



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").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	Westport Management LLC
Project Name:	L
Location of Project Site:	643 GARDNERTOWN ROAD

Tax Map #:	47-1-70
Tax Map #:	
Tax Map #:	
Local File No.:	P1. BD Ref
Size of Parcel*:	10.3 Acres

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

Reason for County Review:	ON NYS Route 52
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Current Zoning District (include any overlays):	R-1
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Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

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

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

Local Law

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

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

Subdivision      Number of lots proposed: \_\_\_\_\_

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

Special Use Permit

Lot Line Change

Variance      AREA USE (circle one)      FRONT YARD SETBACK

Other

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

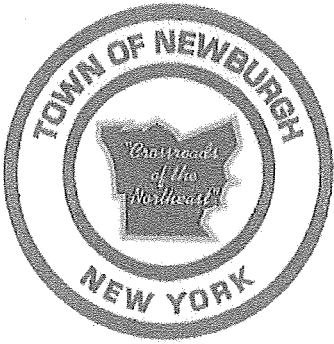
Local board comments or elaboration:

Shane Cardone      7/31/15      Chairperson  
Signature of local official      Date      Zoning Board of Appeals  
Title

Municipal Contact Phone Number: 845-566-4901

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

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@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: 7/31/15

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

I (WE) WESTPORT MANAGEMENT, LLC PRESENTLY  
RESIDING AT NUMBER 33 SOUTH PLANK ROAD NEWBURGH, NY 12550  
TELEPHONE NUMBER 845-569-0377

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:

47-1-70 (TAX MAP DESIGNATION)  
643 GARDNERTOWN ROAD (STREET ADDRESS)  
R-1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

§ 185-11, ATTACHMENT 7



# 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: JUNE 22, 2015

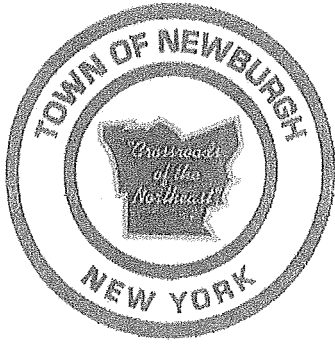
4. DESCRIPTION OF VARIANCE SOUGHT: AREA VARIANCE  
FOR FRONT SETBACK TO EXISTING DWELLING

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

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

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

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:  
N/A
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
N/A



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

N/A

6. IF AN AREA VARIANCE IS REQUESTED:

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

THE FRONT YARD SETBACK IS TO AN EXISTING HOUSE.  
NO ADDITIONS OR ALTERATIONS ARE PROPOSED.

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:

THE HOUSE IS EXISTING.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

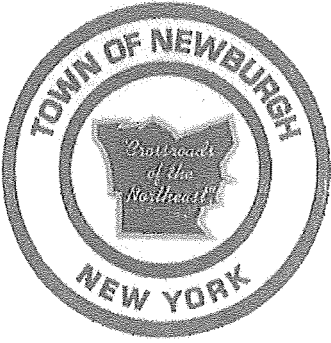
NO ADDITIONS ARE BEING PROPOSED, THE HOUSE IS EXISTING.

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

THE FRONT YARD SETBACK IS TO AN EXISTING HOUSE

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

THE HOUSE IS EXISTING



# TOWN OF NEWBURGH

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

7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PETITIONER (S) SIGNATURE  
*(HARRY LIPSTEIN - MEMBER)*

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25<sup>th</sup> DAY OF June 20 15

NOTARY PUBLIC  
**GERYL T VITAGLIANO**  
Notary Public, State of New York  
No. 01VI5065373  
Qualified in Orange County  
Commission Expires September 3rd, 2018

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

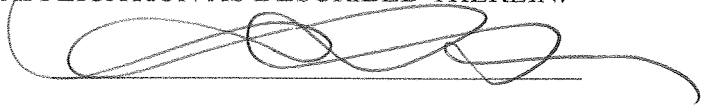
*Crossroads of the Northeast*

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

## PROXY

(HARRY LIPSTEIN - MEMBER)  
WESTPORT MANAGEMENT, LLC, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 33 SOUTH PLANK ROAD NEWBURGH, NY 12550  
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF TAX PARCEL 47-1-70,  
643 GARDNERTOWN ROAD

