	Orange County Department of Pla	nning Reterral ID#:
AN ANTAL	Submittal Form for Mandatory Review of Local P	lanning Action
	as per NYS General Municipal Law §239- I his form is to be completed by the local board having jurisdiction.	
A COMPANY OF	accepted unless coordinated with both the local board having junisdiction. Planning	liction and the County Department of
Steven M. Neuhaus	Please include all materials that are part of a "full statement" as de	ined by NYS GML §239-m (i.e. "all
County Executive	materials required by and submitted to the referring body as an app	lication on a proposed action").
Municipality:	Town of Newburgh	Тах Мар #: 197-3-1, 2
Local Referring Board:	Zoning Board of Appeals	Tax Map #: <u>97-3-6,7,8</u>
Applicant:	The City of Newburgh	Tax Map #: 97-3-26
Project Name:	CRYSTAL RUN MEDICALCENTER	Local File No.:
Location of Project Site	1200-1210 Rt 300 167 Little BRithin RD	Size of Parcel*:
Reason for County (44)	AKA 1000-1006 UNION AJEASE	*If more than one parcel, please include sum of all parcels.
Review: Route30	0-Borbers City of Newburgh	Current Zoning
Little BRITAIN PD	> Town of New WINDSOR	any overlays):
Type of Review:	Plan Update/Adoption	
□ Zoning Amendme	ent	
	Zoning District Change from to	
□ Local Law	Ordinance Modification (cite section):	
	Sq. feet proposed (non-residential only):	· · · · · · · · · · · · · · · · · · ·
		ETCH / PRELIM / FINAL (circle one)
Subdivision	Number of lots proposed:	
Special Use Perm	Which approval is the applicant currently seeking? SK	ETCH / PRELIM / FINAL (circle one)
Lot Line Change		· · · · · · · · · · · · · · · · · · ·
Variance	AREA / USE (circle one) Townorth	leuloypegh.s
DOther (Appeal of Clearing & BRAD	inspermit 14-0084
Local board comments	eviously submitted referral? YES / NO (circle one)	
or elaboration:		
\overline{n}		
- Colle		Chairperson ning Board of Appeals
	of local official Date	Title
Signature		-
Signature Municipal Contact Phon	e Number: 845-566-4901	

BURKE, MIELE & GOLDEN, LLP

40 MATTHEWS STREET SUITE 209 POST OFFICE BOX 216 GOSHEN, N.Y. 10924 (845) 294-4080

FAX (845) 294-7673

March 17, 2014

Zoning Board of Appeals Town of Newburgh 308 Gardnertown Road Newburgh, New York 12550 Zoning Board of Appeals MAR 1 7 2014 Town of Newburgh

Re: Appeal of Approval and Issuance of Clearing and Grading Permit CRH Realty VIII, LLC

Dear Chairperson and Board Members:

The following is a statement of the position of the City of Newburgh, the owner of the property immediately adjacent to the properties involved in the application of CRH Realty VIII, LLC, which received approval by the Planning Board for a clearing and grading permit.¹ The immediate genesis of this timely appeal by the City of Newburgh to the Zoning Board of Appeals is the January 16, 2014 determination of the Planning Board approving a clearing and grading permit for the Crystal Run Medical Office building project, and the determination to issue the subsequent permit by the Town Building Inspector.² The appeal requested in this application (as distinguished from the underlying development of the property) is an Unlisted action under the State Environmental Quality Review Act ("SEQRA"). It will have no adverse environmental impact, and a Negative Declaration by this Board is appropriate.

The project, Crystal Run Medical Office Building, was typed as an Unlisted action by the Planning Board, and on November 21, 2013, the Planning Board concluded

PATRICK T. BURKE ROBERT M. MIELE * RICHARD B. GOLDEN MICHAEL K. BURKE

KELLY M. NAUGHTON ** ENNIFER S. ECHEVARRIA *** PHYLLIS A. INGRAM **** ASHLEY N. TORRE *

JOSEPH P. MCGLINN (1941-2000)

* ADMITTED IN NEW YORK & NEW JERSEY ** ADMITTED IN NEW YORK & MASSACHUSETTS ***ADMITTED IN NEW YORK, NEW JERSEY & CONNECTICUT **** ADMITTED IN NEW YORK & CONNECTICUT

ROCKLAND COUNTY OFFICE:

499 ROUTE 304

NEW CITY NY 10956

PLEASE REPLY TO

GOSHEN OFFICE

¹ This statement of position is a supplement to the APPLICATION TO THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH (Exhibit "A").

² The application for which was made by CRH Realty VIII, LLC.

that the project would not result in any significant adverse environmental impacts, and issued a Negative Declaration. At the time the Planning Board issued its Negative Declaration, a consultant for the Planning Board stated that he did not

"envision any significant environmental impacts that can't be overcome during the technical review of the project. We're going to look for supporting documentation. The Site has been through various environmental reviews before and we feel comfortable with the negative dec to keep the project moving along with the supporting documentation to follow and the various reports we're anticipating."³

Indeed, the Planning Board initially attempted to only issue a Negative Declaration for the lot line adjustment portion of the application, but was instructed by its attorney that the SEQRA determination needed to be for all aspects of the project's application, including site plan, subdivision, lot line adjustment and the clearing and grading permit.⁴ One Planning Board member noted for the record that the Negative Declaration was based "on the previous studies we've done on the same properties over the past year."⁵

The Crystal Run Medical Office building application involves the properties identified on the Town's tax maps as Section 97, Block 3, Lots 1, 2, 6, 7, 8, and 26, having frontage on Route 300 and Little Britain Road. The City of Newburgh owns the property immediately adjacent to these properties known as Washington Lake, and is shown on the Town's tax map as Section 97, Block 3, Lot 10. Washington Lake is a primary water source for the residents of the City of Newburgh. The failure to adequately study the environmental impacts that this project could have on Washington Lake, and the dramatic concomitant repercussions for all of the residents of the City, requires a reversal of the issuance of the permit.

The City of Newburgh hereby appeals the determinations of the Planning Board and Building Inspector to approve and issue the clearing and grading permit as arbitrary and capricious, as the Planning Board and Building Inspector based their determinations upon unidentified studies that were not presently before either the Building Inspector or the Planning Board.

³ Town of Newburgh Planning Board minutes, November 21, 2013, at p. 11, Lines 14-23, P. Hines.

