



**SUBMITTAL INSTRUCTIONS:**

1. Compile the application package in the following manner:
  - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
  - b. one individual file (PDF) of each previous environmental report; and,
  - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

**Please select only ONE submittal method – do NOT submit both email and ground mail.**

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - \*Proposed Site Name\**”
- Email your submission to [DESiteControl@dec.ny.gov](mailto:DESiteControl@dec.ny.gov) – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:  
Chief, Site Control Section  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:** The Green

**Is this an application to amend an existing BCA with a major modification?** Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C336099

☒

Yes

☐

No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **The Green**

ADDRESS/LOCATION **137 Smith Street; 140 and 146 Montgomery Street**

CITY/TOWN **City of Newburgh**

ZIP CODE **12550**

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY **Orange**

SITE SIZE (ACRES) **1.16**

LATITUDE

LONGITUDE

41°	30'	25.9"	-74°	0'	24.129"
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Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage
137 Smith Street	12	4	4.1	0.29
140 Montgomery Street	12	4	10	0.46
146 Montgomery Street	12	4	2.1	0.41
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.				Y N
				<input checked="" type="radio"/> <input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)				Y N
				<input checked="" type="radio"/> <input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: <u>Orange Co, NY 4</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>				Y N
				<input checked="" type="radio"/> <input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.				Y N
				<input checked="" type="radio"/> <input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.				Y N
				<input type="radio"/> <input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:				Y N
				<input type="radio"/> <input checked="" type="radio"/>



SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b> <b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div><u>ET</u></div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

## SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

## SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? waterfront gateway (WG)

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.  
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?  
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

## SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

☒ YES

☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input checked="" type="checkbox"/> Unknown

Other: The property was in use for residential purposes as early as the 1880s. The property has been vacant since on-site structures were demolished sometime between 1971 and 1992 (likely in the early 1970s during "urban renewal"). The property has been used for periodic illegal dumping since becoming vacant.

**SECTION V: Requestor Information**

NAME THE KEARNEY REALTY &amp; DEVELOPMENT GROUP INC.

ADDRESS 57 Route 6, Suite 207

CITY/TOWN Baldwin Place

STATE NY

ZIP CODE 10505

PHONE (845) 306-7705

EMAIL skearney@kearneyrealtgroup.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION VI: Requestor Eligibility**

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>



## SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
<b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	<b>VOLUNTEER</b> <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.  NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.  <b>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</b>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner   ☐ Current Owner   ☒ Potential/Future Purchaser   ☐ Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?



Yes



No



N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Sean Kearney

ADDRESS 57 Route 6, Suite 207

CITY Baldwin Place

STATE NY

ZIP CODE 10505

PHONE (845) 306-7705

EMAIL skearney@kearneyrealtygroup.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Richard Hooker

COMPANY Gallagher Basset Technical Services

ADDRESS 22 IBM Road

CITY Poughkeepsie

STATE NY

ZIP CODE 12601

PHONE (845) 452-1658

EMAIL richard\_hooker@gbtpa.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Lawrence Schnapf

COMPANY Schnapf Law

ADDRESS 55 East 87th Street #8B

CITY New York

STATE NY

ZIP CODE 10128

PHONE (212) 876-3189

EMAIL larry@schnapflaw.com

**SECTION VIII: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A <input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER City of Newburgh		
CONTACT NAME Alexandra Church		
ADDRESS 83 Broadway		
CITY Newburgh	STATE NY	ZIP CODE 12550
PHONE (845) 569-7300	EMAIL achurch@cityofnewburgh-ny.gov	
OWNERSHIP START DATE 5/10/2010		
CURRENT OPERATOR same		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

**SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>



## SECTION X: Property Eligibility Information (continued)

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?            If yes, please provide:            Permit Type: _____ EPA ID Number: _____              Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer?            If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?            If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?            If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

## SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

## SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Vice President (title) of THE KEARNEY REALTY & DEVELOPMENT GROUP INC. (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 07/01/2024 Signature: 

Print Name: Sean Kearney

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

## FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

**From ECL 27-1405(31):**

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
      - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

**Check appropriate box below:**

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available\*
- \*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☐ This is not an Affordable Housing Project

**From 6 NYCRR 375-3.2(a) as of August 12, 2016:**

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

**From ECL 75-0111 as of April 9, 2022:**

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.



TECHNICAL SERVICES

**NYSDEC Brownfields Cleanup Program (BCP)**

**ATTACHMENTS TO THE BCP APPLICATION FORM**

**The Green**

**137 Smith Street, and  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York**

**BCP ID: C336099**

**July 2024**

**GBTS Project: 22003-0092**

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22 IBM Road – Suite 101  
Poughkeepsie, NY 12601  
O: 845-452-1658  
[www.gallagherbassett.com](http://www.gallagherbassett.com)

## List of Attachments

### A – Supplemental Information

### B – Exhibits

- Figure 1: Site Location Map
- Figure 2: En-zone Map
- Figure 3: Disadvantaged Communities Map
- Figure 4: Site Map
- Figure 5: Zoning and Land Use Map
- Figure 6: Existing Land Use Map
- Figure 7: Topographic Map
- Figure 8: FEMA Map
- Figure 9: New York State Wetlands
- Figure 10: Federal Wetlands
- Figure 11: Soil Contamination Exceeding RRU SCOs
- Figure 12: Development Plan
- Figure 13: Tax Map
- Figure 14: Property Ownership

### C – Supplemental Records

- NYS Division of Corporations – Entity Information
- Site Access Agreement
- Title Documentation
- Letter to Document Repository

### D – Previous Environmental Reports (provided in Zip File)

1. *Phase I Environmental Site Assessment, GBTS., January 9, 2023*
2. *Summary Report of Subsurface Investigation, GBTS, January 9, 2023*
3. *Draft Remedial Investigation Work Plan, May 2024*



## **Attachment A – Supplemental Information**

## **SECTION I: PROPERTY INFORMATION**

### **Property Description Narrative**

#### Location

The Site is a somewhat rectangular 1.16-acre parcel located on the western side of Smith Street, northern side of South Street, and the eastern side of Montgomery Street. Figure 1 is a Site Location Map. The Site is comprised of three contiguous tax lots (Section 12, Block 4, Lots 2.1, 4.1, and 10) located within U.S. Census Tract 4, which is a Type A En-Zone (Figure 2) and New York “disadvantaged community” (Figure 3).

#### Site Features

The Site is vacant, unmaintained land with approximately 357 feet of frontage on the eastern side of Montgomery Street, 147 feet on the northern side of South Street, and 378 feet on the western side of Smith Street. A chain-link fence defines the eastern border; remaining property lines are undefined. Portions of masonry foundations from previous structures are located throughout the Site, including a masonry retaining wall and the remains of a cellar at the northeastern portion of the property. Figure 4 is a Site Map.

#### Current Zoning and Land Use

The Site is in a “Waterfront Gateway” (WG) zoning district, which allows for the planned mixed-use (residential and commercial) development. The primary intent of the WG District is to maximize the residential and commercial density of new development. Local area land use is primarily residential, with some commercial and institutional parcels. Figure 5 is a Zoning Map and Figure 6 is an Existing Land Use Map.

#### Past Uses of the Site

The property was previously comprised of multiple smaller tax lots that formerly contained multiple buildings (likely residential) constructed at least as early as the late 1800s, and has been vacant since on-Site structures were demolished sometime between 1971 and 1992 (likely in the 1970s during urban renewal).

#### Site Geology and Hydrogeology

Soils in the vicinity of the Site are likely to be derived from glacial till deposits, and soil survey maps indicate that deep, moderately well drained Mardin gravelly silt loam (8-15% and 15-25% slopes) soils are likely to be present. Depth to bedrock in Mardin soils is generally greater than 6 feet below grade surface (bgs); bedrock outcrops were not observed on the property. Soil survey data indicate generalized groundwater depths of 1 to 2 feet bgs.

A limited subsurface investigation performed in November 2022 in support of future Site development activities documented likely fill materials throughout the property, underlain by variable texture glacial till. Boring refusal was encountered from 4.5 to 12 feet bgs, apparently on shale or slate bedrock (or possible remains of building foundations). Wet soil was encountered in one boring at the northeastern portion of the property at a depth of approximately 10 feet bgs. Shallow groundwater flow in the vicinity of the property is likely to generally follow surficial topography and be to the east, towards the Hudson River, located approximately 0.1-mile from the property (see Figure 7 Topographic Map, Figure 8 FEMA Flood Map, Figure 9 New York State Wetlands Map, and Figure 10 Federal Wetlands Map).

### Environmental Assessment

The primary contaminants of concern for the Site, based on existing data, are elevated levels of metals.

**Soil:** Soil throughout the Site (generally the upper 5 feet, but extending to the 5-10 feet interval) is impacted by heavy metals (arsenic, barium, cadmium, lead, and/or mercury) at levels exceeding NYSDEC Part 375 Soil Cleanup Objectives (SCOs) for Restricted-Residential Use (RRU). Multiple other metals, as well as pesticides, are present in soil above Unrestricted Use (UU) SCOs. Figure 11 shows soil contamination exceeding RRU SCOs. The source of the contamination is unknown, but may be related to historical activities, building demolition, fill materials, and/or dumping. Elevated levels of metals in soil present an exposure hazard during excavation, and will result in additional costs (due to requirements for special handling) during Site development.

**Other Media:** There are no available groundwater or soil vapor data for the Site.

## SECTION II: PROJECT DESCRIPTION

### Purpose and Scope of the Project

The Requestor, The Kearney Realty & Development Group, Inc. (Kearney Group), is seeking the acceptance of the proposed Site into the New York State Brownfield Cleanup Program (BCP). The project site was awarded to as a result of a competitive Request for Proposals (RFP) issued by the City of Newburgh. The property will be redeveloped through new construction to generate a mixed-use and mixed-income affordable housing development. The purpose of the project is Site remediation to facilitate construction. Contamination at the Site exceeds RRU SCOs and requires active remediation to accommodate the proposed Site use; the Site, therefore, qualifies as a Brownfield Site as defined at 6 NYCRR 375-1.2(b).

The Requestor is proposing a development comprised of two mixed-use and mixed-income residential and retail buildings with associated infrastructure and landscaping (Figure 12). Building 1 is a proposed 3½-story rowhouse 45-unit residential building with retail along South Street. Building 2 is a proposed 5-story midrise 73-unit residential building with retail along South Street and two partial parking garage levels. The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible and result in substantial public benefits such as construction jobs and full-time employees as well as facilitate the redevelopment of the area by providing the city with much needed mixed-income affordable housing.

### Anticipated Project Schedule

Anticipated Date	Item/Task
July 2024	Submit application and RIWP to the NYSDEC Brownfield Cleanup Program; NYSDEC determination of completeness
August 2024	BCP Agreement Issued, BCP Agreement Executed, Approval of RIWP
November 2024	Completion of Investigation, Submission of RIR and RAWP
February 2025	Approval of RAWP, Issuance of Decision Document
September 2025	Completion of Site Remediation; Submission of Final Engineering Report (and Site Management Plan if required)
December 2025	Certificate of Completion

### **SECTION III: LAND USE FACTORS**

#### **Zoning and Current Use**

The current zoning designation is Waterfront Gateway (WG). The Site is currently undeveloped and has been vacant since multiple structures were demolished sometime between 1971 and 1992 (likely in the 1970s) during urban renewal. Figure 5 is a Zoning Map and Figure 6 is an Existing Land Use Map.