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED MERCURIO-NORTON-TAROLLI-MARSHALL  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN. (MNTM)

DATED: 6/25/15 

OWNER'S SIGNATURE

Cynthia Paris

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25<sup>th</sup> DAY OF June 20 15

  
NOTARY PUBLIC

GERYL T VITAGLIANO  
Notary Public, State of New York  
No. 01VI5065373  
Qualified in Orange County  
Commission Expires September 3rd, 2018

# Short Environmental Assessment Form

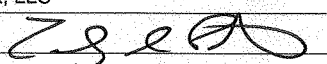
## Part 1 - Project Information

### 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: Westport Management Subdivision			
Project Location (describe, and attach a location map): Gardnertown Road, Town of Newburgh, Orange County			
Brief Description of Proposed Action: Proposed 4-lot single-family residential subdivision, containing one existing dwelling			
Name of Applicant or Sponsor: Westport Management, LLC		Telephone: 845-569-0377	
		E-Mail: lipstein1@gmail.com	
Address: 33 South Plank Road			
City/PO: Newburgh		State: NY	Zip Code: 12550
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"/> YES <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: Driveway waivers - Town of Newburgh Town Board; Area Variance for existing dwelling - Town of Newburgh Zoning Board of Appeals			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		10.324 acres	
b. Total acreage to be physically disturbed?		2.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		10.324 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 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			

<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><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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>Westport Management, LLC</u> Date: <u>July 2, 2015</u></p> <p>Signature: <u>Zachary A. Peters (Project Engineer)</u> </p>		



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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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)

**PRINT FORM**

***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@dddblaw.com*  
**Fax (845) 294-6553**  
*(Not for Service of Process)*

June 22, 2015

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

RE: Westport Management Subdivision  
47-1-70 (Zone R-1)  
Gardnertown Road (15.12)

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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 June 18, 2015. The applicant proposes a four-lot subdivision. One of the proposed lots (Lot #1) has an existing single family dwelling which does not meet the required front yard setback. That noncompliance will continue to exist upon subdivision. Therefore the planning board is referring this matter to you for consideration of a variance permitting a front yard setback of two feet where 50 feet is required.

Additionally, proposed lot #2 contains a barn which will be located in the front yard, a prohibited location for this structure. The barn exceeds the maximum height allowed for accessory structures and is located less than 10 feet from the property line. Therefore the planning board is also referring this matter to you for consideration of area variances for proposed lot #2 for the accessory structure in a front yard, height and setback from the property line.

The planning board has no particular matters to bring to your attention. Your review of this matter appears to be a Type II Action under the New York State Environmental

Quality Review Act.

Very truly yours,

A handwritten signature in cursive script that reads "Michael H. Donnelly". The signature is written in black ink and is positioned above the printed name.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Mercurio, Norton, Tarolli and Marshall, Engineering and Land Surveying

Alphonse Mercurio, L.S.  
William G. Norton, L.S. (NY & PA)

Lawrence J. Marshall, P.E.  
John Tarolli, P.E., L.S.

Zachary A. Peters, P.E.  
Kenneth W. Vriesema, L.S.

## Project Narrative

For

### Westport Management Subdivision

Gardnertown Road  
Town of Newburgh  
Orange County, New York  
**Town of Newburgh Project #2015-12**

*Prepared for:*

Westport Management, LLC  
33 S. Plank Road  
Newburgh, NY 12550

*Prepared by:*

Mercurio-Norton-Tarolli-Marshall, P.C.  
P. O. Box 166  
45 Main Street  
Pine Bush, NY 12566  
(845) 744-3620



Lawrence Marshall, P.E.