⁴ *Id.*, at p. 19, Lines 2-3.

⁵ Id., at p. 19, Line 25-p. 20, Lines 2-4.

The City of Newburgh respectfully requests that the Zoning Board of Appeals overturn the Planning Board's determination, and the determination to issue, and issuance of, Clearing and Grading Permit No. 14-0084 by the Building Inspector in connection therewith, and remand this matter to the Planning Board to properly consider the impact of the permitted work on Washington Lake.

Respectfully Submitted,

RICHARD B. GOLDEN

cc: Michelle Kelson, Esq.

APPLICATION TO THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH

DATED: March 14, 2014

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

The City of Newburgh,

PRESENTLY RESIDING AT NUMBER 83 Broadway, Newburgh, New York, represented by Richard B. Golden, Esq, of Burke, Miele & Golden, LLP, P.O. Box 216, 40 Matthews St., Suite 209, Goshen, New York, 10924.

TELEPHONE NUMBER of attorney Richard B. Golden: 845-294-4080

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

_ A USE VARIANCE

AN AREA VARIANCE

INTERPRETATION OF THE ORDINANCE

_____ ACCESSORY APARTMENT

X OTHER (REVERSAL OF DETERMINATION OF GERALD CANFIELD, INVOLVING THE CRH REALTY VIII, LLC APPLICATION (INVOLVING SECTION 97, BLOCK 3, LOTS 1, 2, 6, 7, 8, AND 26 IN THE TOWN OF NEWBURGH), TO ISSUE A CLEARING AND GRADING PERMIT BASED UPON THE PLANNING BOARD'S RESOLUTION, WHICH DID NOT ADEQUATELY CONSIDER THE ENVIRONMENTAL IMPACTS OF CLEARING AND GRADING 8.58 ACRES. (SEE TOWN CODE §§ 83-6; 83-10.))APPELLANT CITY OF NEWBURGH HAS STANDING TO FILE THIS APPEAL AS IT IS AN AGGRIEVED PERSON IN ACCORDANCE WITH N.Y. TOWN LAW § 267-A(4) AND TOWN CODE § 185-55, OWING TO THE CLOSE PROXIMITY OF WASHINGTON LAKE, THE CITY'S PRIMARY WATER SOURCE FOR ITS RESIDENTS.

1. LOCATION OF THE PROPERTY:

SECTION 97, BLOCK 3, LOTS 1, 2, 6, 7, 8, and 26 (TAX MAP DESIGNATION)

1200-1210 Route 300 and 167 Old Little Britain Road, Newburgh, New York 12550 (STREET ADDRESS)

Presently Designated by the Town as "IB" (ZONING DISTRICT)

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

Town Code §§ 83-6, 83-10, 83-11, 83-13, 185-55.

- 3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:
 - a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: N/A
 - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: ____N/A____
- 4. DESCRIPTION OF VARIANCE SOUGHT: _____N/A_____
- 5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:
 - a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE: _____N/A_____

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

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE: ____ N/A ___
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE: ____ N/A ____
- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: N/A
- 6. IF AN AREA VARIANCE IS REQUESTED:

- 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: N/A
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: _____N/A ____
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: ____N/A ____
- e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: N/A
- 7. ADDITIONAL REASONS (IF PERTINENT): None presently, but reserve right to supplement this application during appeal.

City of Newburgh, New York,

By Proxy:

Richard B. Golden, Esq. PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 17th DAY OF March 2014

KELLY M. NAUGHTON Notary Public, State of New York Qualified in Albany County No. 01NA6115357 Commission Expires September 7, 2016

NOTAR

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.

ZONING BOARD OF APPEALS TOWN OF NEWBURGH

<u>PROXY</u>

MICHELLE KELSON. DEPOSES AND SAYS THAT SHE RESIDES AT 18 BRONNER ROAD Y 12721 IN THE COUNTY OF SULLIVAN AND BLOOMINGBR STATE OF NEW YOUL AND THAT SHE IS CORPORATION COUNSEL FOR THE CITY OF NEWBURGH, WHICH IS AN AGGRIEVED PERSON UNDER THE TOWN OF NEWBURGH CODE AS THE OWNER OF SECTION 97, BLOCK 3, LOT 10, WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND IS APPEALING THE ISSUANCE OF THE CLEARING AND GRADING PERMIT NO. 14-0084 RELATED TO THE PROPERTIES LOCATED AT 1200-1210 ROUTE 300 AND 167 OLD LITTLE BRITAIN ROAD (TOWN TAX MAP SECTION 97, BLOCK 3, LOTS 1, 2, 6, 7, 8, AND 26), AND THAT SHE HAS AUTHORIZED RICHARD B. GOLDEN, ESQ. TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: MARCH 134

OWNER'S SIGNATURE

Attems Resto

WITNESS SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE SWORN TO THIS 14^{Th} DAY OF $_{\text{Arch}}$ 2014

KELLY M. NAUGHTON Notary Public, State of New York Qualified in Albany County No. 01NA6115357 Commission Expires September 7, 20<u>16</u>

617.20 Appendix B Short Environmental Assessment Form

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: City of Newburgh Appeal of Clearing and Grading Permit No. 14-0084		
Project Location (describe, and attach a location map): 1200-1210 Route 300 and 167 Old Little Britain Road, Newburgh, New York		
Brief Description of Proposed Action: This is an appeal of the determination to issue, and issuance of Clearing and Grading P Realty VIII, LLC, Regina Flannery, Newburgh Town Center, LLC and BBL Construction S determination of the Town of Newburgh Planning Board. As the proposed action is an a answered "no", whereas the questions involving the site of the proposed action are answ	Services LLC to clear 8.58 acres, base appeal of a determination, questions 5.	ed upon a
Name of Applicant or Sponsor: City of Newburgh, New York, represented by Richard B. Golden	Telephone: 845-294-4080 E-Mail: rgolden@bmglawyers.cor	1
Address: City of Newburgh, % Burke, Miele & Golden, LLP, 40 Matthews Street, Suite 209, P.O. E	Box 216	
City/PO: Goshen	State: Z NY 10	ip Code: 924
 Does the proposed action only involve the legislative adoption of a plan, 1 administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to 	the environmental resources that	
2. Does the proposed action require a permit, approval or funding from any If Yes, list agency(s) name and permit or approval:	other governmental Agency?	NO YES
3.a. Total acreage of the site of the proposed action?	8.319 acres 8.58 acres 8.58 acres	
 4. Check all land uses that occur on, adjoining and near the proposed action □ Urban □ Rural (non-agriculture) ☑ Industrial ☑ Comm ☑ Forest □ Agriculture □ Aquatic ☑ Other (☑ Parkland 	ercial Residential (suburban))