#### **Anticipated Use**

Plans for the Project Site include a development comprised of two mixed-use and mixed-income residential and retail buildings with associated infrastructure and landscaping. Building 1 is a proposed 3½-story rowhouse 45-unit residential building with retail along South Street. Building 2 is a proposed 5-story midrise 73-unit residential building with retail along South Street and two partial parking garage levels. The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible and result in substantial public benefits such as construction jobs and full-time employees as well as facilitate the redevelopment of the area by providing the city with much needed mixed-income affordable housing.

#### **Compliance with Zoning Laws, Recent Development, and Community Master Plans**

Waterfront Gateway (WG) zoning allows residential, commercial, and/or institutional uses and is intended to maximize the residential and commercial density of new development; the proposed Site development is therefore permitted under the zoning code, pending site plan approval. The project site was awarded to Kearney Group as a result of a competitive RFP issued by the City. The property will be redeveloped through new construction to generate a mixed-use and mixed-income affordable housing development. Kearney Group is currently working with the City on local approvals, which will be completed prior to issuance of the certificate of completion.

### **SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY**

The following environmental reports documenting Site history, and known and/or suspect contamination of Site media above applicable Standards, Criteria, and/or Guidance (SCG), are submitted with this application as separate PDF files (see Attachment D):

- *Phase I Environmental Site Assessment*, Gallagher Bassett Technical Services (GBTS), January 9, 2023
- *Summary Report of Subsurface Investigation*, GBTS, January 9, 2023

The Phase I assessment indicated that the Site is an urban parcel formerly containing multiple, likely residential buildings constructed as early as the late 1800s, which were demolished sometime between 1971 and 1992. Municipal records indicated several violations and complaints related to on-site debris and dumping, including an incident of illegal dumping of construction-related debris in 1997, and the remains of an abandoned automobile were found during the site inspection.

The subsurface investigation was compromised of the extension of nine (9) mechanized soil borings and the collection of soil samples from each boring location, as well as from an additional five (5) surface locations.

Fill material with debris was observed throughout the property, potentially related to the construction and/or subsequent demolition of the former buildings.

Laboratory analysis, conducted for metals and pesticides, documented heavy metals (including arsenic, lead, and mercury) in 13 of 14 soil samples at levels above NYSDEC RRU SCOs. Other impacts included metal and pesticide contamination above UU SCOs.

These findings are consistent with impacts from poor-quality fill, demolition debris, and/or from debris materials dumped at the property. Groundwater and soil vapor samples were not collected during the investigation.

#### **Narrative Description of Documented Site Contamination**

The following contamination has been documented above RRU SCOs (see Figure 11) and the data summary table provided below). Laboratory results (limited to analysis of soil for metals and pesticides) were compared to NYSDEC Remedial Program RRU SCOs. Arsenic, barium, cadmium, lead, and/or mercury were found above RRU SCOs in thirteen (13) of fourteen (14) samples, primarily in the upper 5 feet of soil (two samples from the 5 to 10 feet interval contained elevated arsenic and mercury).

#### **Tabular Summary of Site Contamination**

Table: Soil Contamination Greater Than Restricted-Residential Use SCOs

<b>Analytes &gt; RRU SCOs</b>	<b>Detections &gt; RRU SCOs</b>	<b>Maximum Detection (ppm)</b>	<b>RRU SCO (ppm)</b>	<b>Depth (ft bgs)</b>
arsenic	8	51.9	16	0 - 7
barium	1	544	400	0 - 1
cadmium	1	4.66	4.3	0 - 1
lead	9	3,050	400	0 - 5
mercury	7	2.87	0.81	0 - 6

### **SECTION V: REQUESTOR INFORMATION**

Contact information and the names of members/owners of the Applicants are set forth below:

<b>Entity Name/Applicant</b>	<b>Members/Owners</b>	<b>Contact Information</b>
The Kearney Realty & Development Group, Inc.	Kenneth Kearney; Sean Kearney	The Kearney Realty & Development Group, Inc. 57 Route 6, Suite 207 Baldwin Place, NY 10505 845-306-7705 skearney@kearneyrealty.com

The New York State Department of State's Corporation and Business Entity Database information for the requestor is included in Attachment C.

## **SECTION VI – REQUESTOR ELIGIBILITY**

### **Volunteer Statement**

Requestor seeks to enter into the Brownfield Cleanup Program as a Volunteer. Under ECL § 27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:

- i. Stop any continuing release;
- ii. Prevent any threatened future release; and,
- iii. Prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

The Requestor qualifies as volunteer because (i) it performed Phase 1 Environmental Site Assessments that satisfied the "all appropriate inquiries" requirements of 40 CFR 312 prior to taking title, and other customary and prudent due diligence measures; (ii) all disposals of hazardous substances have occurred prior to the date the Requestor acquired, or will have acquired, title; and (iii) the Requestor does not have any affiliation with any responsible party. The Requestor's liability would arise solely as a result of its ownership or involvement with the redevelopment of the Site subsequent to the disposal of hazardous substances and contaminants. As such, the Requestor qualifies as a Volunteer as defined in ECL 27-1405(1)(b).

### **Proof of Site Access**

The Site is owned by the City of Newburgh and will be owned by the Requestor (Kearney Group), during the closing. Kearney Group has a fully executed Site Development Agreement (SDA) with the City of Newburgh. The SDA gives the right to access to the property before signing the BCA and throughout the BCP project, including conducting all investigation work required by NYSDEC. A letter from the City of Newburgh is attached confirming access (Attachment C). There are no impediments to access during the BCP project, or the ability to place an environmental easement on the Site if a Track 1 cleanup has not been achieved.

## **SECTION IX: CURRENT PROPERTY OWNER AND OPERATOR INFORMATION**

### **Current and Past Property Owners**

Information regarding current and past property owners is presented below. Unless explicitly stated, contact information for owners or operators (last known address, telephone, email, etc.) is not known, and previous owners are assumed to be the operators of the property. Figure 13 is a tax map and Figure 14 shows current ownership information for the Site as well as all adjoining properties, overlain on the tax map.

Available information regarding current and past owners and operators of the Site, based on a title search (Attachment C) and local records, is summarized below. Contact information for owners/operators is provided as available.

Table: Ownership Information for Current Tax Lot Parcels

*Note: The Newburgh Community Development Agency was formerly known as the Newburgh Urban Renewal Agency.*

Site Tax Lot	Date of Conveyance	Owner	Operator (Operation dates if known)	Requestor's Relationship
<b>12-4-4.1</b> <b>137 Smith Street</b>	2/12/2009	City of Newburgh (current owner) 83 Broadway, Newburgh, NY 12550 845-569-7300	City of Newburgh	None
	1955-1957	Newburgh Housing Authority	Newburgh Housing Authority	None
<b>12-4-2.1</b> <b>146 Montgomery Street</b>	10/18/2010	City of Newburgh (current owner) 83 Broadway, Newburgh, NY 12550 845-569-7300	City of Newburgh	None
	Unknown	Newburgh Community Development Agency 83 Broadway, Newburgh, NY 12550 845-569-9400	Newburgh Community Development Agency	None
	1970-1975	Newburgh Urban Renewal Agency	Newburgh Urban Renewal Agency	None
<b>12-4-10</b> <b>140 Montgomery Street</b>	10/18/2010	City of Newburgh (current owner) 83 Broadway, Newburgh, NY 12550 845-569-7300	City of Newburgh	None
	Unknown	Newburgh Community Development Agency 83 Broadway, Newburgh, NY 12550 845-569-9400	Newburgh Community Development Agency	None
	1970-1975	Newburgh Urban Renewal Agency	Newburgh Urban Renewal Agency	None

The above tax lot parcels comprising the Site were formerly comprised of multiple smaller tax lots (see maps provided in the title documentation, Attachment C) with addresses on Montgomery Street, Smith Street, and South Street, as shown below. The operator of the identified property is assumed to have been the owner. None of the identified owners have a relationship with the Requestor.

Table: Ownership Information for Historical Tax Lot Parcels

Title Transferred 1955-1957 to Newburgh Housing Authority (NHA)		
Street Address	Earliest Deed	Owners in Chain of Title (earliest to latest)
135-137 Smith Street	1912	F.M.G. Seibert; Emma D. Skidmore; Elizabeth Shellhoos; Samuel Finkle; Clara Finkle; Newburgh Savings Bank; NHA
139 Smith Street	1957	Sadye Moses (potential shareholder of Shipp & Osborn Realty); NHA
141 Smith Street	1913	Shipp & Osborn Realty Company; NHA
143 Smith Street	1916	Fred V. Carpenter; Mary M. Carpenter; NHA
145 Smith Street	1913	Annabel Doyle; Walter H. and Marjorie J. Doyle; Lena W. Bickel; NHA
153 Smith Street	1929	William H. and Rita M. Barton; NHA
155-157 Smith Street	1883	Catharine Baker; John J. Baker, Jr.; Catherine Baker Williamson; Grace Baker Hunt Grossman; Caroline Baker; and Jeanette Baker Bailey; NHA



<b>Title Transferred 1970-1975 to Newburgh Urban Renewal Agency (NURA)</b>		
<b>Street Address</b>	<b>Earliest Deed</b>	<b>Owners in Chain of Title (earliest to latest)</b>
62-64 South Street	1912	F.M.G. Seibert; Emma D. Skidmore; Elizabeth Shellhoos; Samuel Finkle; Clara Finkle; Newburgh Savings Bank; Harry Levinson; Ida Schlosberg and Sadye Moses; NURA
66-68 South Street	1928	Joseph L. and Alice B. Lang; Frank and Julia Clarino; NURA
70 South Street	1902	Ida L. Hanmer; Alice Gruber; Benjamin Reiss; Sadie Reiss; Walter J. Lucas; The Savings and Loan Association of Newburgh, NY; Ashton Rowell; Joseph Effron; NURA
72 South Street	1921	George M. and Caroline Yesse; George M. Yesse Jr. and Hazel Y. Sinisgalli; George M. Yesse; Frank and Lillian Ronsini; John B. and Ann M. Sander; Gallie Smith; NURA
74 South Street	1921	Jennie Herman; Justin and Mirian Herd; Charles G. Lockett; Carlton C. Jones; NURA
140 Montgomery Street:	1870	Rachel Jenkinson; Raymond Jenkinson and Richard Jordan Goodrich; NURA
142 Montgomery Street	1924	Norton D. Werkheiser; W. Jeffreys and Hildegard Wakefield; Helen Maher; NURA
144 Montgomery Street:	1913	Annabel Doyle; Walter and Marjorie J. Doyle; Lena W. Bicker; Percy Peterson; Frank J. Sabato; Percy D. Peterson; Irving Schutz; NURA
146 Montgomery Street	1869	George W. Peters; Anie Horowitz; City Collector; City of Newburgh; NURA
148 Montgomery Street	1943	Henry J. Wilkins; Roswell P. and Lousie N. Wilkins; H. John Wilkins; Maurice W. Chancey; Grady and Marguerite Brand; Rosetta Elliott; Francis G. Goleman; NURA
150 Montgomery Street	1929	William H. Rita M. Barton; Ruston and Joyce Y. Lewis; NURA
152 Montgomery Street	1883	Catherine Baker; John J. Baker, Jr.; Grace Baker Hunt Grossman, Catherine Baker Williamson; Roselle Silverstein; Yuditha Kopaid and Hannah K. Haft; Solomon and Mamie Ware; NURA
154-156 Montgomery Street	1905	William G. and Ella McClughan; John K. MacMillan; Joseph McClughan; Anna May McClughan; John K. MacMillan; Haywood and Anne Belle Brown; Sara Fenton; NURA

No other Site ownership history is available for review. Additional information regarding the historical operations at the Site obtained from Sanborn maps, local records, and city directories is provided in previous reports (Attachment D). Other than as noted, no reasonably ascertainable contact information for former on-site occupants is available to Requestor.