*Prepared:*

May 28, 2014

*Last Revised:*

June 30, 2014

Project Narrative for  
Westport Management Subdivision

A. Description of Project Site

The Westport Management Subdivision is a proposed four (4) lot residential subdivision. The project involves the creation of three (3) single-family dwelling lots and one (1) existing single-family dwelling. The project is located on the northeasterly side of Gardnertown road in the town of Newburgh, County of Orange, State of New York. The site is designated as tax map parcel: Section 47, Block 1 Lot 70. The project site contains a total of 10.324 Acres located in the R-1 zoning district.

B. Description of the Project

Lot 1, containing the existing single-family dwelling and barn, has an area of 40,821 square feet on the northerly side of Gardnertown road, greater than the 40,000 square foot minimum required lot size. The single-family dwelling is served by an individual well and sewage disposal system which will remain. In addition to the 40,821 square foot area, it is proposed that the 3.383 acres on the southerly side of Gardnertown Road be hooked to Lot 1. This area is unbuildable under current Town of Newburgh and New York State Department of Health regulations. Lots 2, 3, and 4 are proposed single-family residential lots with areas of 121,611 square feet, 55,938 square feet, and 52,065 square feet, respectively. All three lots are larger than the 40,000 square foot minimum lot size required for single-family residential lots. All three lots will meet the required zoning setbacks.

The sizes of the buildable area within the setback are: Lot 1 – 11,491 square feet, Lot 2 – 35,852 square feet, Lot 3 – 20,391 square feet, Lot 4 – 15,394 square feet. The buildable areas for all lots exceed the minimum area required for single-family dwellings.

C. Description of Proposed Improvements

The site is currently accessed by two gravel driveways serving the existing house (easterly drive) and barn (westerly drive). The westerly driveway will serve Lot 2 as a private driveway. Based upon comments made by the Town of Newburgh Planning Board at the June 18, 2015 meeting, the easterly driveway serving the existing dwelling on Lot 1 will be abandoned. Access to Lot 1 will be provided at the proposed common driveway serving Lots 3 & 4. The common driveway is located approximately 50 feet north of the existing easterly driveway. The proposed improvements will result in an increase in the sight distance from the existing easterly driveway.

D. Stormwater Management

The total proposed area of disturbance is approximately 2.3 acres. Erosion and sediment control measures will be installed during construction to prevent the transportation of sediment off-site. Silt fencing will be installed below disturbed areas and stabilized construction entrances will be installed at each of the proposed driveway entrances. Erosion and sediment control measures will be maintained at all times during construction.

Project Narrative for  
Westport Management Subdivision

E. Access

The existing house and barn on the project parcel are currently served by two (2) driveways accessing Gardnertown Road. The two (2) existing driveways do not meet the minimum required sight distance of 300 feet specified in §161-38.C of the Town Code in the easterly direction. Sight distance in the westerly direction for both driveways exceeds the required 300 feet.

The project site contains approximately 300 feet of frontage along Gardnertown Road to the east of the existing dwelling; however, this area is not accessible due to the steep bank along the edge of the road. A proposed entrance is not feasible at this location without extensive grading both along the roadway and into the project site.

Lot 2 will be served by a proposed driveway located at the location of the existing driveway on the north edge of the property. This driveway currently serves the existing barn, which will be removed. At the request of the Planning Board, the driveway serving the existing dwelling on Lot 1 will be abandoned. Lots 1, 3, & 4 will be served by a proposed common driveway located between the two existing driveways on the project site. The proposed common driveway is located approximately 50 feet northwest of the existing driveway serving the dwelling on Lot 1. The proposed driveways have been located to optimize the sight distance and minimize the amount of grading necessary along Gardnertown Road.

While the easterly site distances for the proposed driveways do not meet the 300' minimum, they are an improvement over the existing conditions. In accordance with §161-38.C of the Town Code, a waiver is being requested from the Town of Newburgh Town Board to allow the driveways under the very low traffic volume conditions on Gardnertown Road.

As requested by the Town of Newburgh Planning Board, a waiver is also being requested for a common driveway serving three (3) dwelling units (Lots 1, 3, & 4). The maximum permitted number of serviceable dwelling units on a common driveway is two (2), as prescribed in §161-4 of the Town Code.

