBER 1983 ROUTE 52, SUITE 1A, NOPEWELL JUNCTION
TELEPHONE NUMBER 914-443-3829 N.Y. 12533

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

89-1 (80.1 + 80.2) (TAX MAP DESIGNATION)
747 BLVD. (STREET ADDRESS)
IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-18C

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:

X 1/10/21

4. DESCRIPTION OF VARIANCE SOUGHT: PLEASE SEE REFERRAL

FROM THE PLANNING BOARD NOTICE

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:

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 IS IN THE REAR OF THE PROPERTY TO MINIMIZE THE VARIANCE.

- 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 ROUTE 84, THIS IS THE REMAINING PARCEL.

7. ADDITIONAL REASONS (IF PERTINENT):

Mark. Dask

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13th DAY OF January 20 21

Tiffany M. Ray
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
ing Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be
ewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed action
to 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
VIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE
PART OF THE MEETING.**

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

PAT MULLOY, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 770 ORCHARD DRIVE
IN THE COUNTY OF ORANGE AND STATE OF NY.
AND THAT HE/SHE IS THE OWNER IN FEE OF _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED KEY CYCLE
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 1/12/2021

Pat Mulloy

OWNER'S SIGNATURE

[Signature]

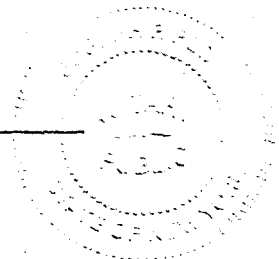
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12 DAY OF January 20 21

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

[Signature]
NOTARY PUBLIC



Short Environmental Assessment Form

Part 1 - Project Information

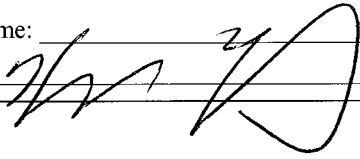
Instructions for Completing

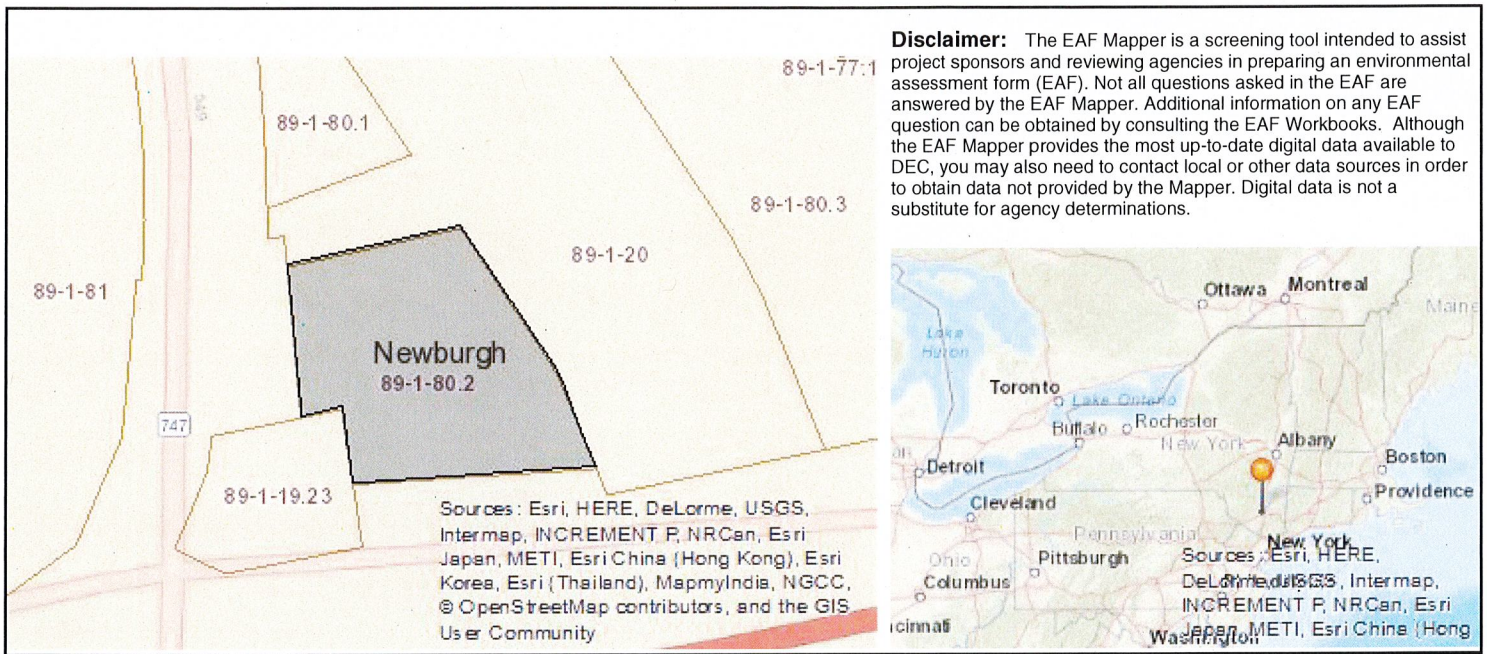
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: 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: klytle@zendci.com	
Address: 398 Plains Road			
City/PO: Walkill		State: NY	Zip Code: 12589
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" 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			YES <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	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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	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 type="checkbox"/>	<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	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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<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>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature:  _____</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]	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