## **SECTION XI: SITE CONTACT LIST**

### **Local Officials**

**City of Newburgh Mayor – Torrance Harvey**

83 Broadway, Newburgh, NY 12550  
845-569-7305

**City of Newburgh Clerk – Lorene Vitek**

83 Broadway, Newburgh, NY 12550  
845-569-7311

**City of Newburgh City Manager – Todd Venning**

83 Broadway, Newburgh, NY 12550  
845-569-7301

**City of Newburgh Building Dept. – Charlotte Mountain**

1841 Courthouse/123 Grand Street, Newburgh, NY 12550  
845-569-7400

### **Residents, Owners, and Occupants of Property and Adjoining Properties**

(see also Figure 14 for property ownership information)

<b>Address (Tax Lot ID)</b>	<b>Owner Name and Address</b>	<b>Occupant(s)/Current Use</b>
<b>SUBJECT PROPERTY</b> 137 Smith Street (12-4-4.1) 140 Montgomery Street (12-4-10) 146 Montgomery Street (12-4-2.1)	City of Newburgh 83 Broadway, Newburgh, NY 12550	vacant

Address (Tax Lot ID)	Owner Name and Address	Occupant(s)/Current Use
150 Smith Street (12-5-1)	Bourne & Kenney Redevelopment Co. LLC 150 Smith Street, Suite 1-08, Newburgh, NY 12550	apartment building
207 Water Street (12-3-2.1 and -4)	City of Newburgh 83 Broadway, Newburgh, NY 12550	multi-family residential
158 Montgomery Street (12-3-4)	Konranbloom LLC 79 Leonard Street, New York, NY 10013	multi-family residential
137 Montgomery Street (12-2-5)	Board of Education 124 Grand Street, Newburgh, NY 12550	public school
131 Montgomery Street (19-1-6)	Royal Management & Washington LLC 412 North Main Street, Suite 301 Monroe, NY 10950	multi-family residential
69 South Street (19-2-1)	Varick Homes, Inc. 530 Fifth Avenue, Suite 800, New York, NY 10036	multi-family residential

*Property information sources: Orange County parcel access*

### News Media

**Times Herald-Record**

90 Crystal Run Rd., Suite 310,  
Middletown, NY 10941  
888-620-1700

**Hudson Valley Press**

343 Broadway  
Newburgh, NY 12550  
845-562-1313

**Mid-Hudson Times**

500 Stony Brook Ct, Suite 2,  
Newburgh, NY 12550  
Phone: 845-561-0170

### Public Water Supplier

**Newburgh Water Department - Wayne Vradenburgh**

493 Little Britain Road, Newburgh, NY 12550  
845-565-3356

### Persons requesting to be placed on the contact list

None to date

### Administrator for any nearby school or day care facility

**Gillian Matos, Principal****Horizons-on-the-Hudson Magnet School**

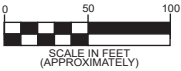
Phone: 845-563-7005  
Email: gmatos@necsd.net

### Document Repository

**Newburgh Free Library**

Karen Cissel, Librarian, Head of User Services  
124 Grand Street, Newburgh, NY 12550  
Phone: 845-563-3600  
Email: kcissel@rcls.org

## **Attachment B – Exhibits**



**Figure 1: Site Location Map**

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

**Legend:**

- BCP Site Boundary
- tax lot lines

Longitude = -74° 0' 24.829" West  
Latitude = 41° 30' 25.9" North

File: 22003-0092

July 2024

Scale as shown

Attachment B





**Figure 2: En-Zone Map**

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

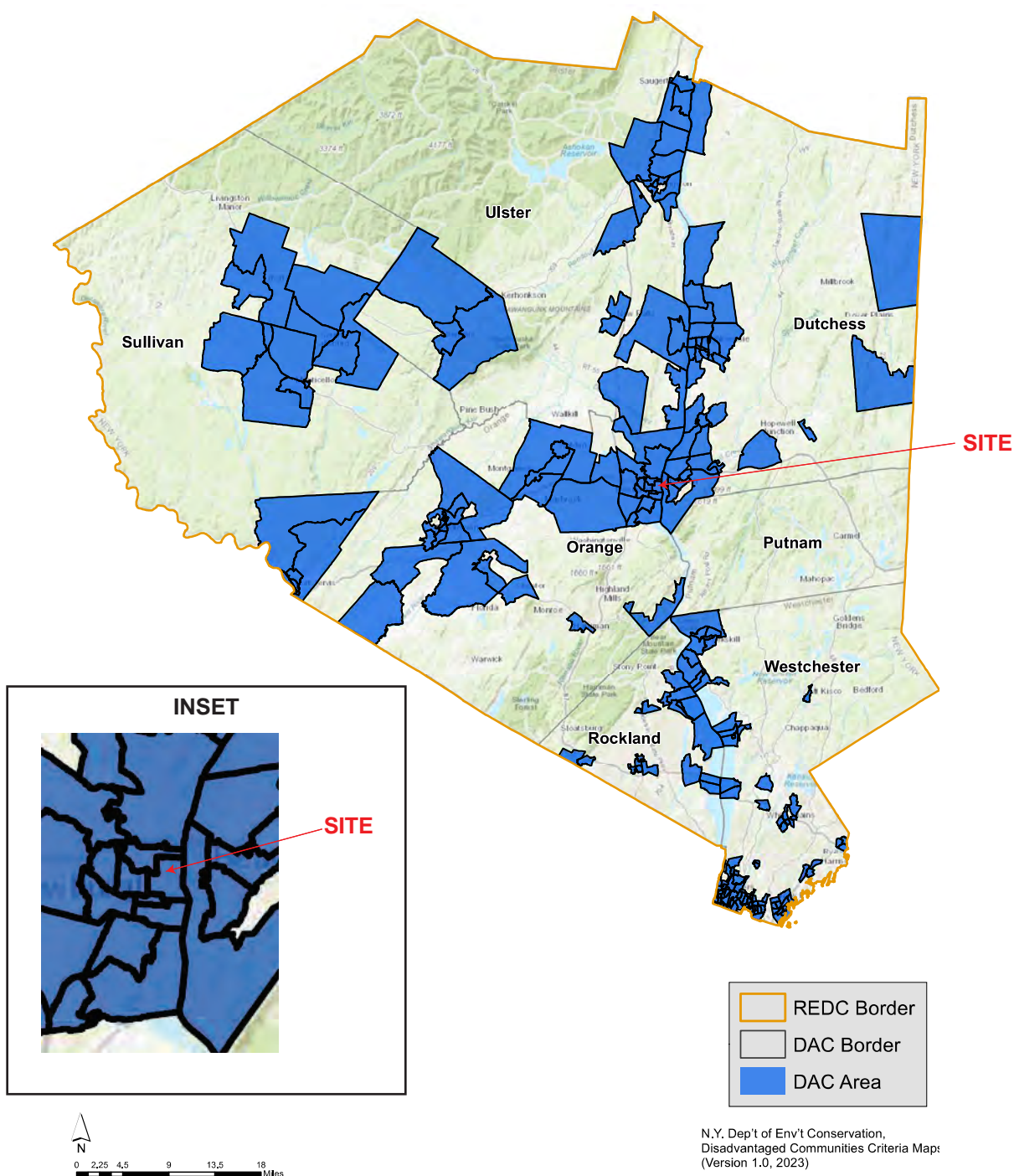
Legend:

- Type A En-Zones
- Type AB En-Zones

File: 22003-0092

July 2024

Attachment B



**Figure 3: Disadvantaged Communities Map**

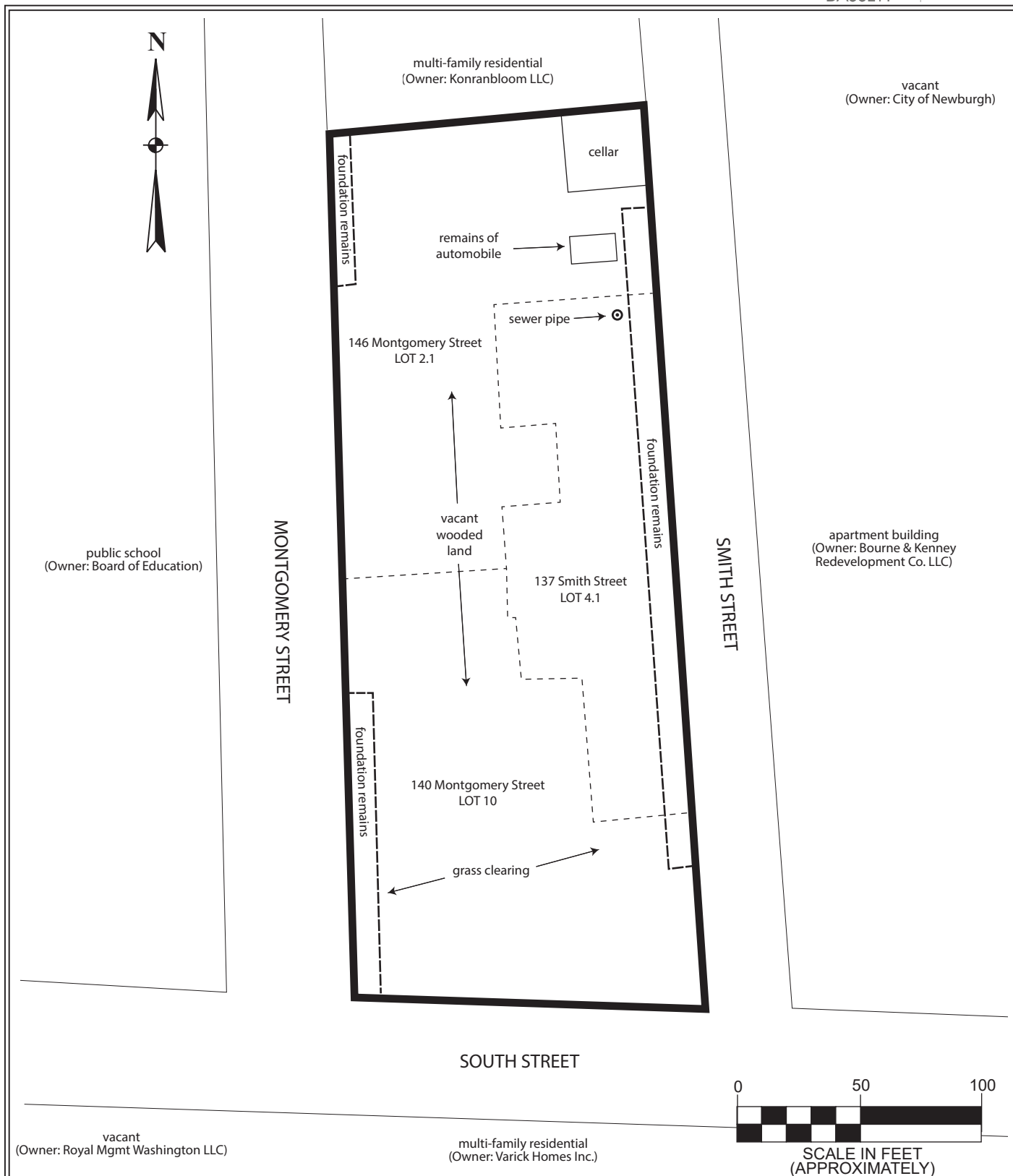
137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