F. Zoning

Lot 1 has a front yard setback of approximately two (2) feet to the existing single-family dwelling. The minimum required front setback in the R-1 Zone is 50 feet. The existing parcel contains land on the north and south side of Gardnertown Road and includes ownership of the roadbed. Gardnertown Road is a user road through this parcel. As part of this subdivision, a dedication of Gardnertown Road to the Town of Newburgh is being proposed. The dedication of the roadway results in the insufficient front yard setback for the existing home on Lot 1.



ORANGE COUNTY - STATE OF NEW YORK  
ANN G. RABBITT, COUNTY CLERK  
255 MAIN STREET  
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



BOOK/PAGE: 13846 / 88  
INSTRUMENT #: 20150006595  
Receipt#: 1879065  
Clerk: NPE  
Rec Date: 02/04/2015 12:55:19 PM  
Doc Grp: D  
Descrip: DEED R  
Num Pgs: 7  
Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: ZOECO INC  
Party2: WESTPORT MGMT LLC  
Town: NEWBURGH (TN)

Recording:	
Recording Fee	55.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
Sub Total:	205.00
Transfer Tax	
Transfer Tax - State	780.00
Sub Total:	780.00
Total:	985.00
**** NOTICE: THIS IS NOT A BILL ****	

***** Transfer Tax *****	
Transfer Tax #: 4029	
Transfer Tax	
Consideration: 195000.00	
Transfer Tax - State	780.00
Total:	780.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

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 02/04/15 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY June 26, 2015

Ann G. Rabbitt  
Orange County Clerk

Record and Return To:

GARY A. GALATI  
263 ROUTE 17K SUITE 1003  
NEWBURGH, NY 12550



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

*THIS INDENTURE*, made the 22<sup>nd</sup> day of December, 2014,

*BETWEEN ZOECO, INC.*, a domestic corporation having an address, of 1279 Route 300, Newburgh, New York 12551,

party of the first part, and

*WESTPORT MANAGEMENT, LLC*, a domestic Limited Liability Company having an address of 33 South Plank Road, Newburgh, New York 12550,

party of the second part;

*WITNESSETH*, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, paid by the party of the second part, and other good and valuable consideration, 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 vacant land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly described in Schedule A attached hereto;

*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, 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.

This conveyance has been authorized by the unanimous written consent of the shareholders of the grantor.

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

**Section: 47**  
**Block: 1**  
**Lot: 70**

Section: 47  
Block: 1  
Lot: 70

45 Main Street • P.O. Box 166  
Pine Bush, New York 12566  
Tel: (845) 744-3620  
Fax: (845) 744-3805  
Email: mnt-pc@mnt-pc.com

**Mercurio-Norton-Tarolli-Marshall**  
**ENGINEERING - LAND SURVEYING**

Alphonse Mercurio, L.S.  
William G. Norton, L.S. (NY & PA)

John Tarolli, P.E., L.S.

Lawrence J. Marshall, P.E.  
Kenneth W. Vriesema, L.S.

Schedule A

January 19, 2015

**DEED DESCRIPTION**

**LANDS OF ZOECO, INC.**  
**10.324 ACRES**

ALL THAT LAND, situate in the Town of Newburgh, County of Orange, State of New York, bound and described as follows:

BEGINNING on the northeast side of New York State Route 52, at the southeast corner of the herein described parcel, and being the southwest corner of lands of Daniel Brian Curry and Sondra Rider Curry, Deed Reference Liber 2287, Page 1032;

THENCE from said point of beginning, and along the northeast side of New York State Route 52, the following courses and distances:

- 1) North Forty-Four Degrees, Fifty-Five Minutes, Four Seconds West, One Hundred Eighty-Seven and Thirty-Four Hundredths Feet (N 44°55'04" W 187.34'),
- 2) North Forty-Seven Degrees, Fifty-Five Minutes, Fifty Seconds West, Three Hundred Seventy-Seven and Fifty-One Hundredths Feet (N 47°55'50" W 377.51'),
- 3) North Fifty Degrees, Thirty-Four Minutes, Fifteen Seconds West, Ninety-Eight and Seventy-Four Hundredths Feet (N 50°34'15" W 98.74'),
- 4) North Fifty-Four Degrees, Two Minutes, Fourteen Seconds West, Twenty-One and Twenty-Eight Hundredths Feet (N 54°02'14" W 21.28'), and
- 5) North Fifty-Six Degrees, Thirty-One Minutes, Thirty-Seven Seconds West, Thirty-Two and Fourteen Hundredths Feet (N 56°31'37" W 32.14');

THENCE leaving said road, and along the lands of Gordon Weiss, Deed Reference Liber 4599, Page 303, and along the center of a stonewall for the latter part of the course, North Forty-One Degrees, Forty-Five Minutes, Thirty-Two Seconds East, One Hundred Seventy-Seven and Fifty-Three Hundredths Feet (N 41°45'32" E 177.53');

THENCE continuing along said lands, and along the lands of Gordon Weiss, et al, Deed Reference Liber 4568, Page 62, and along the center of a stonewall for the beginning of the course, North Forty-Seven Degrees, Twenty-Three Minutes, Forty-Three Seconds East, One Hundred Twelve and Eighty Hundredths Feet (N 47°23'43" E 112.80') to the southwest side of Gardnertown Road;

THENCE crossing said road, North Forty-Eight Degrees, Forty-Nine Minutes, Five Seconds East, Fifty and Sixty-Seven Hundredths feet ( N 48°49'05" E 50.67') to a point in a stonewall;

THENCE along the lands of Peter & Linda K. Curiale, Deed Reference Liber 4656, Page 32, being lot 3 as shown on filed map number 111-97, and generally along the center of stonewalls, the following courses and distances:

- 1) North Forty-Eight Degrees, Forty-Nine Minutes, Five Seconds East, Sixty-Seven and Seven Hundredths Feet (N 48°49'05" E 67.07') to a stonewall corner,
- 2) South Thirty-Nine Degrees, Twenty-Four Minutes, Thirty-Two Seconds East, Sixteen and Twenty Hundredths Feet (S 39°24'32" E 16.20') to a stonewall corner,
- 3) North Sixty-One Degrees, Thirty-Seven Minutes, Twenty-One Seconds East, Fifteen and Fifty-Seven Hundredths Feet (N 61°37'21" E 15.57') to an angle point in a stonewall,
- 4) North Thirty-Eight Degrees, Two Minutes, Five Seconds East, One Hundred Twenty-One and Fifty-Three Hundredths Feet (N 38°02'05" E 121.53') to an angle point in a stonewall,
- 5) North Forty-Four Degrees, Nine Minutes, Thirty-Seven Seconds East, Forty-Six and Zero Hundredths Feet (N 44°09'37" E 46.00') to a stonewall corner,
- 6) South Fifty-Seven Degrees, Eighteen Minutes, Twenty Seconds East, Two Hundred Nine and Eighty Hundredths Feet (S 57°18'20" E 209.80') to a stonewall corner, and
- 7) North Seventeen Degrees, Eighteen Minutes, Eleven Seconds East, One Hundred Eighty-Five and Ninety-Three Hundredths Feet (N 17°18'11" E 185.93') to a point in a stonewall;

THENCE along the lands of Robert & Suzane Barr, Deed Reference Liber 4598, Page 254, being lot 2 as shown on filed map number 111-97, North Fifteen Degrees, Fifty Minutes, Fourteen Seconds East, Seventy-Four and Ninety-Five Hundredths Feet (N 15°50'14" E 74.95') to a stonewall corner;

THENCE along the lands of Kerriann Guneratne, Deed Reference Liber 11440, Page 1234, and along the center of a stonewall, South Seventy-One Degrees, Fifty-One Minutes, Twenty-Three Seconds East, Three Hundred and Thirty-Nine Hundredths Feet (S 71°51'23" E 300.39') to a stonewall intersection, being South Twenty-Three Degrees, Fifteen Minutes, Fifty-Five Seconds West, One Hundred Thirty-Three and Sixty-Six Hundredths Feet (S 23°15'55" W 133.66') from a found 5/8" iron rod, 10" above grade, in the center of a stonewall;