5. Is the proposed action,	1	1	1	7
a. A permitted use under the zoning regulations?		YES	N/A	-
b. Consistent with the adopted comprehensive plan?		╎┝═┥		-
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES	4
landscape?				N/A
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A	rea?	NO	YES	
If Yes, identify:	······································	$\mathbf{\nabla}$		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?		¥		-
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?			•
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	-
If the proposed action will exceed requirements, describe design features and technologies:				N/A
10. Will the proposed action connect to an existing public/private water supply?	· · ·	NO	YES	
				-
If No, describe method for providing potable water:				N/A
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment:				N/A
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES	
b. Is the proposed action located in an archeological sensitive area?				
13 a Doos any parties of the site of the surgery letting of the little in the little in the state of the second se	<i></i>			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contai wetlands or other waterbodies regulated by a federal, state or local agency?	a	NO	YES	-
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: The clearing of 8.58 acres of property immediately adjacent to the City of Newburgh's primary water source, Washingto Lake, has the potential to alter the quality of the Lake due to the changing drainage patterns.	'n			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a Shoreline Forest Agricultural/grasslands	ll that a	apply:		
☐ Shoreline	onal			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES	
by the State or Federal government as threatened or endangered?				
16. Is the project site located in the 100 year flood plain?		NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES	
If Yes,				N/A
				; =*
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	s)?			
	· .			

		YES	-
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	-		N
			11
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES	
solid waste management facility?			1
If Yes, describe:	\checkmark		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES	
If Yes, describe: he property used to contain an automotive service facility, and the wells have been being monitored by the DEC.		$\mathbf{\nabla}$	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	FMY	
Applicant/sponsor name:			
Signature:			

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?		
2.	Will the proposed action result in a change in the use or intensity of use of land?		
3.	Will the proposed action impair the character or quality of the existing community?		
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		· [
7.	Will the proposed action impact existing: a. public / private water supplies?		
	b. public / private wastewater treatment utilities?		
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact	Moderate to large impact
	may occur	may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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



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]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	
Part 1 / Question 20 [Remediation Site]	Yes



Permit No:14-0084

SEC-BLK-LOT: 97-3-6

TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801 FAX LINE 845-564-7802

Issue Date: March 11, 2014 Expire Date: March 11, 2015

CLEARING & GRADING PERMIT

Clearing/Grading Permit: 150.00

A Permit is hereby given by the Building Department, TOWN OF NEWBURGH, ORANGE COUNTY, N.Y., for the clearing / grading work described herein:

Contact Type	Full Name	Address	City	State	Zip	Phone Number
Owner	CRH REALTY VIII, LLC	155 CRYSTAL RUN ROAD	MIDDLETOWN	NY	10941	845-703-6999
Owner	Regina Flannery	135 Dogwood Ln	Newburgh	NY	12550	
Owner	Newburgh Town Center LLC	104 Garden Ct	Franklin Lakes	NJ	07417	
Contractor	BBL CONSTRUCTION SERVICES, LLC	302 WASHINGTON AVENUE	EXTALBANY	NY	12203	518-452-8200

Location of Work: 1210 Route 300

Propsed Completion Date: 03/11/2015

Clearing (acreage): 8.58

Filling (Cubic Yards):

Grading (acreage):

Excavating (Cubic Yards):

Description of Work: CLEARING AND GRADING FOR 1200-1210 ROUTE 300

AND 167 OLD LITTLE BRITAIN RD. REMOVAL OF TREES ONLY AT THIS TIME - NO STUMPS. All work must be completed by March 31st.

Appx. Cost: \$.00 Receipt(s): 2700

1. I am familiar with the Zoning and Building Ordinance of the TOWN OF NEWBURGH, and do hereby agree to abide by them.

2. The information stated above is correct and accurate

Signature of Applicant

Gerald Canfield, CODE COMPLIANCE DEPARTMENT

IMPORTANT

1. A permit under which no work has been commenced within six (6) months after issuance, shall expire by limitation and a new Permit must be secured before work can begin.

2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

· /\ '	~~	~		\sim	an	

Brian Chobot - Project Manager

LOWIL OF MEMORING	
308 Gardnertown Road	В
Newhurgh, New York 12550	

Town of Northman

BBL Construction Services, LLC

Phone: (518) 452-8200 Ext. 4181

Examined_	3/11	 20_14 T/c	Fax:	(518)	452-2898
Approved_	3/11	20 20 14) 461-176

.1

Cell: (518) 461-1767

Disapproved

Email: bchobot@bblinc.com

APPLICATION FOR CLEARING AND GRADING

20

Fee: \$ 150.00

Date: February 14, 2014

NAME OF OWNER OF PREMISES: CRH Realty VIII, LLC

ADDRESS OF OWNER: 155 Crystal Run Road, Middletown, NY 10941

TELEPHONE NUMBER OF OWNER (845) 703-6999

State whether applicant is owner, lessee, agent, architect engineer or contractor: General Contractor

Location of land on which proposed work will be done: 1200 - 1210 Route 300 and 167 Old Little Britain Road

Section: 97 Block: ³ Lot: <u>6</u>,Sub. Div:

IBSize of Lot: 8.577 Acres Zoning District of Property

Proposed Completion Date: February 28, 2014

Name of Contractor/Agent, if other than owner: BBL Construction Services, LLC

Address 302 Washington Avenue Ext. Albany, NY 12203

Tel:(518) 452-8200 Ext. 4181

January 16, 2014 Date of Planning Board Approval:

(if required)

I hereby agree to hold the Fown of Newburgh harmless from any claims arising from the proposed activity Signature of Owner & Martie Date: 2/1

Page 2 APPLICATION FOR CLEARING AND GRADING (CON'T)

State nature and purpose of the proposed activity:

() Drawings showing the boundaries of the parcel (1) will be conducted: () A plan showing areas proposed to be cleared, (2)filled or graded or subjected to timber harvesting and nature of the vegetation affected. (3)() An erosion control plan: Documentation regarding permit status with the (4) () New York State Department of Environmental Conservation permit required must be in effect prior to the Town's issuing a permit () (5) Plans must show the type of vegetation to be destroyed by the proposed activities along with the planned disposition of the desmaterial: (6) () Drainage computations prior to site preparation and after site preparation may be required. (7) () Nature of proposed activity: 8.577 Clearing Acerage (X) Excavation **Cubic Yards** () Filling **Cubic Yards** () Grading Acerage ()

Removal of trees only at this time (no stumps)

STATE OF NEW YORK WORKERS' COMPENSATION BOARD CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

OLMINOALL OF MIG WORKLING DO	
1a. Legal Name & Address of Insured (Use street address only) BBL Construction Services LLC	1b. Business Telephone Number of Insured (518) 452-8200
302 Washington Avenue Ext.	1c. NYS Unemployment Insurance Employer Registration Number of Insured
Albany, New York 12212	43-391529
Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)	
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)	
Town of Newburgh	3b. Policy Number of entity listed in box "1a" WC5-621-093961-013
308 Gardnertown Road	3c. Policy effective period
Newburgh, NY 12550	4/01/2013 to 4/01/2014
	3d. The Proprietor, Partners or Executive Officers are ☑ included. (Only check box if all partners/officers included) □ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under <u>Item 3A</u> on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The Insurance Carrier will also notify the above certificate holder within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail). Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", <u>whichever is earlier</u>.

Please Note: Upon the cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Thomas R. Tyrrell - Arthur J. Gallagher RMS, Inc.

	Non-tantiful and a second s	
· · · · · · · · · · · · · · · · · · ·	Print name or authorized representative or licensed agent of insu	rrance carrier)
Approved by:	alimand, Enere	2/14/14
	(Signature)	(Dale)
Title:	Area Chairman	n an

Telephone Number of authorized representative or licensed agent of insurance carrier. (518) 463-3181.

Please Note: Only insurance certiers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

www.web.state.ny.us

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-07) Reverse

W31F3J07

part, their heris and assigns forever, and the said parties I the first part, do even out with said parties of the second part, as follows, First, shat the said parties of the first part, are serged of the said premies in fee simple, and have good night to convey the course. Second. That the parties of the cound part, shall quietly enjoy the said premises. Third That the said premises are free from meunorances Fromthe that the parties of the first part mill execute in procure any fullie names of the tille to said premises. Wifthe shat the said parties of the first part will formed stancant the tille In Hilman Where of to said premises . the said parties of the first part have heremants set there hands. and reals the day and year first above millen. henrie I Baggoni (h. l) In Presence of Sarah Bazyoni (h.d.) Harry R. hydreken } State of new Soild, On this second day of march in the year cimily of lange (One thousand eight hundred and milet, Los before one the cubecider , personally City of newlough) appeared herrie & Bayyou and Sanah Bazzonie his mife, human h me and to me personally known to be the same persons describ at in and who executed the arthur doctronment and they ally a churwledged that they executed the same Hanny R Lydecker, Commissioner of deede, bity of merolingh Genere and entered march third 159 2 at 8 D.m. Heraggan Class Stine Indentice made the twenty sigthe day of In hear ranging the year's Eighteen Hundred baid somety two-P9 677 11-9 24, 1976 iel and Guell and malilda G. his mife of the Between Same Juins of secolough, Cernily of Charige and State of hears Lands, party of the first part and the city of herohugh, in the country of Quange and State of Seen Jule, party of the second part. Witnessette, that the said porties of the first part in sound eration of Six Thomsand Live Hundred Sollars lawful money of the limited States paid by the party of the second part, do ne by grant and release unto the said party of the second part, its encersons and assigns prever. all that certain lot, piece of fand, cituated, lying and being in the Jons of her Hindow, Drange Co, bounded and described as follow Sounded one the anothe by lands of dease Somplems. On the cast by lands of the party of the second part, On 24. couch by lands of James Patton and on the west by hitle Britain Road. Containing Transaction the second by hitle ing Is a crea more as less and ben Britain Road Centas

No year of the second states of 353 all the lands lying in the southeasting ande of the as little Britani Road, a d the so I hoe Gin has ale a L arman by dead dated September 11the 1 68400 dreended. æ Riendsog Ing a 331. page 203 areda in Lib ath the 1h I rights of the partel the Estate par nid for the d to an 201Vane and to to não de . id party of L ted forer 10 ~ gra is moto the a La _d angone of area an -d a part. do erre G a parties of the first the and mitte said d f a fallo ~!-Vinst that the said Sa m me of the parts is of the final nt is suged of else fee ann and has go ple rd. n That the ne. Les antig of the second bant, a h I premiera. is the shat the s the enco Z id-bra the- that the recha. of the to mill execute on her neered shat the a pres telssand of the tills to 60 t, mill forever Warrant the tille to tres of Ele for £ In Watness Where o it parties of the first part, have her comte set the de eals the d I first alm In Prese el makill (ind) Koward the matilda Q. metull (h.S) Jace of new Lards On this levenly with day of Janua lla so the year Que Thomas id Eight Hen Ldr I muly two, before me, the a el ma Gillia d matilda lly Q. has te bethe same per to m re pe dethe settin Inda ledged that they executed the a tone holangtmblie ange Co. Stine read entered marsh third 100 2 at 1 A. D. Jos. Clerk us! STATE OF NEW YORK (COUNTY OF ORANGE) SS:

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 $O_{2}O_{2}$ - (S) and the same is a correct TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