File: 22003-0092

July 2024

Attachment B





All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

## Figure 4: Site Map

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

### Legend:

- BCP site boundary
- lot lines
- See also Figure 13 Tax Map and  
Figure 14 Property Ownership

File: 22003-0092

July 2024

Scale as shown

Attachment B





## Figure 5: Zoning Map

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

### Legend:

BCP Site Boundary

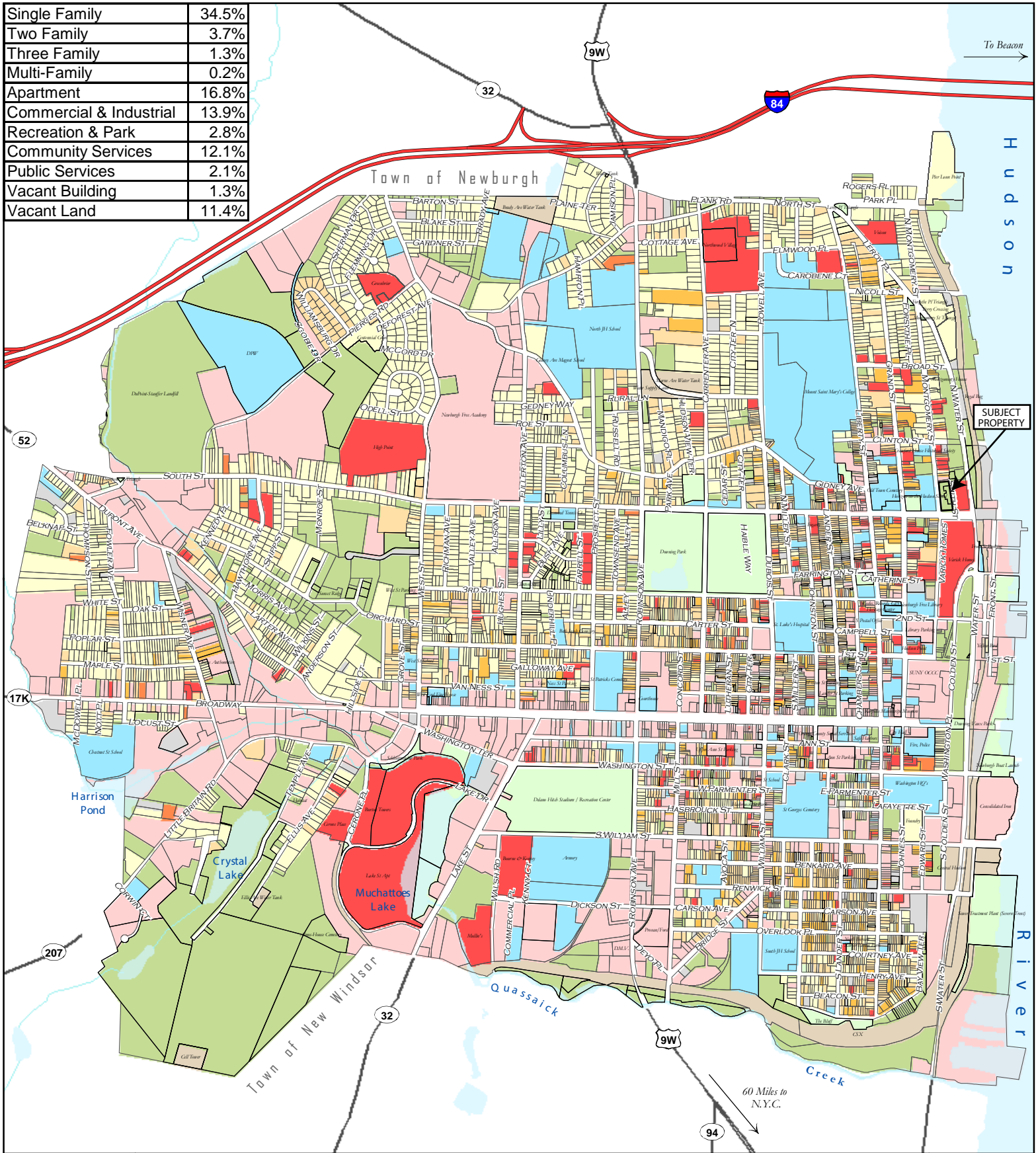
File: 22003-0092

July 2024

Scale as shown

Attachment B

Single Family	34.5%
Two Family	3.7%
Three Family	1.3%
Multi-Family	0.2%
Apartment	16.8%
Commercial & Industrial	13.9%
Recreation & Park	2.8%
Community Services	12.1%
Public Services	2.1%
Vacant Building	1.3%
Vacant Land	11.4%



**Figure 6: Existing Land Use Map**

**Legend**

City-Owned Properties	Three Family	Vacant Land	Recreation
Single Family	Multi-Family	Apartment	Community Services
Two Family	Vacant Building	Commercial	Public Services

NORTH

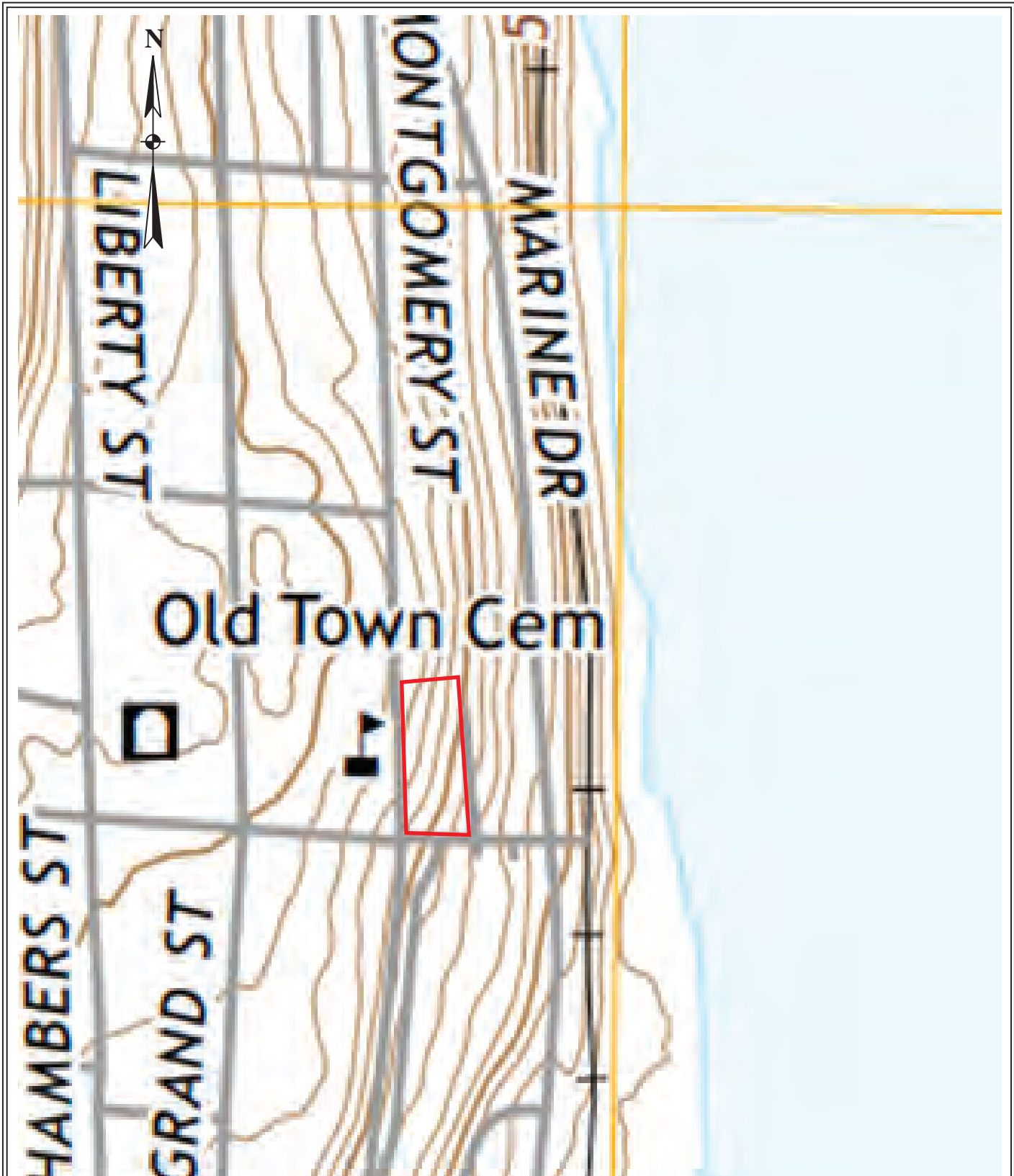


FOR VISUAL  
REFERENCE ONLY

DISCLAIMER: Maps and data are provided without warranty concerning the accuracy, completeness, or suitability for any particular purpose. City of Newburgh makes no representations and assumes no liability from any damage arising out of reliance upon the information contained herein.