THENCE along the lands of Miguel A. Rosario, Deed Reference Liber 12744, Page 239, being lot 4 as shown on filed map number 31-04, South Twenty-Three Degrees, Fifteen Minutes, Fifty-Five Seconds West, Twenty-Six and Seventy-Five Hundredths Feet (S 23°15'55" W 26.75') to a found 5/8" iron rod, 3" above grade, in the center of a stonewall;

THENCE along the lands of Lane De Muro, Deed Reference Liber 12232, Page 1094, being lot 5 as shown on filed map number 31-04, and along the center of a stonewall, the following courses and distance:

- 1) South Twenty-Three Degrees, Fifteen Minutes, Fifty-Five Seconds West, Four and Four Hundredths Feet (S 23°15'55" W 4.04') to a stonewall intersection,
- 2) South Twenty-Six Degrees, Twenty-Four Minutes, Nineteen Seconds West, One Hundred Fifty-Three and Fifteen Hundredths Feet (S 26°24'19" W 153.15'),
- 3) South Twenty-Five Degrees, Forty-Three Minutes, Thirty-Seven Seconds West, Ninety-Seven and Seventy-Five Hundredths Feet (S 25°43'37" W 97.75') to a stonewall intersection, and
- 4) South Twenty-One Degrees, Zero Minutes, Twenty-Eight Seconds West, Sixty-Nine and Forty-One Hundredths Feet (S 21°00'28" W 69.41')

THENCE along the lands of Raymond & Gisela Lachance, Deed Reference Liber 2483, Page 98, Parcel 1, and generally along the center of a stonewall, South Twenty-Four Degrees, Twenty-Four Minutes, Thirty-One Seconds West, Three Hundred Ninety and Sixty-Seven Hundredths Feet (S 24°24'31" W 390.67') to the northeast side of Gardnertown Road;

THENCE crossing said road, South Twenty-Four Degrees, Twenty-Four Minutes, Thirty-One Seconds West, Fifty and Forty-Five Hundredths Feet (S 24°24'31" W 50.45');

THENCE along the lands of Daniel Brian Curry & Sondra Riker Curry, Deed Reference Liber 2287, Page 1032, South Twenty-Four Degrees, Twenty-Four Minutes, Thirty-One Seconds West (S 24°24'31" W), passing through a found 1-1/4" o.d. iron pipe, 39" above grade, in a stonewall corner, at Two Hundred Twenty and Ninety-Four Hundredths Feet (220.94') along the way, and continuing for a total distance of Two Hundred Thirty-One and Ninety-Four Hundredths Feet (231.94') to the point of beginning.

CONTAINING 10.324 acres of land as surveyed by Mercurio-Norton-Tarolli-Marshall, Land Surveying-Engineering, P.C., 45 Main Street, Pine Bush, NY 12566. Bearings refer to magnetic north of December 2014.

SUBJECT to that portion of land within the bounds of Gardnertown Road and New York State Route 52 to be used as public roads.

SUBJECT to utility easements, grants or rights-of-way of record, if any.

INTENDED to be the same premises conveyed to Zoeco, Inc. in a deed filed in the Orange County Clerk's Office in Liber 11696 of Deeds, Page 1692.