ZEN Consultants, Inc.

1662 ROUTE 300, SUITE 138
NEWBURGH, NY 12550
(845) 629-1567 (phone)
20-064

January 27, 2021

Town of Newburgh
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

Newburgh Park Associates
Site Plan
SBL: 89-1-80.1 & 80.2

Dear Board Members,

This project has a list of variances needed. I have put together a summation of what is being present for your consideration.

1. West canopy front yard, 747 Blvd. - 25' proposed, 60' required
 - a. 35' variance
2. West canopy side yard - 38' proposed, 50' required
 - a. 12' variance
3. East canopy rear yard - 24.5' proposed, 60' required
 - a. 35.5' variance
4. East canopy side yard - 21.3' proposed, 50' required
 - a. 28.7' variance
5. Building rear yard - 43.5' proposed, 60' required
 - a. 16.5' variance
6. Canopy signage - 3'x13' - 39sf per sign. (2) proposed for a total of 78sf

Please feel free to contact this office with any additional questions or comments that you may have. Thank you, in advance, for your help with this project.

Very Truly Yours,



Ken Lytle
ZEN Consultants, Inc.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

January 10, 2021

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Re: NPA Site Plan // ZBA re-referral
Planning Board Project No. 2017-03

Dear Chairman Scalzo and Zoning Board Members:

Since my November 19, 2020 referral letter to you regarding this project, the applicant has revised the plans to reduce the number of required variances. The applicant appeared before the Planning Board's January 7, 2021 meeting, and the Planning Board resolved to re-refer this application to the Zoning Board of Appeals for its consideration of the reduced variances that will be required for this project. As noted previously, the applicant proposes to use the property and building located on NYS Route 747 as a gasoline station and convenience store. The applicant has eliminated the proposed drive-through, which would have required a use variance. The property is located in the Town's "IB" Zoning District, and is identified on the tax map as Section 89, Block 1, Lot 19.22.

The revised plans require the following area variances:

- 1) Front yard setback for canopy. NYS Route 747: 25 feet provided where 60 feet is required.
- 2) Side yard setback for west canopy. 3 8+/- feet provided where 50 feet is required.
- 3) Rear yard setback for proposed building. 43.5 feet provided where 60 feet is required.
- 4) East canopy. 24.5 foot rear yard provided where 60 feet is required.
- 5) East canopy. 21.3 foot side yard setback where 50 feet is required.
- 6) Any proposed signage on the canopy.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE**

-----X

NEWBURGH PARK ASSOCIATES, INC.,

Plaintiff,

**SO-ORDERED STIPULATION
OF SETTLEMENT**

- against -

Index No.: EF004008-2021

THOMAS D. WEDDELL,

Defendant.

-----X

WHEREAS, Plaintiff, NEWBURGH PARK ASSOCIATES, INC. owned four subdivided lots, which are identified by Town of Newburgh (the "Town") Tax Map as Section 89, Block 1, Lot 80.1; Section 89, Block 1, Lot 80.2; Section 89, Block 1, Lot 80.3; Section 89, Block 1, Lot 81; and

WHEREAS, via deed dated September 17th, 2015, and recorded in the Office of the Orange County Clerk on September 18, 2015 in Liber 13947 at Page 759, plaintiff NEWBURGH PARK ASSOCIATES, INC., conveyed to Defendant THOMAS D. WEDDELL a single lot identified on Town Tax Map as Section 89, Block 1, Lot 80.3 (the "2015 Deed"); and

