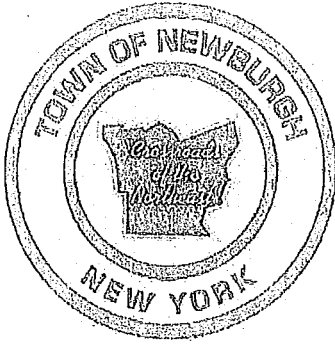


AREA

16015-GSP
Area Variance

1

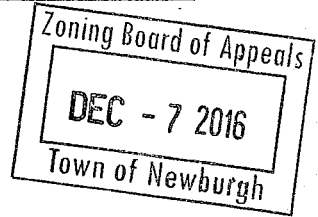


TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION



OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 11/23/16

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

Tron Properties Inc.

I (WE) MICHAEL MERCUR PRESENTLY

RESIDING AT NUMBER 46 PRINCE ST. ROCHESTER, NY 14607

TELEPHONE NUMBER 585-244-7849

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

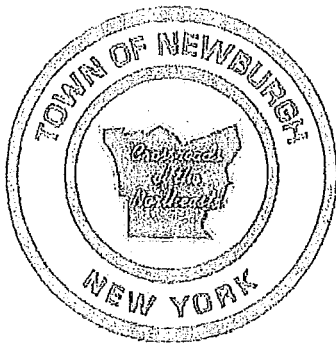
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

R.m. 8-1-97 (TAX MAP DESIGNATION)
Bessie Lane / 53 Old Post Road (STREET ADDRESS)
AR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BULK TABLE - I DISTRICT USE 013
SCENIC GENERAL



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
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: 9/20/16

4. DESCRIPTION OF VARIANCE SOUGHT: LOT 19585, CORNERS
5800ACKS

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

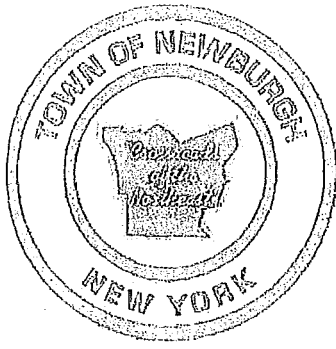
N/A

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

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

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:



TOWN OF NEWBURGH

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

565
31

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

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

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 property is elevated so solar panels, which have a maximum height of 10', will not be visible from roads or residences except for the residence to the East (and only when leaves are off the trees). Solar panels are noiseless.
- 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: NY State incentives for Solar Farms are for up to 2 megawatts (MW) of generating capacity. A 2 MW array fits on 12 acres. It is cost prohibitive to purchase 100 acres for each 2 MW array. The State and electric utilities also strongly incentivize locating Solar Farms close to both substations and areas of significant electric usage, making the property an ideal location for solar.
- C.) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: The project will meet the setbacks for the AR Zone for primary structures up to 35' tall, as the panels don't exceed 10', the requested variances are not 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: Solar panels generate power without producing any pollution, noise and/or any other environmental negative impact.
Positive impacts from the project;
- 1) Generates power for between 600-700 homes.
 - 2) Generates revenue for the Town and School District without requiring any Town services or adding any school children.
 - 3) Generates savings for local Newburgh residents to whom clean energy from the Solar Farm will be available on an exclusive basis for a limited time during customer enrollment.
 - 4) Additional environmental benefits can be found on the following page, which further illustrate the positive impact per year.
- E.) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: The bulk table dimensional requirements are for conventional power plants up to 100' tall, logically due to safety issues, emergency access and environmental impacts; these do not apply to solar arrays. There are no 100 acre plus parcels zone I in the Town of Newburgh, including the Danskammer property, except for the parcel North of Danskammer which has steep terrain and therefore not viable for a solar farm.