Date: 9/2/2009  
Prepared by: City of Newburgh GIS  
(845) 569-7488  
G:\Map Gallery\Planning\PropertyClassCode.pdf



Source: USGS Topographic Map of the Newburgh, New York Quadrangle dated 1919, digital image provided by <https://ngmdb.usgs.gov/topoview>

<b>Figure 7: Topographic Map</b> 137 Smith Street 140 and 146 Montgomery Street City of Newburgh Orange County, New York	<b>Legend:</b> <div><div></div>BCP Site Boundary</div>	File: 22003-0092
		July 2024
		Attachment B

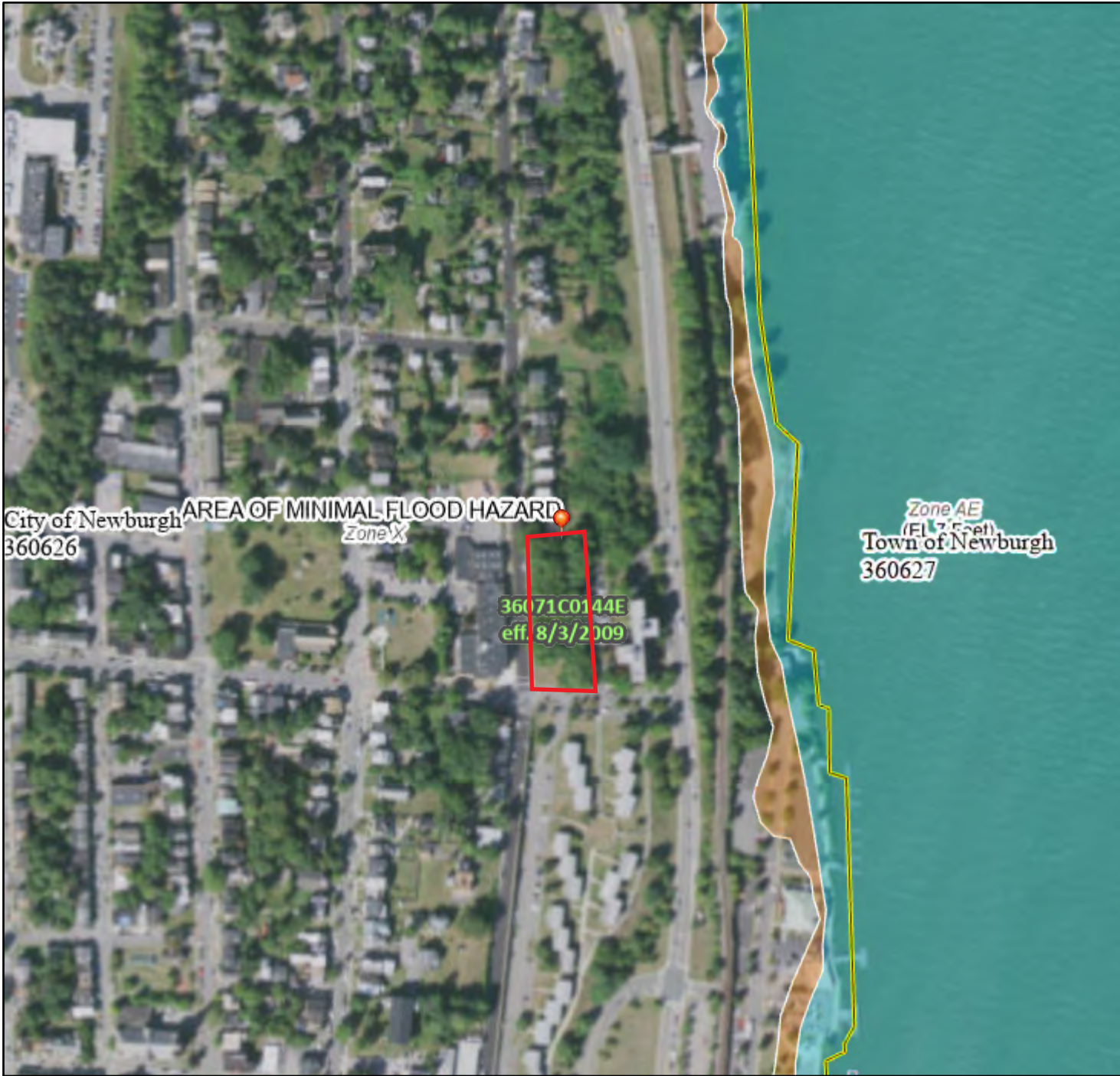


# National Flood Hazard Layer FIRMMette



Figure 8: FEMA Flood Map

74°0'45"W 41°30'41"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

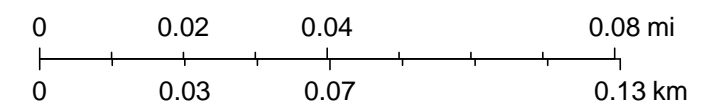
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/14/2022 at 4:07 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Figure 9: NYS Wetlands



1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





U.S. Fish and Wildlife Service

## National Wetlands Inventory

Figure 10: Federal Wetlands



U.S. Fish and Wildlife Service, National Standards and Support Team,  
wetlands\_team@fws.gov

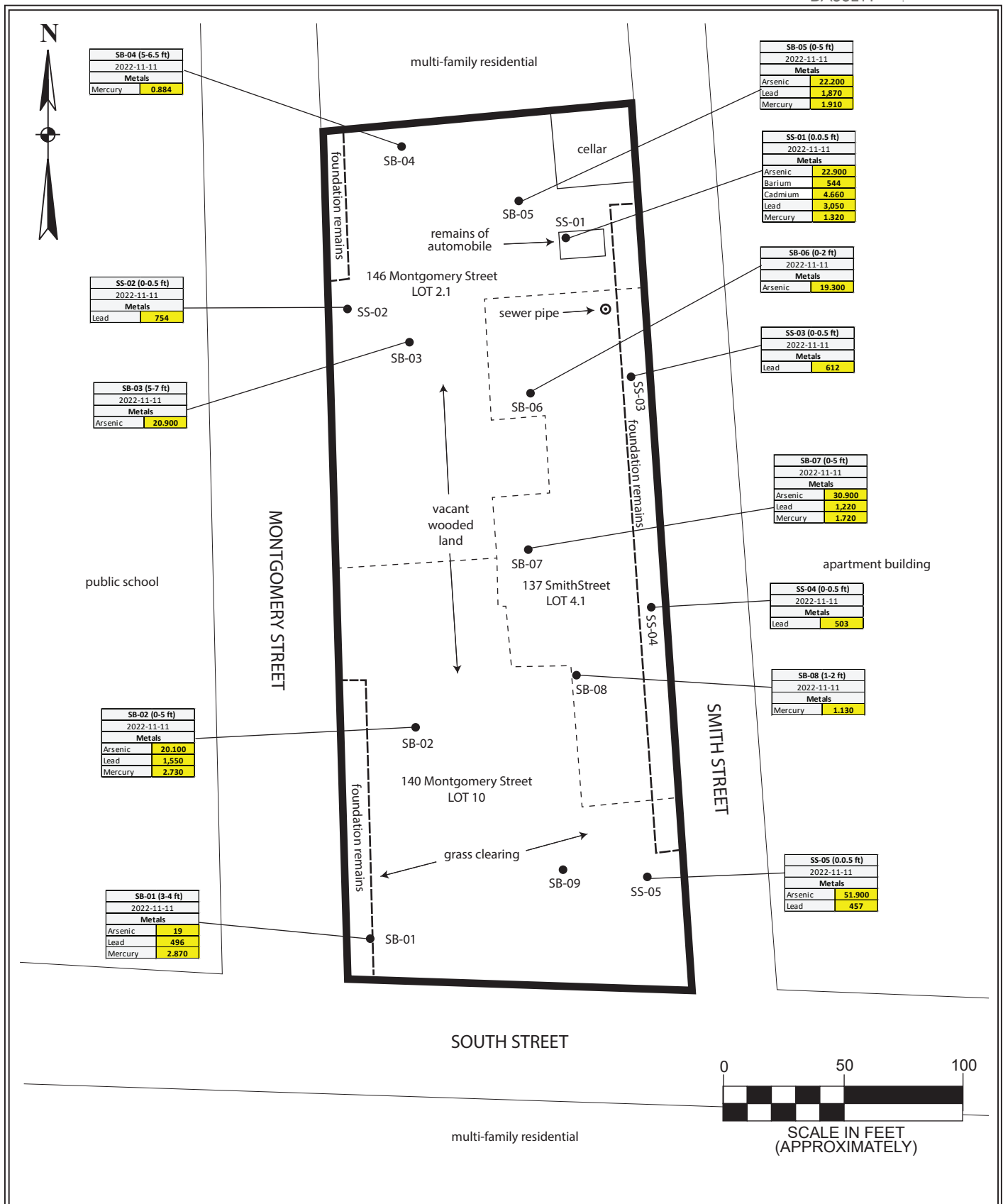
### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



**Figure 11: Soil Contamination Exceeding RRU SCOs**

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

**Legend:**

- BCP site boundary
- lot lines
- soil sample location

All data in mg/Kg (ppm)  
Analyte Above RRU SCO

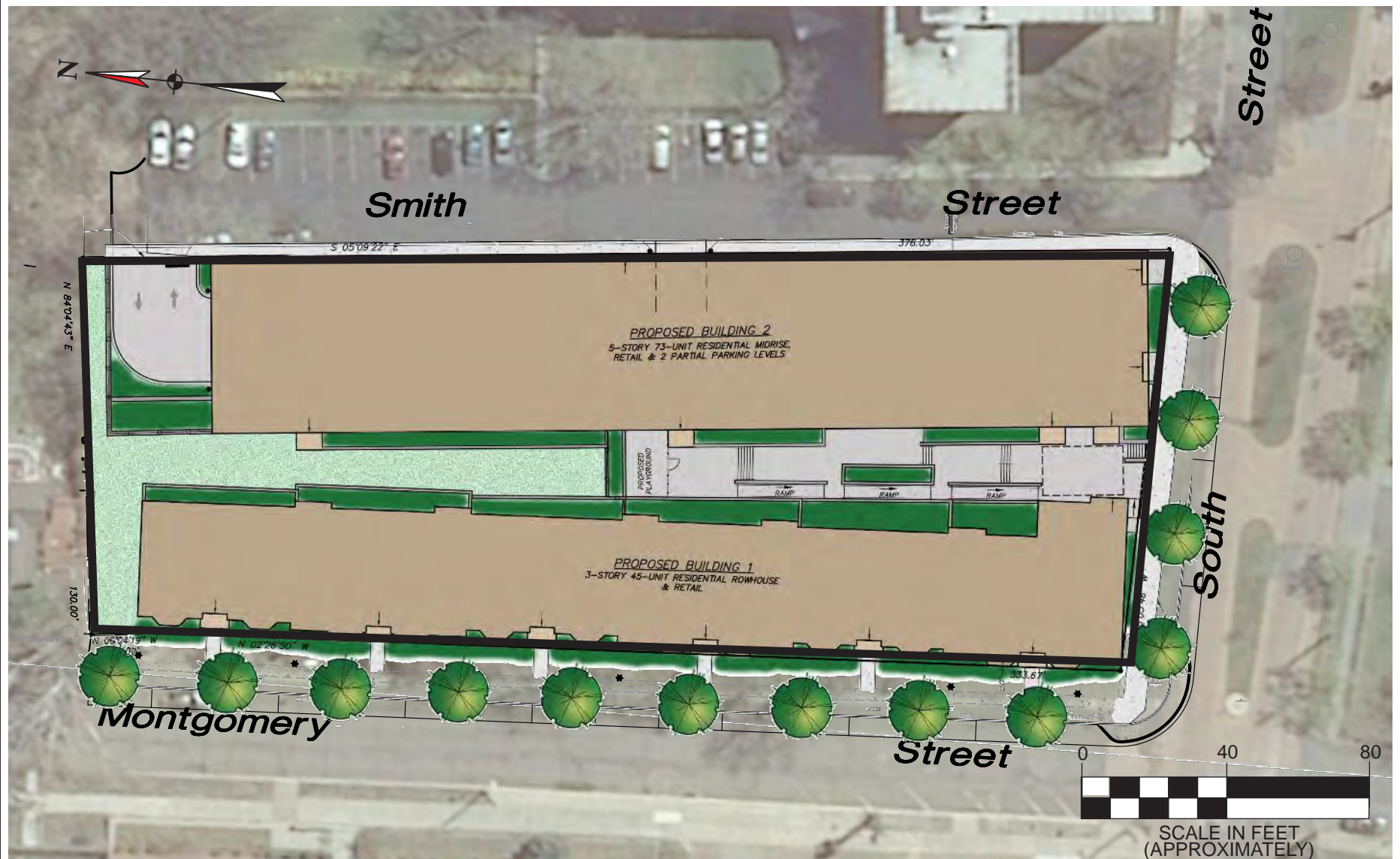
File: 22003-0092

July 2024

Scale as shown

Attachment B





## Figure 12: Development Plan

137 Smith Street  
140 and 146 Montgomery Street  
City of Newburgh  
Orange County, New York

Legend:

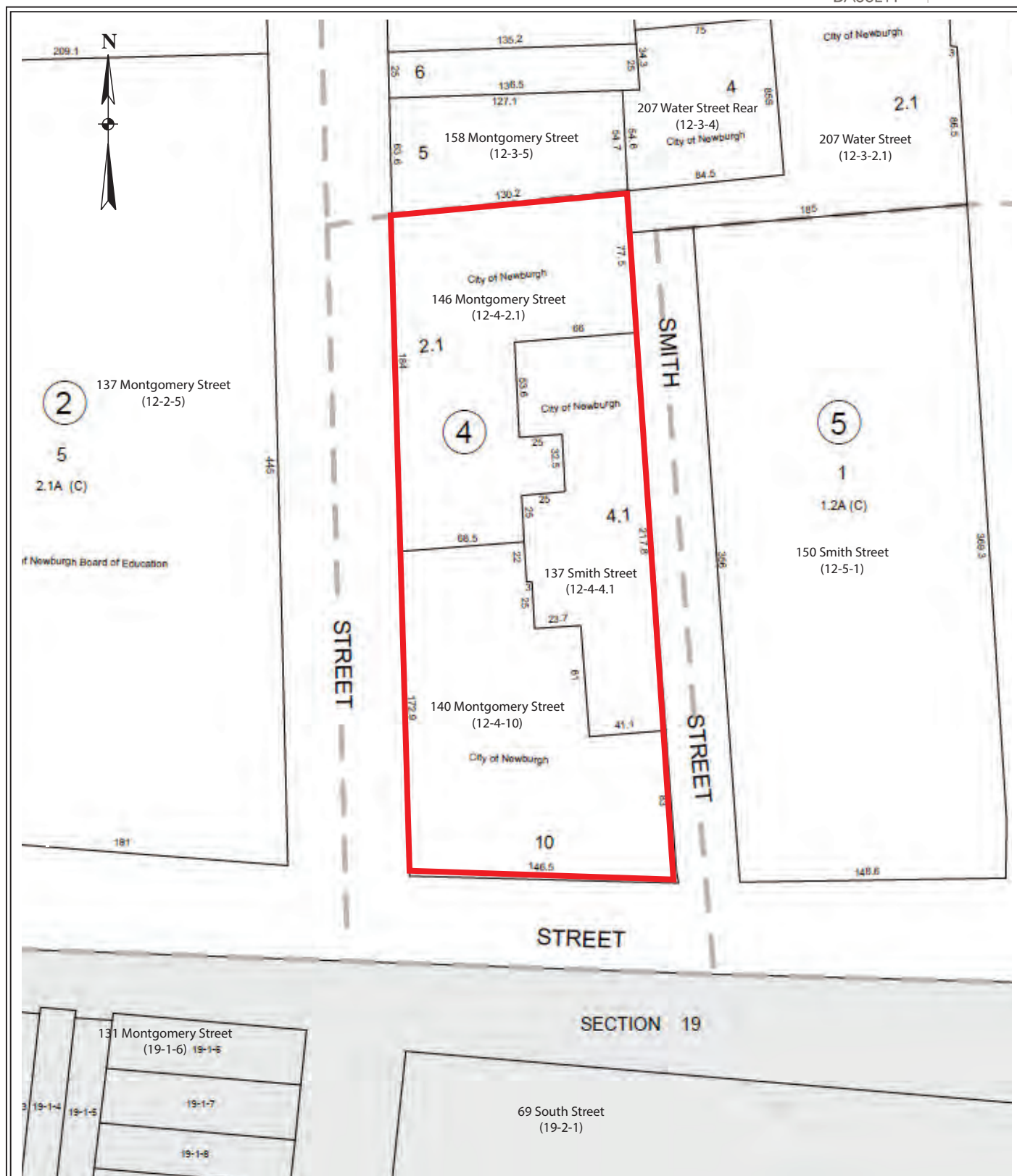
BCP site boundary

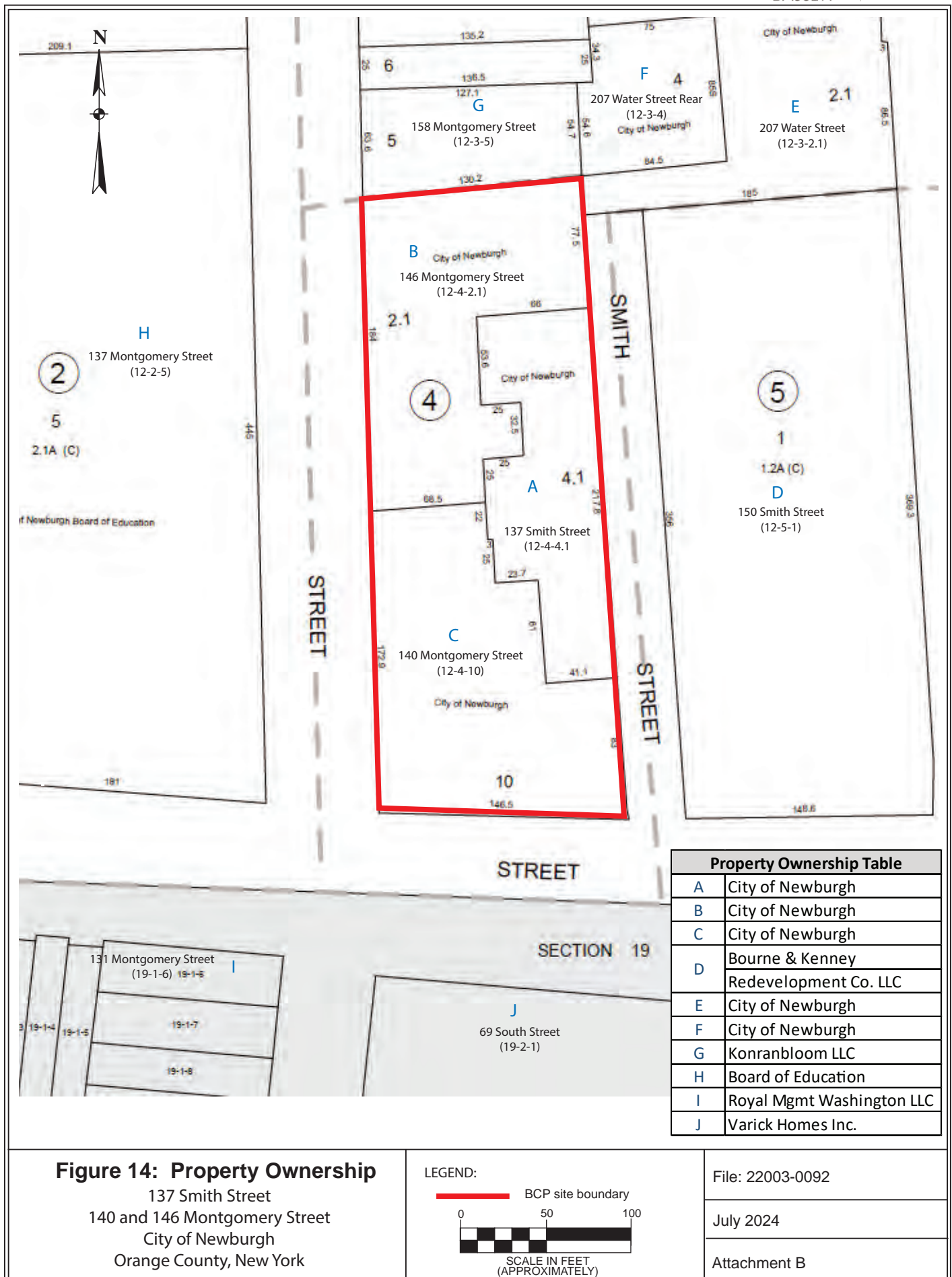
File: 22003-0092

July 2024

Scale as shown

Attachment B





## **Attachment C – Supplemental Records**



# Department of State

## Division of Corporations

### Entity Information

Return to Results

Return to Search

#### Entity Details

**ENTITY NAME:** THE KEARNEY REALTY & DEVELOPMENT GROUP INC. **DOS ID:** 1902865

**FOREIGN LEGAL NAME:** **FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC BUSINESS CORPORATION **DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTIONOF LAW:** 402 BCL - BUSINESS CORPORATION LAW **ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 03/14/1995 **REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 03/14/1995 **INACTIVE DATE:**

**FOREIGN FORMATION DATE:** **STATEMENT STATUS:** CURRENT

**COUNTY:** WESTCHESTER **NEXT STATEMENT DUE DATE:** 03/31/2025

**JURISDICTION:** NEW YORK, UNITED STATES **NFP CATEGORY:**

ENTITY DISPLAYNAME HISTORYFILING HISTORYMERGER HISTORYASSUMED NAME HISTORY

#### Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

**Name:** THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

**Address:** 57 ROUTE 6, SUITE 207, BALDWIN PLACE, NY, UNITED STATES, 10505

Electronic Service of Process on the Secretary of State as agent: Not Permitted

#### Chief Executive Officer's Name and Address

**Name:** KENNETH E KEARNEY

**Address:** 57 ROUTE, SUITE 207, BALDWIN PLACE, NY, UNITED STATES, 10505

#### Principal Executive Office Address

**Address:** 57 ROUTE 6, SUITE 207, BALDWIN PLACE, NY, UNITED STATES, 10505

#### Registered Agent Name and Address

**Name:**

**Address:**

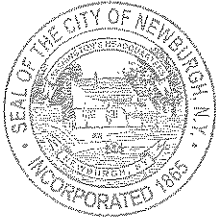
#### Entity Primary Location Name and Address

**Name:**

**Address:**

#### Farmcorpflag

Is The Entity A Farm Corporation: NO



# CITY OF NEWBURGH

Office of the City Manager

83 Broadway, Newburgh, New York 12550  
(845) 569-7301 • [www.cityofnewburgh-ny.gov](http://www.cityofnewburgh-ny.gov)

---

May 17, 2024

The Kearney Realty & Development Group,  
Inc. 57 Route 6, Suite 207  
Baldwin Place, New York 10505

**Re: "The Green" Project**  
**137 Smith Street [Section 12, Block 4, Lot 4.1]**  
**140 Montgomery Street [Section 12, Block 4, Lot 10]**  
**146 Montgomery Street [Section 12, Block 4, Lot 2.1]**  
**Newburgh, New York 12550**

To whom it may concern:

This letter confirms that The Kearney Realty & Development Group, Inc. has been granted access to three (3) parcels of real property known as: (1) 137 Smith Street [Section 12, Block 4, Lot 4.1]; (2) 140 Montgomery Street [Section 12, Block 4, Lot 10]; and (3) 146 Montgomery Street [Section 12, Block 4, Lot 2.1], Newburgh, New York 12550, to implement any investigation or remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP).