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

ZOECO, INC

By:

  
Howard S. Finkelstein, President

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

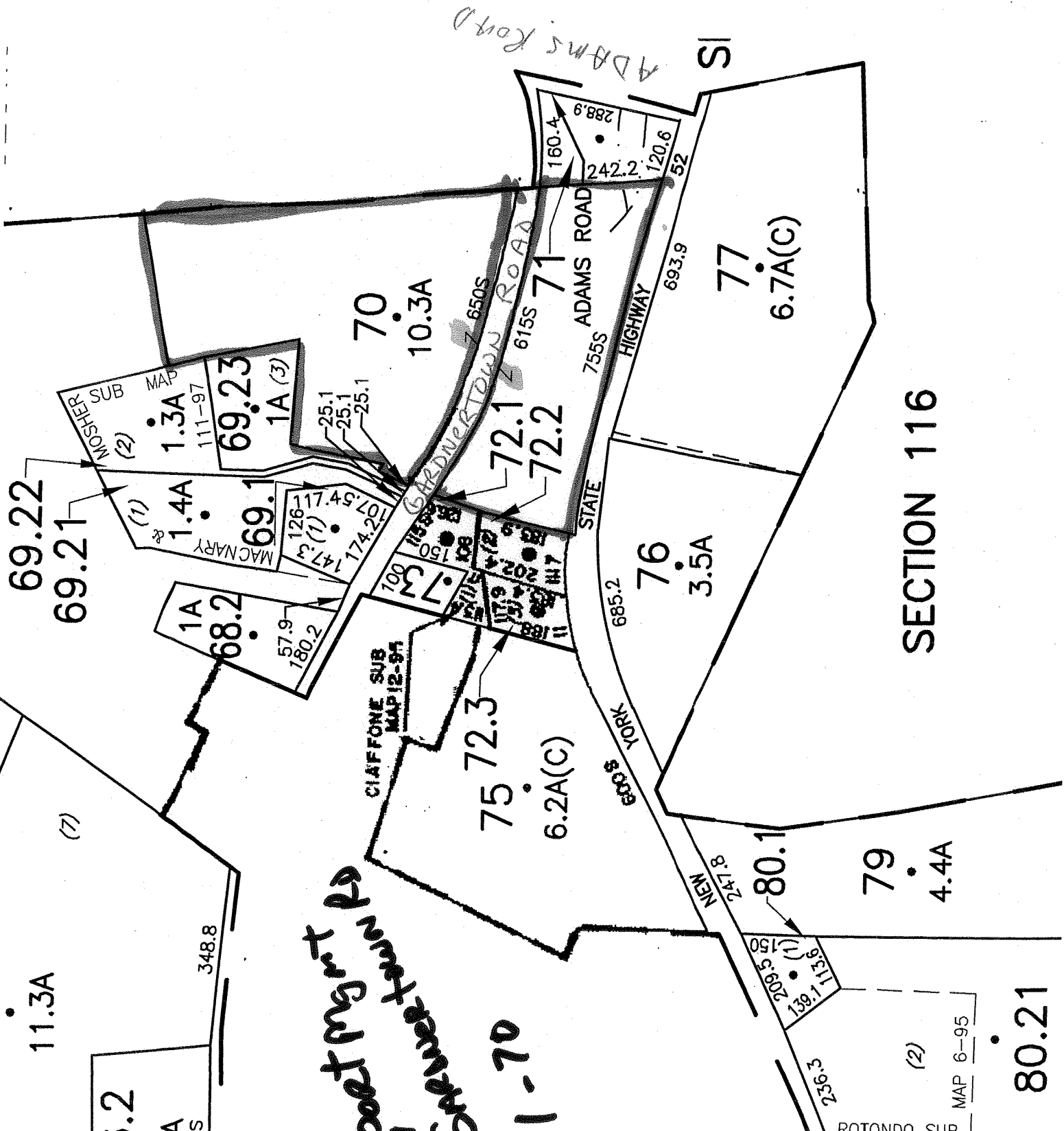
On the 5<sup>th</sup> day of November in the year 2014, before me, the undersigned, personally appeared ~~ZOECO, INC.~~, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. *\* Howard S. Finkelstein \**



(signature and office of individual taking acknowledgment)

REBECCA SHAW  
Notary Public, State of New York  
No. 01SH6107401  
Qualified in Ulster County  
Commission Expires March 29, 20 16

Record: Return:  
Law office of Gary A. Galati  
263 Route 17K  
Newburgh, N.Y. 12550



SECTION 116

Westport Mgmt P's  
 643 Government Town P's  
 (47-1-70)

MAP 6-95

80.21