WHEREAS, through mutual mistake of the parties, a scrivener's error occurred in the 2015 Deed, whereby the Schedule "A" land description attached to it inadvertently included the lots identified on the Town Tax Map as Section 89, Block 1, Lot 80.1, Section 89, Block 1, Lot 80.2, and Section 89, Block 1, Lot 80.3, rather than conveying only the lot identified on the Town Tax Map as Section 89, Block 1, Lot 80.3 as intended by the parties; and

WHEREAS, upon discovering the aforementioned scrivener's error in the 2015 Deed, Plaintiff NEWBURGH PARK ASSOCIATES, INC., commenced the instant action as against Defendant THOMAS D. WEDDELL seeking to reform the said deed so as to correct the

description of the Property to include only the lot identified on the Town Tax Map as Section 89, Block 1, Lot 80.3, and to quiet title to the two lots which are identified respectively on the Town Tax Map as Section 89, Block 1, Lot 80.1 and Section 89, Block 1, Lot 80.2;

WHEREAS, Defendant THOMAS D. WEDDELL has filed an answer to the instant action;

WHEREAS, Plaintiff NEWBURGH PARK ASSOCIATES, INC., and Defendant THOMAS D. WEDDELL (collectively, the "Parties") desire to resolve this matter amicably without resort to further litigation.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES, COVENANTS AND CONDITIONS MADE BY THE PARTIES, IT IS STIPULATED AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. Upon executing this So-Ordered Stipulation of Settlement (the "Stipulation" or "Agreement"), Defendant THOMAS D. WEDDELL shall also execute the Correction Deed (the "Correction Deed") annexed hereto as Exhibit "A," as well as any other documents necessary to record the Correction Deed with the Orange County Clerk, and deliver the same to counsel for Plaintiff, NEWBURGH PARK ASSOCIATES, INC. The Correction Deed and any other necessary recording documents shall be held in escrow by counsel for Plaintiff NEWBURGH PARK ASSOCIATES, INC., until such time as this Stipulation is signed and entered with the Court. Plaintiff, NEWBURGH PARK ASSOCIATES, INC., shall be responsible for all costs and fees associated with the filing of the Correction Deed.

2. Plaintiff NEWBURGH PARK ASSOCIATES, INC. agrees that any plans submitted to the Town of Newburgh for approval or any plans approved by the Town of Newburgh in connection with the parcel identified on the Town Tax Map as Section 89, Block 1,

Lot 80.2 ("LOT #2B") shall not include any retaining wall(s) or other obstruction(s) which may obstruct or block the Access Right of Way ("R.O.W") as indicated on the filed maps recorded on December 21, 2007 in the Town of Newburgh's Clerk's office as Book 2007, Page 9362007 (the "2007 Maps"), which provides a connection between "LOT #2C" and "LOT #2B" and "LOT #2A" (as identified in the 2007 Maps), and crosses over the parcel identified in the 2007 Maps as the "New York City Department of Environmental Protection Parcel 409."

3. Defendant THOMAS D. WEDDELL acknowledges, consents, and agrees that he has no claim of ownership of any legal interest over the two lots identified on the Town Tax Map as Section 89, Block 1, Lot 80.1 and Section 89, Block 1, Lot 80.2, except as identified and provided for in the filed 2007 Maps.

4. The parties agree the road identified as Drury Lane (CR. NO. 54) in the 2007 Maps is now known as New York State Route 747.

5. This Agreement is to be so-ordered by a Justice of the Orange County Supreme Court.

6. Upon entry of this So-Ordered Stipulation with the Court, this action shall be deemed discontinued with prejudice and without costs to either party as against the other.

7. This Agreement, including the exhibits hereto, represents the complete understanding and agreement between the Parties concerning the subject matter hereof.

8. This Agreement may not be modified, altered or changed except in writing and signed by both Parties wherein specific reference is made to this Agreement.

9. The Parties hereto acknowledge and agree that they have not relied on any representations, promises, or agreements of any kind made to him in connection with their

respective decisions to accept this Agreement, except for those set expressly forth therein.

10. The language in all parts of this Agreement shall be construed, in all cases, according to its fair meaning, and not for or against any Party hereto. The Parties acknowledge that each Party and/or its counsel have reviewed and revised this Agreement and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

11. The Parties represent that they have been represented in the signing of this Agreement by independent legal counsel, selected by and of their own free will, and that the Parties have had the opportunity to discuss the provisions hereof with counsel.