Sincerely,

Todd Venning  
City Manager/CEO

# First Hudson Title Agency, LLC

32 LaGrange Avenue, Poughkeepsie, NY 12603 • Phone No. 845-223-7101 • Fax No. 845-452-2747

APPLICANT	TITLE NUMBER FHT1313
Dale J. Lois Levine & Levine, PLLC 2 Jefferson Plaza Suite 100 Poughkeepsie, NY 12601 Reference: The Kearney Realty & Development Group, Inc. from City of Newburgh	Phone Number 845-452-2350 Fax Number dale@levinelevinelaw.com
REPORTS HAVE BEEN SENT TO	
<u>Purchasers Attorney</u> Dale J. Lois Levine & Levine, PLLC 2 Jefferson Plaza Suite 100 Poughkeepsie, NY 12601 845-452-2350 E-Mail: dale@levinelevinelaw.com	<u>Copy To</u> Sue Riccardi Levine & Levine, PLLC 2 Jefferson Plaza Suite 100 Poughkeepsie, NY 12601 845-452-2350 E-Mail: sue@levinelevinelaw.com
<u>Sellers Attorney</u> Jeremy Kaufman Ciy of Newburgh Corporate Counsel 83 Broadway Newburgh, NY 12550 845-569-7335 E-Mail: jkaufman@cityofnewburgh-ny.gov	<u>Lenders Attorney</u> TBD
PROPERTY INFORMATION	
137 Smith Street, Newburgh, NY 12550 County: Orange City: Newburgh	Tax ID Sec. 12 Block 4 Lot 4.1 Parcel ID 331100
140 Montgomery Street, Newburgh, NY 12550 County: Orange City: Newburgh	Tax ID Sec. 12 Block 4 Lot 10 Parcel ID 331100
146 Montgomery Street, Newburgh, NY 12550 County: Orange City: Newburgh	Tax ID Sec. 12 Block 4 Lot 2.1 Parcel ID 331100
PARTIES	
Owner(s): City of Newburgh Buyer(s): The Kearney Realty & Development Group, Inc. Lender(s): TBD, its successors and/or assigns, as their interests may appear	
SERVICES	



# First Hudson Title Agency, LLC

32 LaGrange Avenue, Poughkeepsie, NY 12603 • Phone No. 845-223-7101 • Fax No. 845-452-2747

## TITLE POLICIES

Owners Policy:	\$200,000.00	Fee Simple
Loan Policy:	TBD	Mortgage
Underwriter:	Fidelity National Title Insurance Company	

# First Hudson Title Agency, LLC

32 LaGrange Avenue, Poughkeepsie, NY 12603 • Phone No. 845-223-7101 • Fax No. 845-452-2747

Title No.: FHT1313

Client: Dale J. Lois

Applicant: The Kearney Realty & Development Group, Inc.

Closing Date:

Reference: The Kearney Realty & Development Group, Inc. from City of Newburgh

Premises: 137 Smith Street, Newburgh, NY 12550 (And Others) Sec. 12 Block 4 Lot 4.1; Sec. 12 Block 4 Lot 10; Sec. 12 Block 4 Lot 2.1

Owners: City of Newburgh

Buyers: The Kearney Realty & Development Group, Inc.

## TITLE CLOSING INVOICE

CHARGE DESCRIPTION	BUYER(S)	SELLER(S)	LENDER(S)	TITLE POLICIES AND INFORMATION
<b>COMPANY CHARGES</b>				<ul style="list-style-type: none"><li>• Fee Simple Policy for \$200,000.00 (Premium \$977.00)</li><li>• Mortgage Policy TBD</li><li>• Underwriter Compensation \$215.40, Title Agent Compensation \$861.60</li><li>• Property Type is Residential Vacant Land not being improved</li><li>• NOTE: The Mortgage Tax reported herein is calculated at the maximum taxable amount. In the event the tax should be reduced by consolidation or exemption please notify this Company</li><li>• Underwriter: Fidelity National Title Insurance Company</li><li>• + items are subject to NYS Sales Tax</li></ul>
<b>POLICY PREMIUMS</b>				
Owners Policy Premium	\$977.00			
Loan Policy Premium				
<b>ENDORSEMENTS</b>				
Owners TIRSA Policy Authentication				
Loan Environmental Protection Lien	\$50.00			
Loan Waiver of Arbitration Loan	\$50.00			
Loan TIRSA Policy Authentication				
<b>OTHER CHARGES</b>				
Recording Act Compliance Charge	\$50.00			
Patriot Search (\$10 Per Name) +	\$20.00			
Bankruptcy (\$10 Per Name) +	\$20.00			
Sales Tax Dutchess - 8.125%	\$3.25			
<b>TOTAL COMPANY CHARGES:</b>	<b>\$1,170.25</b>	<b>\$0.00</b>	<b>\$0.00</b>	
<b>ESCROW AND PASS THROUGH CHARGES</b>				
<b>RECORDING TAXES</b>				
Transfer Tax New York State (TP584)		\$800.00		
Mortgage Tax 1st Mortgage				
<b>RECORDING FEES</b>				
Deed	\$65.00			
RP5217	\$250.00			
TP584		\$5.00		
Residential County Recording Fee	\$10.00			
Mortgage	\$150.00			
<b>ESCROWS</b>				
<b>TOTAL ESCROW AND PASS THROUGH CHARGES:</b>	<b>\$475.00</b>	<b>\$805.00</b>	<b>\$0.00</b>	

# First Hudson Title Agency, LLC

32 LaGrange Avenue, Poughkeepsie, NY 12603 • Phone No. 845-223-7101 • Fax No. 845-452-2747

TOTAL TO FIRST HUDSON TITLE AGENCY, LLC				
---	--	--	--	--

IMPORTANT DISCLOSURES
NOTICE: Title costs for this transaction may include charges for certain services not specified in the state approved Rate Manual and are provided by this Company at the request of your lender or attorney.

For Company Use Only:

CHECK FROM/TO	CHECK NO.	COMPANY PAYMENT	DIRECT PAYMENT
	TOTAL:		

First Hudson Title Agency, LLC  
32 LaGrange Avenue  
Poughkeepsie, NY 12603  
Phone: 845-223-7101  
Fax: 845-452-2747

**CONSUMER ACKNOWLEDGMENT OF TITLE INSURANCE PREMIUMS, FEES, AND SERVICE CHARGES**

*THIS MEMORANDUM MUST BE ATTACHED TO ALL FINAL INVOICES.*

Date: 11/4/2022

File No: FHT1313

Property Address: 137 Smith Street, Newburgh, NY 12550;

140 Montgomery Street, Newburgh, NY 12550;

146 Montgomery Street, Newburgh, NY 12550

I/We acknowledge that I/we have reviewed the premium calculations, fees, and service charges being charged to me/us. I/We acknowledge that these charges have been explained to me/us and that I/we understand them as set forth on this Memorandum.

*NOTE: All buyers, borrowers, sellers and lenders, or their authorized representative(s) are required to sign this Memorandum of Acknowledgment pursuant to New York State Insurance Law.*

**REQUIRED SIGNATURES:**

Buyer(s)/Borrower(s):

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

Printed Name

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

Seller(s):

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

Printed Name

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



**Mailing Address: 32 LaGrange Avenue, Poughkeepsie, NY 12603**  
**Phone: (845) 223-7101**  
**Fax: (845) 452-2747**

FHT1313

**PRIOR TO CLOSING, THE FOLLOWING ITEMS MUST BE PROVIDED TO THE TITLE COMPANY FOR REVIEW:**

- ✓ \_\_\_\_ RESOLUTION FROM CITY OF NEWBURGH COMMON COUNSEL
- ✓ \_\_\_\_
- ✓ \_\_\_\_

***NOTICE:***

***Company will not accept personal checks over \$5,000. Any check(s) over that amount will need to be a BANK CHECK or an ATTORNEY ESCROW CHECK.***

***First Hudson Title Agency, LLC***  
***32 LaGrange Avenue Poughkeepsie, NY 12603***  
***Agents for Fidelity National Title Insurance Company***

Title Number: **FHT1313**  
Page 1

**Schedule A**

Title Number: **FHT1313**

Effective Date: **11/4/2022**

Premises: **137 Smith Street, Newburgh, NY 12550;**  
**140 Montgomery Street, Newburgh, NY 12550;**  
**146 Montgomery Street, Newburgh, NY 12550 ( )**  
County: **Orange**  
City: **Newburgh**

Tax ID: **Swiss: 331100 Section 12 Block 4 Lot 4.1**  
**Section 12 Block 4 Lot 10**  
**Section 12 Block 4 Lot 2.1**

---

ALTA **Owner's** Policy 2006 (with N.Y. Endorsement Modifications) **\$200,000.00**  
Proposed Insured: **The Kearney Realty & Development Group, Inc.**

ALTA **Loan** Policy 2006 (with N.Y. Endorsement Modifications) **\$0.00**  
Proposed Insured: **TBD, its successors and/or assigns, as their interests may appear**

---

The estate or interest in the land described or referred to in this Certificate and covered herein is:  
**Fee Simple**

Title to said estate or interest in said land at the effective date hereof is vested in:

***Parcel 1:***  
**The City of Newburgh**

Source of Title: **Deed from Newburgh Housing Authority dated 2/12/09 and recorded 4/23/09 in the Orange County Clerk's Office in Liber 12814 pg. 1203.**

***Parcels 2&3:***  
**The City of Newburgh**

Source of Title: **Deed from The Newburgh Community Development Agency FKA the Newburgh Urban Renewal Agency, dated 10/18/2010 and recorded 10/28/10 in the Orange County Clerk's Office in Liber 13076 pg. 1034.**

Recertified Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Title Recertified In:

***First Hudson Title Agency, LLC***  
***32 LaGrange Avenue Poughkeepsie, NY 12603***  
***Agents for Fidelity National Title Insurance Company***

Title Number: **FHT1313**  
Page **2**

---

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

---

---

Title Closer



***Fidelity National Title Insurance Company***

Title Number: **FHT1313**

Page **1**

**SCHEDULE A DESCRIPTION**

**Parcel 1:**

ALL that certain plot piece or parcel of land, situate, lying and being in the City of Newburgh, County of Orange, State of New York, known as 137-157 Smith Street in the City of Newburgh and being more accurately described as Section 12, Block 4, Lot 4.1 on the Official Tax Map of the City of Newburgh.

**Parcel 2:**

ALL that certain plot piece or parcel of land, situate, lying and being in the City of Newburgh, County of Orange, State of New York, known as 140 Montgomery Street f/k/a 62-74 South Street, and being more particularly described as Section 12, Block 4, Lot 10, on the Official Tax Map of the City of Newburgh.