03-17-14 Chy 6 Kaller COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,

COUNTY CLERK & CLERK OF THE SOPREME COUNTY CO ORANGE COUNTY

126instrument, and she askninledged to me that begenerated the parmer. Di john Cullmon Holany Viebles Tings to my State of newyor is I falm battier alur of the and fall of the get af the get af the get af the get and clark of the les preme leaver of the State of Reinigor & in and for paid inty, paides wet being a beaut of Resard do hereby certify the & John Cullmon whose manne is subscribed title Peilificate of Good or acknowledgement of the annexed restrument, as I decen waithen an as at the time of taking such proaf or acknowledgement a notary Juble of the state of Newyork in and far the paid Canity of Kings develling in said bounty, communications me and duly anothers get to take the pare, and furthe that I am neel acquainted with the fundioniting unch Malary and verily believe the reginations to the pris Destificate is genuine, and that paid instrument af the State of Remyorto. An Section of the state of the are hereinto set my hand, and affinit the seal of mit anty and benetilies 5" day of February 1892. (15) John battien latents a time record entered Dely numpting 1892 at prime to . Atio Donden liver smade the einteenth day of Federicany in the year eighteen hundred, and musity Hindson County of Grange and State of Remejor junky of the first part, and The Ciley of Revolungh. purlogithe account part. Hitmessell. Thattle puid party of the first fast in especideration of the source Sifleen fundred (1500,) do clare loinful monoy of the United States, point by the party of the record part, doth hereby goant, and release with the paid party of the second fact, it's preservous and assigns fareaur, Cles that strip an facile of land schuted in the Sawn of new Windsor, Coargo County. State of new fort. being described aufallance. The center line thereaf begins 'at a point in the middle of the roadlesting from the point of the Jum fike to hettle Britain fictant tracily two fut bast of a paint in range with the desire line between lands of the sity of ('N / 1 N

8.000 B Neisburgh an indichiclocated the Silver Stream pand. und lands formerly of samuel &. moore and rime there along the line of the present leaving four inch pipe North ho only time degrees hunderly minutesbes fasty eight fut i thence north linenty degrees tracinty in fine degreen reventeer minutes East there hundred fiel There no ich thily degrees founteen inmates Gast and hundred fut I a point leventy ful Northwest of a marked reduce here have north fifty degrees forty minuter East one hundred fut. clance narch of tios degrees fifty minutes East three hundred fut chense north sinly light degrees bracky minutes East one hundred and fifty five fut chence North fifty eight degrees fifty minutes bait two hundred and inteen feet to the line of lands here la fare arguing by the Deloy a f Norahungh frame said Garned Catton, " a width of one hundred and security five justanthe Heilerty side classif. sandining ilevent gives and righty fine hundredets of an , acre of land Togeteer with the right to flood with water so much as the by raining the present dam at Hashington date of Bittle Courd, under the pointed of the Commissioners Sily of newsburgh fine feet af the States Baard of the file of new longh fine ful higher this it now is . The party of the present fort agrees to exect and manutain for the use a file party The first fact. his heirs and lassigno, time bridges Var farm cracings over the conductor bend "to be made upon the above described long the also to make and maintain use messioner devision fenses on the extension lines of paid piece of land. To getter so ich the opportenances, and all. the estate and nights a file paid pranky of the first fast. in and to said premises, To tase and to lack the above quarted premies unto the paid party of the second part Lattor dott recencent will the paid fanty of the oreand part at factor, First. That the paid fanty of the oreand of the first fast is suged of the said premises in yes singthe

Packgood right To comany -Ela. shall, quielly the failing of the second fait Ikal Il. That the parenaes. ₹. en Frank, that the se face any of the first far. al exilp rafthe tille to On -1X f f a iel fa U. the ames 1 fre 1. It lesses of the puid -party of the fer art lath my hand and seal de day as 2ª James Catton 4.1 the pa salesuld dacy of Februar, On this p Reamport . Leans Lund · 8 egread l 1 the face min personally. a To be the 1 12. Jallon ite an dead I wella : Ľ u 1.1 d.e. whendard thereit 1 a farogoing instrument and he in NJA, Cha deargne No lang Sublia Ounge to, 1. J.L. Ken 1892a 0 Gue, a long Anis. r, p).

STATE OF NEW YORK (COUNTY OF ORANGE) SS: I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, GRANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON OD-1 1 SAND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

03-14-14 any 6 Ralbert

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

THIS PAGE IS PART O TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMEN VEWBUYGH TUWN CENTER, LLC TO The Old Britain Group, LLC	DOVID B P.U. BUX Walden, M	DT REMOVE LOCK <u>J</u> LOT 14 J AND RETURN TO: ne and address)			
THIS IS PAGE ONE OF THE RECOR					
RECORDED INSTRUMENT O	ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY DO NOT WRITE BELOW THIS LINE				
	TGAGESATISFACTIONASS	IGNMENTOTHER			
PROPERTY LOCATION 2089 BLOOMING GROVE (TN) 2001 WASHINGTONVILLE (VLG) 2003 SO. BLOOMING GROVE (VLG) 2289 CHESTER (TN) 2289 CHESTER (TR) 2201 CHESTER (VLG) 2489 CORNWALL (TN) 2401 CORNWALL (VLG) 2600 CRAWFORD (TN) 2800 DEERPARK (TN) 3001 GOSHEN (VLG) 3003 FLORIDA (VLG) 3003 FLORIDA (VLG) 3005 CHESTER (VLG) 3200 GREENVILLE (TN) 3489 HAMPTONBURGH (TN) 3401 MAYBROOK (VLG) 3689 HIGHLANDS (TN)	4289 MONTGOMERY (TN) 4201 MAYBROOK (VLG) 4203 MONTGOMERY (VLG) 4205 WALDEN (VLG) 4401 OTISVILLE (VLG) 4400 NEW WINDSOR (TN) 4600 NEW WINDSOR (TN) 5089 TUXEDO (TN) 5001 TUXEDO PARK (VLG) 5200 WALLKILL (TN) 5489 WARWICK (TN) 5401 FLORIDA (VLG) 5403 GREENWOOD LAKE (VLG) 5405 WARWICK (VLG) 5600 WAWAYANDA (TN) 5889 WOODBURY (TN)	NO. PAGES <u>CROSS REF.</u> CERT. COPY <u>ADD'L X-REF.</u> PGS. PAYMENT TYPE: CHECK <u>CASH</u> CHARGE <u>CHARGE</u> Taxable <u>O</u> TAX EXEMPT <u>T</u> Taxable <u>O</u> MORTGAGE TAX TYPE: (A) COMMERCIAL/FULL 1%			
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DONNA L. BENSON ORANGE COUNTY CLERK

Received From Hardenburgh

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RECORDED/FILED 01/09/2013/ 13:37:23 DONNA L. BENSON County Clark ORANGE COUNTY, NY FILE#20130003585 DEED R / BK 13482PG 0370 RECORDING FHES 195.00 TTX# 003172 T TAX 0.00 Receipt#1547994 joanned



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 1-9-13 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

3-14-14 Ray 6 Pallock COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY Bargain and Sale Deed With Covenants Against Grantors Acts

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

THIS INDENTURE, made the 27th day of December, two thousand twelve

BETWEEN Newburgh Town Center, LLC, a New York Limited Liability Company, with an address of 104 Garden Court, Franklin Lakes, NJ 07417, party of the first part,

and

The Old Britain Group, LLC, a New Jersey Limited Liability Company, with an address of 104 Garden Court, Franklin Lakes NJ 07417, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/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, described as follows:

See Schedule "A" attached.