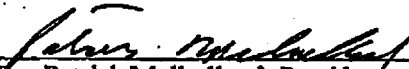
12. Each of the Parties represents and warrants that the person signing this Agreement on its behalf is fully authorized to bind that Party to this Agreement and that such Party has the full right, power and authority to execute and to perform its obligations under this agreement. This Agreement shall be binding on the Parties and their successors, affiliates, holdings, assigns, directors, officers, shareholders, employees, agents and heirs.

13. This agreement may be executed in counterparts and facsimile or digital copies of signatures shall be binding and enforceable as if original.

IN WITNESS HEREOF, the Parties hereby acknowledge that they are knowingly and voluntarily signing this Agreement as of the date(s) set forth below.

Dated: August 27, 2021

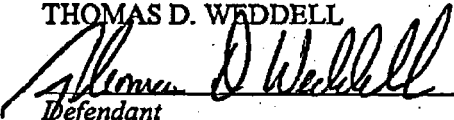
NEWBURGH PARK ASSOCIATES, INC.


By: Patrick Mulholland, President


DRAKE LOEB PLLC,

By: 
MICHAEL MARTENS, ESQ.
Attorneys for Plaintiff
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553
Tel. No.: (845) 561-0550

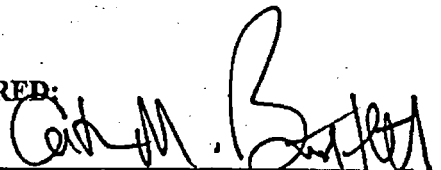
THOMAS D. WEDDELL


Defendant

THE RAICHE LAW FIRM,

By: 
RAYMOND P. RAICHE, ESQ.
Attorneys for Defendant
355 Main Street
Beacon, New York 12508
Tel. No.: (845) 379-0220

SO-ORDERED:


Hon. CATHERINE M. BARTLETT, JSC
JUDGE NY STATE COURT OF CLAIMS
ACTING SUPREME COURT JUSTICE

DATED:
AUGUST 30, 2021

EXHIBIT A

CORRECTION DEED

THIS INDENTURE, made the 27th day of August, 2021
BETWEEN

THOMAS D. WEDDELL, residing at 12 Heritage Lane, Rock Tavern, New York 12575,

party of the first part,

and

THOMAS D. WEDDELL, residing at 12 Heritage Lane, Rock Tavern, New York 12575,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) 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 in the Town of Newburgh, County of Orange, and State of New York, and being more particularly described on Schedule A annexed hereto and made a part hereof.

THIS IS A CORRECTION DEED made to correct the Schedule "A" property description in the deed dated September 17, 2015 made by Newburgh Park Associates, Inc. to Thomas D. Weddell and recorded in the Orange County Clerk's Office on September 18, 2015 in Book 13947 at Page 759, Instrument #20150060409 of the premises described on the Town of Newburgh tax maps as Section 89, Block 1, Lot 80.3.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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


AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the

right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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


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

IN PRESENCE OF:


Thomas D. Weddell

STATE OF NEW YORK :
 Dutchess : ss.
COUNTY OF ORANGE :

On the 24th day of August, 2021, before me, the undersigned, a Notary Public in and for the State, personally appeared THOMAS D. WEDDELL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

NOTARY PUBLIC STATE OF NEW YORK
County of Dutchess
Reg. #02RA6039410
Raymond Peter Reichs
Commission Expires March 27, 2022

MM/10/870984
15704-71470
8/6/21

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

THOMAS D. WEDDELL

to

THOMAS D. WEDDELL

**SECTION: 89
BLOCK: 1
LOT: 80.3
COUNTY OF ORANGE
TOWN OF NEWBURGH**

RECORD & RETURN TO:

SCHEDULE A

ALL that certain lot, place or parcel of land situated in the Town of Newburgh in the County of Orange and State of New York, as further identified as "LOT #2C" in the filed maps recorded on December 21, 2007 in the Town of Newburgh's Clerk's office as Book 2007, Page 936.



**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I KEW LITTLE, being duly sworn, depose and say that I did on or before

January 13, 2022, post and will thereafter maintain at

747 Blvd 89-1-80.1 & 80.2 (was 89-1-19.22) IB Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 21st

day of December, 2022.