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

SOLAR IS \$3,000 FOR THE EQUIPMENT

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

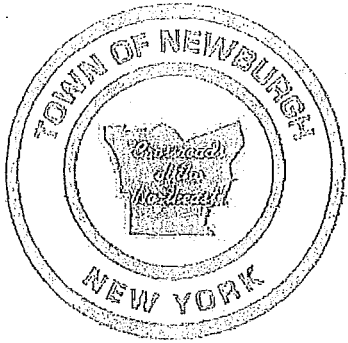
SWORN TO THIS 21st DAY OF November 20, 16

[Handwritten Signature]
NOTARY PUBLIC

JUDY BAYER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6317368
Qualified in Monroe County
My Commission Expires January 05, 2019

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Michael D Mercier, President, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 46 Prince St, Rochester NY 14607
IN THE COUNTY OF Monroe AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF OLD POST ROAD
5/6/L 8-1-97

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED DAVID KANE AND
GREEN STREET SOLAR POWER,
CHARLES T. BROWN, PE, TACCOTT ENGINEERING
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/27/16

[Signature]

OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF Monroe ORANGE:
SWORN TO THIS 27th DAY OF September 2016

JUDY BAYER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6317368
Qualified in Monroe County
My Commission Expires January 05, 2019

[Signature]
NOTARY PUBLIC

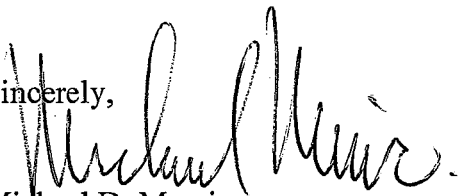
Troon Properties, Inc.
46 Prince Street
Rochester, NY 14607
Phone: 585-244-7849
Fax: 585-256-2836

November 21, 2016

Dear Town of Newburgh,

This letter will certify that I, Michael D. Mercier, hold the position of President at Troon Properties, Inc., a New York Corporation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Mercier". The signature is fluid and cursive, with a large initial "M".

Michael D. Mercier
President, Troon Properties, Inc.

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

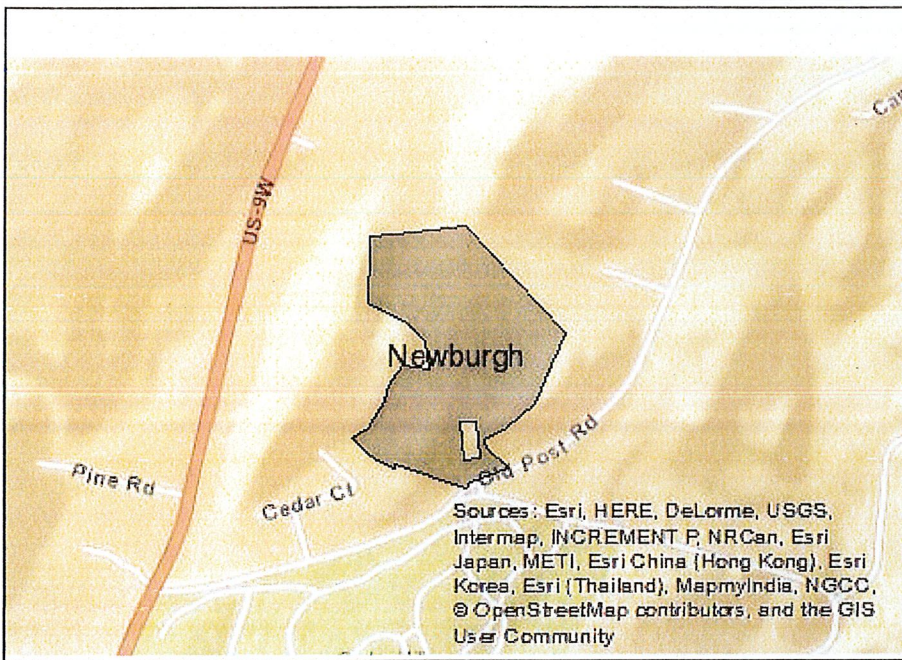
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: GREEN STREET SOLAR		JOB #16015	
Project Location (describe, and attach a location map): OLD POST ROAD ACROSS FROM RIVER ROAD			
Brief Description of Proposed Action: VARIANCES TO PERMIT TWO 2 MW SOLAR FARMS			
Name of Applicant or Sponsor: TROON PROPERTIES, INC.		Telephone: 585-244-7849	
		E-Mail:	
Address: 46 PRINCE STREET			
City/PO: ROCHESTER		State: NY	Zip Code: 14607
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: PLANNING BOARD SITE PLAN APPROVAL			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		28.57 acres	
b. Total acreage to be physically disturbed?		0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		28.57 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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"/>	<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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ NONE REQUIRED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ NONE REQUIRED	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input 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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</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: CHARLES T. BROWN, PE Date: 12-2-2016</p> <p>Signature: </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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part,1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project:

Date:

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

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

16015-GSP
"area"

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 & Vumo, Esqs., Warwick, N.Y.

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

September 20, 2016

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

RE: Green Tree Solar – Use Variance/Subdivision
8-1-97 (Zone AR)
53 Old Post Road (16.15)

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of September 15, 2016. The applicant proposes to subdivide the property in question into two lots and to develop a 2-megawatt solar farm on each of the lots. A solar farm use is not allowed in the AR zoning district where the property is located. The applicant intends to apply to your board for a use variance.

Should you grant a use variance, the planning board refers this matter to you for consideration of granting area variances for each of the lots as follows:

Proposed Lot #1

- Lot area – 100 acres is required and only 17.3 acres will be provided;
- Lot width – 2,000 feet is required and only 280 will be provided;
- Lot Depth – 2,000 feet is required and only 1,532 feet will be provided;
- Front Yard Setback – 400 feet is required and only 129 feet will be provided;
- Rear Yard Setback – 400 feet is required and only 67 feet will be provided;
- Side Yard Setback – 400 feet is required and only 50 feet will be provided;
- Combined Side Yard – 800 feet is required and only 100 feet is provided.

Propose Lot #2

- Lot area – 100 acres is required and only 11.27 acres will be provided;
- Lot width – 2,000 feet is required and only 278 will be provided;
- Lot Depth – 2,000 feet is required and only 1,357 feet will be provided;
- Front Yard Setback – 400 feet is required and only 51 feet will be provided;
- Rear Yard Setback – 400 feet is required and only 60 feet will be provided;
- Side Yard Setback – 400 feet is required and only 50 feet will be provided;
- Combined Side Yard – 800 feet is required and only 100 feet is provided.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", with a large, stylized flourish extending downwards from the end.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Talcott Engineering Design, PLLC

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT

MARK D. STERN, ESQUIRE, REFEREE TO TROON PROPERTIES, INC.

SECTION 8 BLOCK 1 LOT 97



RECORD AND RETURN TO: (name and address)

RANDALL V. COFFILL, ESQUIRE P.O. Box 3158 Port Jervis, NY 12771

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED [checked] MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 4289 MONTGOMERY (TN)
2003 SO. BLOOMING GROVE (VLG)
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) 4600 NEWBURGH (TN)
2800 DEERPARK (TN) 4800 NEW WINDSOR (TN)
3089 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) 5600 WAWAYANDA (TN)
3601 HIGHLAND FALLS (VLG) 5889 WOODBURY (TN)
3889 MINISINK (TN) 5801 HARRIMAN (VLG)
3801 UNIONVILLE (VLG) 5809 WOODBURY (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 4 CROSS REF.

CERT. COPY ADD'L X-REF. MAP# PGS.

PAYMENT TYPE: CHECK [checked] CASH CHARGE NO FEE

Taxable CONSIDERATION \$ 398,944.28 TAX EXEMPT Taxable MORTGAGE AMT. \$

MORTGAGE TAX TYPE:

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

Signature of Donna L. Benson

DONNA L. BENSON ORANGE COUNTY CLERK

Received From Record Search

RECORDED/FILED 07/20/2010/ 11:06:12 DONNA L. BENSON County Clerk ORANGE COUNTY, NY FILE#20100068384 DEED C / BK 13030PG 0605 RECORDING FEES 315.00 TTX# 007118 T TAX 1,596.00 Receipt#1195685 marse