Property:Old Britain Road, T/O NewburghSBL:97-3-1 & 97-3-2

(97-3-1) **BEING** the same premises conveyed by Antonio Simoni and Teresa Simoni to Newburgh Towne Center, LLC by deed dated March 14, 2007 and recorded in the Orange County Clerk's Office on March 21, 2007 in Liber 12393 of Deeds at Page 0541 as corrected by the deed dated November 28, 2007 and recorded in the Orange County Clerk's Office on January 8, 2008 in Liber 12593 of Deeds at Page 0733. The party of the first part herein (grantor) acquired title erroneously in the foregoing deeds as Newburgh Towne Center, LLC whereas the deeds should have read Newburgh Town Center, LLC.

(97-3-2) **BEING** the same premises conveyed by Lindsay K. Conners to Newburgh Town Center, LLC by deed dated January 31, 2006 and recorded in the Orange County Clerk's Office on February 8, 2006 in Liber 12078 of Deeds at Page 1860.

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;

SCHEDULE "A"

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 bounded and described as follows:

BEGINNING at a point in the southerly line of Old Little Britain Road, said point being South 45° 55' 00" East 6.967 feet from New York State R.O.W. monument; thence along the southerly line of Old Little Britain Road the following two courses: South 45° 55' 00" East 73.0 feet; South 48° 07' 00" East 50.0 feet to an Iron pin found; thence along the westerly line of the lands now or formarily K. Williams, South 37° 13' 53" West 124.87 feet; thence along lands of J. Flannery, the following three courses: North 49° 14' 00" West 50.0 feet; North 52° 46' 00" West 61.0 feet; and North 32° 23' 05" East 135.032 feet to the point and place of beginning.

PREMISES also described as follows;

BEGINNING at a point in the southerly line of Old Little Britain Road, said point being South 45° 55' 00" East, 6.967 feet from New York State R.O.W. monument, and also being the northeasterly corner of lands of J. Flannery; thence along the southerly line of Old Little Britain Road, the following two courses: South 45° 55' 00" East 73.0 feet; South, 46° 07' 00" East 50.0 feet to an iron pin found in the northwesterly corner of the lands of K. Williams; thence along the westerly line of the lands n/f K. Willams, South 37° 13' 53" West, 124.87 feet to the northerly line of lands of J. Flannery; thence along lands of J. Flannery, the following three courses: North 49° 14' 00" West, 50.0 feet; North 52° 46' 00" West, 61.0 feet; North 32° 23' 05" East 135.032 feet to the point and place of beginning.

BEING the same premises described in that certain Deed dated 12/21/87 from Arthur J. Mariani and Louis N. Mariani, and recorded in the Orange County Clerk's Office on 12/24/87 in Liber 2859 of Deeds at Page 245.

SCHEDULE A

ALL that tract or parcel of land situate in the Town of Newburgh, County of Orange, and the State of New York, bounded and described as follows:

BEGINNING at a point in the Southwesterly line of Old Little Britain Road, said point being an iron bolt found at the most Easterly corner of lands now or formerly Simoni (Liber 3849, cp 098); thence along the said Southwesterly line of Old Little Britain Road South 48-07-00 East 100.00 feet to a point; thence along the Westerly line of lands now or formerly Sloan (Liber 1199, cp 539) South 37-10-00 West 123.00 feet to a point; thence along the Northeasterly line of lands now or formerly Flannery (Liber 1486, cp 239) North 49-14-00 West 100.00 feet to an Iron rod found; thence along the Easterly line of the said lands now or formerly Simoni (Liber 3849, cp 096) on a corrected bearing of North 37-13-53 East 124.67 feet to the point or place of Beginning.

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 and 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:

Newburgh Town Center, LLC

By: Angele J. Danza, Member

State of New York)) County of Orange)

SS.:

On December 27, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared **Angelo J. Danza**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York

DAVID B. GUBITS Notary Public, State of New York No. 1596925 Qualified in Ulster County Commission Expires November 30, 20

Record & Return to: David B. Gubits, Esq. POB 367 Walden NY 12586 File #: 1733-124

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ORANGE COUNTY CLE THIS PAGE IS PART OF T TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT	CRK'S	STRUMENT – DO NOT	REMOVE
TTC MANAGEMENT CORPORATION		SECTION 97 BLOCK 3 LOT 8 RECORD AND RETURN TO: (name and address)	
TO NEWBURGH TOWN CENTER,LLC		ROBERT E. DINAM JACOBOWITZ & GU PO BOX 367 Walden, NY 1258	JBITS
C/	AGE OF ALY OT WI	ATTE BELOW THIS	<u>.</u>
INSTRUMENT TYPE: DEED_/MORT PROPERTY LOCATION 2089 BLOOMING GROVE (TN) 2001 WASHINGTONVILLE (VLG) 2289 CHESTER (TN) 2201 CHESTER (VLG)	4289 4201	MONTGOMERY (TN)	NO PAGESCROSS REF CERT.COPYADD'L X-REF MAP#PGS
2489 CORNWALL (TN) 2401 CORNWALL (VLG) 2600 CRAWFORD (TN) 2800 DEERPARK (TN) 3089 GOSHEN (TN)	4489 4401 4600 4800 5089	Mount Hope (TN) otisville (VLG) Newburgh (TN) New Windsor (TN) Tuxedo (TN)	PAYMENT TYPE: CHECK CASH CHARGE NO FEE Taxable CONSIDERATION \$ 840 ADT '00
3003 FLORIDA (VLG) 3005 CHESTER (VLG) 3200 GREENVILLE (TN) 3489 HAMPTONBURGH (TN) 3401 MAYBROOK (VLG)	5489 5401 5403 5405	WALLKILL (TN) WARWICK (TN) FLORIDA (VLG) GREENWOOD LAKE (V WARWICK (VLG)	TAX EXEMPT Taxable MORTGAGE AMT. \$
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4003 HARRIMAN (VLG) 4005 KIRYAS JOEL (VLG)	0900 1100 1300 9999	MIDDLETOWN NEWBURGH PORT JERVIS HOLD	(F) 3 TO 6 UNITS (I) NAT.PERSON/CR, UNION (J) NAT.PER-CR.UN/1 OR 2 (K) CONDO
DONNA L. BENSON ORANGE COUNTY CLERK	RE	ceived from:	eater lunge
		STATE OF NEW	' ; York (County of Orange) SS: Itt county clerk and clerk of the

RECORDED/FILED 03/21/2006/ 12:43:15 DONNA L. BENSON County Clerk ORANGE COUNTY, NY

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FILE # 20060031875 DEED C / BK 12109 PG 0731 RECORDING FEES 207.00 TTX# 007870 T TAX 3,360.00 Receipt#553047 suemay



I, ANN G. RABBITT, COUNTY CLERK AND CLERK UP 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 3 - 21 - 06 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL. 3 - 14 - 14 Graffited MY OFFICE COUNTY COURT

- 1

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

RD 33-33575

Form 8002 (9/99) - 20M — Bargain and Sale Deed, with Covenants against Grantor's Acts—Individual or Corporation. (single sheet) CONSULT YOUR LAWYER SEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 17th day of March· 2006andBETWEENTTC MANAGEMENT CORPORATION, a New York Corporationwith offices at 40 Murray Drive, Chester, New York 10918

party of the first part, and NEWBURGH TOWN CENTER, LLC C/O Jacobowitz & Gubits 158 Orange Avenue, Walden, New York 12586

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other 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 SEE ATTACHED SCHEDULE A

BEING and intended to be the same premises conveyed to Grantor by deed dated 9/8/2003 and recorded in The Orange County Clerk's Office on 10/7/2003 in liber 11220 page 20.

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:

Acknowledgement taken in New York State

State of New York, County of Orange

the undersigned, personally appeared

CHRISTOPHER DRAG

the individual(s) acted, executed the instrument.

Acknowledgement by Subscribing Witness taken in New

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did

execute the same; and that said witness at the same time

York State

On the

reservethis space for use of recording office

State of New York, County of

that he/she/they know(s)

present and saw said

day of

the undersigned, personally appeared

depose and say, that he/she/they reside(s) in

to be the individual described in and who executed the

foregoing instrument; that said subscribing witness was

subscribed his/her/their name(s) as a witness thereto.

ROBERTS. KLEIN tary Public State of New York No. 01KL4689386 Qualified in Orange County Commission Exp. Dec. 31, 2001

, in the year

Acknowledgement taken in New York State

State of New York, County of

. ss:

, ss:

, before me,

. SS:

On the 17 day of March , in the year2006, before me, On the day of , in the year , before me, the undersigned, personally appeared **N** 10

personally known to me or proved to me on the basis of personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Acknowledgement taken outside New York State

* State of , County of . 88: or insert District of Columbia, Territory, Possession or Foreign Country)

On the day of , in the year , before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

RD 33-33575 Title No .: Hardenburgh

TTC MANAGEMENT CORPORATION

TO

NEWBURGH TOWN CENTER, LLC

Distributed by **Chicago Title Insurance Company**

SECTION	97
BLOCK	3
LOT	0

8

COUNTY OR TOWN Newburgh (Town)

RETURN BY MAIL TO:

ROBERT Jacobor		NARDO, E: Gubits	SQ.	
PO Box	367	-		
Walden	NŸ	Zip No.	12586	

Title No. RD-33-33575

SCHEDULE A

All that parcel of land situate in the Town of Newburgh - County of Orange - State of New York being more particularly bounded and described as follows.

Beginning at a point on the southeasterly right-of-way line of Union Avenue (NEW YORK STATE ROUTE 300). Said point further referenced as being the most northerly corner of the parcel herein described.

Thence from said point of beginning SOUTH 62 degrees - 38 minutes - 11 seconds EAST slong the common line of lands now or formerly of Flannery (Liber 2030 - Page 395), 196,09 feet to a point at the end of a stone wall.

Thence SOUTH 68 degrees - 18 minutes - 42 seconds WEST along the northwesterly right-ofway line of an easement formerly known as Old Goshen Road, 202,55 feet to a point.

Thence NORTH 59 degrees - 56 minutes - 21 seconds WEST continuing along the right-of-way line of an essement formerly known as Old Goshen Road, said line also being the municipal boundary line for the Town of Newburgh and the Town of New Windsor, 64.20 feet to a point.

Thence NORTH 26 degrees - 08 minutes - 21 seconds BAST along the southeasterly right-ofway line of Union Avenue (New York State Route 300), 107.99 feet to a point.

Thence continuing along the southeasterly right-of-way line of Union Avanue (New York State Route 300) on a non-tangential curve to the left having a radius of 1471.89 feet and an arc length of 42.12 feet to the point and place of beginning.

Containing 20,020 +/- sq.ft.



γ.

DONNA L. BENSON ORANGE COUNTY CLERK

Received From Kill-A

-d-1d

ORANGE COUNTY

3-14-14 May 6 Ralbert

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

HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,

TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE

AND THE SAME IS A CORRECT

RECORDED/FILED 08/02/2012/ 09:08:35 DONNA L. BENSON County Clerk ORANGE COUNTY, NY FILE#20120072762 DEED C / BK 13386PG 1961 RECORDING FEES 325.00 TTX# 000021 T TAX 4,400.00 Receipt#1484304 maryp



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HN 47446

REFEREE'S DEED

This deed, made the 23rd day of July, 2012, between ROBERT W. FINK, ESQ., 200 mAIN ST., GOSHEN, NY 1092Y referee duly appointed in the action hereinafter mentioned, as GRANTOR, and REGINA C. FLANNERY, INDIVIDUALLY, with an address of 135 Dogwood Lane, Newburgh, New York 12550 and REGINA C. FLANNERY, AS EXECUTRIX OF THE ESTATE OF JAMES J. FLANNERY, with an address of 135 Dogwood Lane, Newburgh, New York 12550, as GRANTEE:

WITNESSETH, that GRANTOR, the referee appointed in an action between Regina C. Flannery individually and as the Executrix of the Estate of James C. Flannery, plaintiff v. Newburgh Town Center, LLC, defendant, foreclosing a Mortgage Consolidation and Spreader Agreement recorded on the 5th day of July, 2007 in the Office of the Orange County Clerk, in Liber 12480, page 293, in accordance with a judgment entered in the Orange County Clerk's Office on the 13th day of June, 2012 by the Supreme Court, County of Orange, and in consideration of One and XX/100 Dollars (\$1.00) paid by GRANTEE, being the highest sum bid at the sale conducted pursuant to said judgment, does hereby grant and convey unto GRANTEE

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, State of New York, bounded and described premises are described on the Town of Newburgh tax map as:

> Section 97, Block 3, Lot 6 Section 97, Block 3, Lot 7 Section 97, Block 3, Lot 26

And

DRAKE LOEB HELLER KENNEDY GOGERTY GABA & RODD PLLC 555 HUDSON VALLEY AVENUE, SUITE 100, NEW WINDSOR, NEW YORK 12553 PHONE: 845-561-0550

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Page 2 of 6

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, bounded and described premises are described on the Town of New Windsor tax map as:

Section 4, Block 1, Lot 72.2

AND AS more particularly described in the legal descriptions annexed hereto.

To have and to hold the property herein granted unto GRANTEE, REGINA C. FLANNERY, INDIVIDUALLY, and REGINA C. FLANNERY, AS EXECUTRIX OF THE ESTATE OF JAMES J. FLANNERY, her distributees, and assigns forever.

In Witness Whereof, **GRANTOR** has hereunto set its hand and seal on the day and year first above written.

Robert W. Fink, Referee

DRAKE LOEB HELLER KENNEDY GOGERTY GABA & RODD PLLC 555 Hudson Valley Avenue, Suite 100, New Windsor, New York 12553 PHONE 845-561-0550

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

On the 23° day of July in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert W. Fink, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

TIMOTHY P. MCELDUFF, JR. Notary Public, State of New York No. 02MC6022929 Qualified in Orange County Commission Expires April 12, 20

-3-DRAKE LOEB HELLER KENNEDY GOGERTY GABA & RODD PLLC 555 Hudson Valley Avenue, Suite 100, New Windsor, New York 12553 Phone: 845-561-0550

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ROBERT D. KALAKA, L.S., P.C.

N.Y.S. Licensed Land Surveyor P.D. Sox 250 Wappingers Falls, New York 12590

Phone: (845) 297-5229

Fax: (845) 297-5166

Dats: 06/27/07 Job Number: 333.2

Property Description Newburgh Towne Center, LLC Tax Map: 33-4600-97-3-7

All that tract or parcel of land situate in the Town of Newburgh. County of Orange, State of New York, bounded and described as follows;

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Rizzo (L.1666 P.300); thence along the easterly line of Union Avenue, on a curve to the left reving a radius of 1471.89 for a distance of 82.00 and North 31-24-09 East 268.08 to a point; thence along lands now or formerly Flannery (L.1466 P.239). South 43-23-38 East 409.30 to a point; thence along Old Goshen Road. South 71-44-00 West 315.87 to a point; thence along lands now or formerly Rizzo (L.1566 P.300), North 59-10-00 West 192.50 to the point or place of beginning. Containing 2.11 acres of land, more or less.

Subject to a 25' Wide Utility Easement granted by Regina Fiannery to James J. & Regina C. Flannery, bounded and described as Yollows;

Beginning at a point on the easterly line of Union Avenue. Said Doint being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.396) with the southerly line of James J. & Regins C. Flannery (L.1486 P.239); thence along lands now or formerly Flannery (L.1486 P.239), South 43-23-38 East 409.30' to a point; thence along Old Goshen Road, South 71-44-00 West 27.50' to a point; thence over and through lands of Flannery (L.2030 P.395), North 43-23-38 West 390.80' to a point; thence along the easterly line of Union Avenue, North 31-24-09 East 25.91' to the point or place of beginning.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.

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Title No. RD-33-33467

SCHEDULE A

All that tract or parcel of land situate in the Town of New Windsor and Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.395); thence, along the easterly line of Union Avenue, North 31-17-45 East 427.75,', North 41-39-59 East 11.18', North 56-41-00 East 21.02' and South 89-59-01 East 9.38' to a point: thence along the southerly line of Old, Little Britain Road, South 46-55-34 East 68.94' and South 45-54-59 East 6.97' to a point; thence along lands now or formerly Simoni (L.3849 P.98), South 32-23-05 West 135.03' and South 52-46-00 East 61.00' to a point; thence continuing along lands now or formerly Simoni (L.3849 P.98) and along lands now or formerly Conners (L.5513 P.235), lands now or formerly Sloan (L.1199 P.539), lands now or formerly Carattini (L.4679 P.18) and along lands now or formerly Swilpa (L.3551 F.178), South 49-14-00 East 421.90' to a point; thence along lands now or formerly Rose (L.4206 P.16), South 29-04-21 East 33.43' to a point; thence along lands now or formerly the City of Newburgh (L. 388 P. 352, L. 389 P. 126) and generally along a stone wall, South 51-05-00 West 233.06", South 59-44-00 West 41.00', South 69-25-00 West 148.00', South 70-04-00 West 251.34' and South 71-36-00 West 442.13' to a point; thence along the easterly line of Union Avenue, North 41-21-00 East 187.79' to a point; thence along lands now or formerly Rizzo (L.1656 P.300), South 56-31-00 East 64.20' and North 71-18-30 East 201.38' to a point; thence along lands now or formerly Flannery (L.2030 P.395), North 71-44-00 East 315,87' and North 43-23-38 West 409.30' to the point or place of beginning. Containing 5.39 acres of land, more or less,

Together with a 25' Wide Utility Easement granted by Regina Flannery to James J. & Regina C. Flannery, bounded and described as follows:

Beginning at a point on the easterly line of Union Avenue, said point being the intersection of the easterly line of Union Avenue with the northerly line of lands now or formerly Flannery (L.2030 P.395) with the southerly line of James J. & Regina C. Flannery (L.1486 P.239); thence along lands now or formerly Flannery (L.1486 P.239), South 43-23-38 East 409.30' and South 71-44-00 West 27.61' to a point; thence over and through lands of Flannery (L.2030 P.395), North 43-23-38 West 390.78' to a point; thence along the easterly line of Union Avenue, North 31-24-09 East 25.91' to the point or place of beginning.

Subject to the rights of public utilities and any easements and rights-of-way of record, if any.