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 July 20, 2010 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Signature of Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY October 7, 2010



Referee's Deed in Foreclosure

THIS DEED, made the 10th day of May, two thousand and ten

BETWEEN

VINCENT F. SCATURRO by

Mark D. Stern, Esq., REFEREE

15 Matthews Street, P.O. Box 1028, Goshen, NY 10924

duly appointed in the action hereinafter mentioned, grantor, and

Troon Properties, Inc.,

46 Prince Street, Rochester, NY 14607, grantee

WITNESSETH, that the grantor, the referee appointed in the action between

Normandy Corporation, plaintiff,

and

Vincent F. Scaturro, Kim Seaboldt. Et al, defendants

foreclosing mortgage recorded on the 3rd day of March, 2006 in the Office of the Clerk of the County of Orange in Liber 12104 pg 1478 of mortgages and further assigned by Assignment of Mortgage recorded on the 27th day of July, 2007 in the office of the Clerk of the County of Orange in Liber 12494 page 1271 in pursuant of a judgment entered at a special term of the Orange County Supreme Court on the 11th day of June, 2009 and in consideration of \$175,000.00 paid by the grantee, being the highest sum bid at the sale under said judgment does hereby grant and convey unto the grantee,

ALL that certain plot, piece or parcel of land situate, lying and being described in


SCHEDULE A Attached

TO HAVE AND TO HOLD the premises here granted unto the grantee, **Troon Properties, Inc.**, and assigns forever,

Referee's Deed

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IN WITNESS WHEREOF, the grantor has hereunto set his hand and seal, the date first above written.



Mark D. Stern, Esq., Referee

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

On the 10th day of May in the year 2010, before me, the undersigned, a Notary Public in and for said state, personally appeared

Mark D. Stern, Esq.

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 and that by his/her/their signature on the instrument the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.



Notary Public - State of New York

ANDREA R. STOUT
Notary Public, State of New York
No. 4965121
Qualified in Orange County 2014
My Commission Expires April 16, 2014

TITLE NO. RCA-813-36533

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 1 & 2 on a certain map entitled, "Scaturro Subdivision", filed in the Office of the Orange County Clerk on 8/8/1990 as Filed Map No. 9992.

EXCEPTING therefrom all that certain plot or parcel of land conveyed to Frank Scaturro (Liber 5224 cp 35, Tax Lot No. 34.1) being more particularly bounded and described as follows:

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

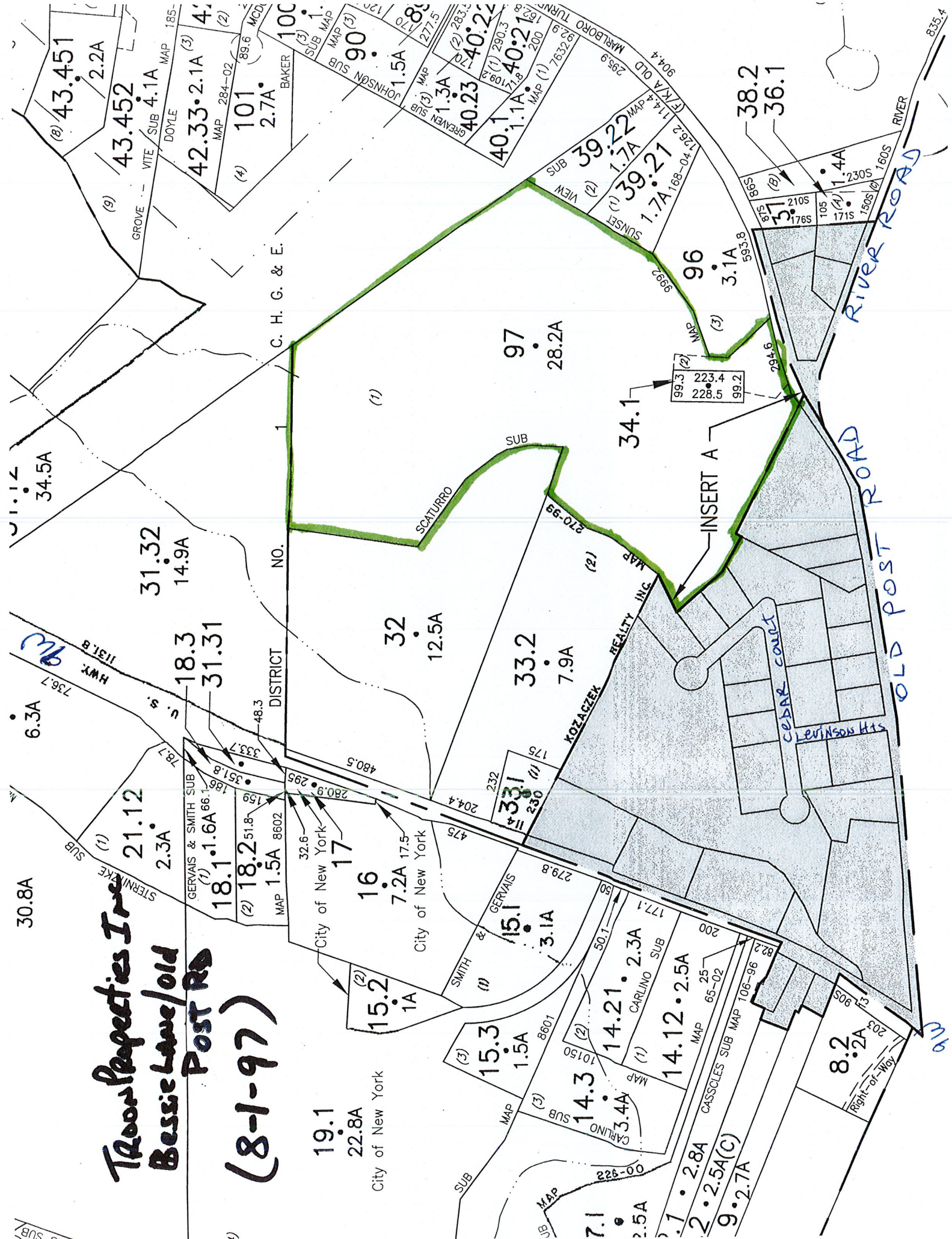
BEGINNING at the southeasterly corner of the premises to be described herein which corner is the following course and distance from the point of intersection of Lot No. 1 and 2, Filed Map No. 9992, with the northeasterly side of Old Post Road; North 71 degrees 19' 08" West 199.24 feet; runnign thence from said point of beginning, South 09 degrees 27' 33" West (South 75 degrees 06' 02" West, deed) 99.22 feet; running thence, North 0 degrees 00' 04" East (North 15 degrees 26' 07" West, deed) 229.49 feet (actual) 228.49 feet (deed); running thence, South 87 degrees 03' 17" East (South 71 degrees 37' 10" East, deed) 99.35 feet; and thence, South 00 degrees 00' 05" West (South 15 degrees 26' 12" West, deed) 223.45 feet to the southeasterly corner of the premises and the point or place of BEGINNING.

For conveyancing only,
to be conveyed

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

Certificate and Report of Title - New York
FORM 2215-5

Taan Properties Inc
Bessie Lane/Old
Post Rd
(8-1-97)



99.3
223.4
228.5
99.2

96
3.1A
593.8

97
28.2A

32
12.5A

33.2
7.9A

33.1
230
175

15.2
1A

15.1
1.5A

14.21
2.3A

14.12
2.5A

8.2
2.2A

34.5A

31.32
14.9A

18.3
31.31

21.12
2.3A

30.8A

18.1
1.6A

18.2
51.8

19.1
22.8A

42.33
2.1A

43.452
2.2A

43.451
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15.3
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14.3
3.4A

9.2.7A

2.2.8A

2.2.5A(C)

7.1
2.5A

9.2.7A

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2.2.5A(C)

2.2.8A

8.2
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