**Parcel 3:**

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Newburgh, County of Orange, State of New York known as 146 Montgomery Street f/k/a 146-152 Montgomery Street/ 159-165 Smith Street, and being more particularly described as Section 12, Block 4, Lot 2.1, on the Official Tax Map of the City of Newburgh.

For Information Only:

Said Premises being known as 137 Smith Street, Newburgh, NY 12550;

140 Montgomery Street, Newburgh, NY 12550;

146 Montgomery Street, Newburgh, NY 12550

Section: 12 Block: 4 Lot: 4.1

# ***Fidelity National Title Insurance Company***

Title Number: **FHT1313**

Page **1**

## **Schedule B**

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

### **DISPOSITION**

1. Taxes, tax liens, tax sales, water charges, sewer rents and assessments as set forth herein.
2. Rights of tenants or persons in possession, if any.
3. Any lien, or right of a lien, for services, labor, materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. *Rights or claims of parties in possession not shown by the public records.*
5. The identity of parties at the closing of this title should be established to the satisfaction of the closer acting for this company.
6. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same. Policy will insure for mortgage purposes that the same will not interfere with the use of the premises.
7. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
8. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
9. Roads, ways, streams or easements, if any, not shown of record, riparian rights and the title to any filled-in-land.
10. The exact location and dimensions of the boundary lines of the premises described in Schedule "A" will not be insured in the absence of a guaranteed survey.
11. Any state of facts which an accurate survey might show including changes or alterations in street lines, if any.
12. SURVEY subject to any state of facts which an accurate survey or personal inspection of the premises would disclose.

***Fidelity National Title Insurance Company***

Title Number: **FHT1313**

Page **2**

13. FOR FEE POLICY (**MUST REMAIN**): Company shall only be responsible for payment of water and/or sewer bills presented at closing. If funds collected at closing are insufficient to pay balance due in full, the party responsible (purchaser, seller or borrower, as determined at closing) for payment shall be required to provide additional funds to this Company. Company excepts any remaining water and/or sewer charges not presented for payment at closing. Company shall not be responsible for payment of any outstanding balances resulting from failure to present a bill for payment at closing or due to a municipality's failure to provide accurate billing information.
14. FOR FEE POLICY (**MUST REMAIN**): COMPANY EXCEPTS ANY SPECIAL ASSESSMENTS AND/OR SERVICE INVOICES NOT PRESENTED AT TIME OF CLOSING.
15. Company excepts any Covenants and Restrictions in the Deed of Conveyance.
16. Mortgages returned and set forth herein: **NONE OF RECORD**
17. **Resolution is needed from the City of Newburgh Common Counsel authorizing the sale of premises by a two thirds majority.**
18. **Subject to Easement as set forth in Liber 1441 pg. 366. (Parcel 1)**
19. **Subject to Easements to City of Newburgh of record and not of record as contained in Liber 13076 pg. 1034 (Parcels 2 & 3).**
20. **JUDGMENTS AND LIENS:**
  - a) The Certified Owner(s): **City of Newburgh**  
has been run for Judgments and Liens with the following results:  
  
**None of Record**
  - b) *For Information Only*, the proposed purchaser(s) and guarantor(s):  
**The Kearney Realty & Development Group, Inc.** has been run for  
Judgments and Liens with the following results:  
  
**None of Record**

NOTE: Any affidavit submitted to dispose of the above judgments, should also include a statement to the effect that there are no judgments or federal liens outstanding against the deponent in any court of the United States.

## *Fidelity National Title Insurance Company*

Title Number: **FHT1313**

Page 3

**NOTE: In the event that the proposed transaction is a short sale, Company must be so advised IN ADVANCE OF CLOSING. Additional exceptions and requirements will be raised, as appropriate. Among other things, Company will require that all payoff letters and all existing lenders' closing instructions be produced for review prior to the closing being scheduled.**

*FOR INFORMATION:* Company will make every effort to clear as many of the objections in this title report as possible. But it is the responsibility of the seller's attorney to see to it that all the objections raised in this report are cleared before a closing date is set.

Although the company will use its best efforts to record instruments promptly, no liability is assumed for penalties and interest under Section 1416 of the Tax Law due to the inability to file transfer tax and gains tax returns or pay transfer taxes within the time required.

In accordance with New York State Law the title company is required to offer purchasers the option to purchase the Market Value Rider. Attached is the form Homeowners Notice and Waiver Optional Market Value Policy Rider, which must be filled out by purchaser.

*FOR REFINANCES:* Borrowers may be entitled to a discounted mortgage premium rate if this transaction is a refinance loan. ***Borrowers should refer to and must execute the Closing Notice to Borrowers attached hereto and made a part hereof.*** Borrowers may also contact Queen City Abstract, Corp. directly to receive further information on obtaining the discounted premium rate.

**FOR INFORMATION: IF A POWER OF ATTORNEY IS TO BE USED, THE ONLY FORM ACCEPTABLE FOR RECORDING IS THE FORM DATED 6/13/21 (WITH WITNESSES), ADDITIONALLY, AN AFFIDAVIT MUST BE PROVIDED AT CLOSING THAT THE POA IS IN FULL FORCE AND EFFECT.**

*Title costs for this transaction may include charges for certain services not specified in the TIRSA Rate Manual and are provided by Queen City Abstract Corp. at the request of your lender or attorney. The issuance of the title policy is not dependent upon the performance of such additional services.*

***Company will not accept personal checks over \$5,000. Any check(s) over that amount will need to be a BANK CHECK or an ATTORNEY ESCROW CHECK.***

# First Hudson Title Agency, LLC

32 LaGrange Avenue Poughkeepsie, NY 12603 845-223-7101 Fax 845-452-2747

## PATRIOT SEARCH REPORT

TITLE NO. FHT1313

A search of the “Specially Designated Nationals and Blocked Persons List” published by the Department of Treasury, Office of Foreign Assets Control, has returned the following results:

---

---

OWNER(S): City of Newburgh



The above name(s) does not match any record found.



The above name(s) were found on the Specially Designated Nationals and Blocked Persons List. If additional research is required to determine appropriate course of action, please contact the “Office of Foreign Assets Control – Compliance Program Division” at 1-800-540-6322.

---

---

PURCHASER(S): The Kearney Realty & Development Group, Inc.



The above name(s) does not match any record found.



The above name(s) were found on the Specially Designated Nationals and Blocked Persons List. If additional research is required to determine appropriate course of action, please contact the “Office of Foreign Assets Control – Compliance Program Division” at 1-800-540-6322.

---

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Dated: 11/4/2022

First Hudson Title Agency, LLC

**First Hudson Title Agency, LLC**  
32 LaGrange Avenue Poughkeepsie, NY 12603 845-223-7101 845-452-2747

**BANKRUPTCY REPORT**

**TITLE NO.** FHT1313

A search has been made for bankruptcy filing in the NORTHERN and SOUTHERN Districts only under the following name(s):

OWNER(S): City of Newburgh  
NO RECORDS QUALIFY

PURCHASER(S): The Kearney Realty & Development Group, Inc.  
NO RECORDS QUALIFY

Dated: 11/4/2022

First Hudson Title Agency, LLC

## TAX SEARCH

Title No. FHT1313

### **PREMISES: PARCEL 1**

137 Smith Street

COUNTY: **Orange**

CITY: **NEWBURGH**

SWIS CODE: **331100** SECTION: **12** BLOCK: **4** LOT: **4.1**

---

### **ASSESSMENT:**

ASSESSED OWNER(S): **City of Newburgh**

PROPERTY CLASS:	311	LAND VALUE:	\$23,900
SCHOOL DISTRICT:	NEWBURGH	TOTAL VALUE:	\$23,900
LOT SIZE:	218 X 66	EXEMPTIONS:	

---

**2022 CITY TAX:** **RUNS 1/1/22 - 12/31/22**

<b>FULL TAX:</b>		<b>Base Tax w/o Exemptions:</b>	\$
	<b>0.00</b>	<b>FULLY EXEMPT</b>	

---

**2022/23 SCHOOL TAX:** **RUNS 7/1/22 – 6/30/23**

<b>FULL TAX:</b>		<b>Base Tax w/o Exemptions:</b>	
	<b>0.00</b>	<b>FULLY EXEMPT</b>	

---

**WATER/SEWER: SELLER TO CONFIRM WELL/SEPTIC OR PROVIDE FINAL READINGS AT CLOSING**

AMOUNT:

PERIOD DATE:

IF PREMISES ARE SERVICED BY MUNICIPAL WATER/SEWER:

A final water reading must be obtained, and the bill, therefore, presented at closing. In the event the premises are serviced by the municipal water, sewer, etc., and no other bill is presented, policy will except any and all changes accrued against the subject premises for the same, unless a letter of indemnity is obtained from the attorney for the seller at closing, guaranteeing the payment of said water/sewer charges holding the company harmless from any loss, claim or damage arising from failure to do the same. In the alternative, the company will be forced to escrow from the proceeds of the sale an amount to be determined by the company at its discretion, sufficient to pay said water/sewer charges.



## TAX SEARCH

Title No. FHT1313

### **PREMISES: PARCEL 2**

**140 Montgomery Street**

COUNTY: **Orange**

CITY: **NEWBURGH**

SWIS CODE: **331100** SECTION: **12** BLOCK: **4** LOT: **10**

---

### **ASSESSMENT:**

ASSESSED OWNER(S): **City of Newburgh**

PROPERTY CLASS:	311	LAND VALUE:	\$40,000
SCHOOL DISTRICT:	NEWBURGH	TOTAL VALUE:	\$40,000
LOT SIZE:	146 X 173	EXEMPTIONS:	

---

**2022 CITY TAX:** **RUNS 1/1/22 - 12/31/22**

<b>FULL TAX:</b>		<b>Base Tax w/o Exemptions:</b>	\$
	<b>0.00</b>	<b>FULLY</b>	
		<b>EXEMPT</b>	

---

**2022/23 SCHOOL TAX:** **RUNS 7/1/22 – 6/30/23**

<b>FULL TAX:</b>		<b>Base Tax w/o Exemptions:</b>	
	<b>0.00</b>	<b>FULLY</b>	
		<b>EXEMPT</b>	

---

**WATER/SEWER: SELLER TO CONFIRM WELL/SEPTIC OR PROVIDE FINAL READINGS AT CLOSING**

AMOUNT:

PERIOD DATE:

IF PREMISES ARE SERVICED BY MUNICIPAL WATER/SEWER:

A final water reading must be obtained, and the bill, therefore, presented at closing. In the event the premises are serviced by the municipal water, sewer, etc., and no other bill is presented, policy will except any and all changes accrued against the subject premises for the same, unless a letter of indemnity is obtained from the attorney for the seller at closing, guaranteeing the payment of said water/sewer charges holding the company harmless from any loss, claim or damage arising from failure to do the same. In the alternative, the company will be forced to escrow from the proceeds of the sale an amount to be determined by the company at its discretion, sufficient to pay said water/sewer charges.

## TAX SEARCH

Title No. FHT1313

### **PREMISES: PARCEL 3**

**146 Montgomery Street**

COUNTY: **Orange**

CITY: **NEWBURGH**

SWIS CODE: **331100** SECTION: **12** BLOCK: **4** LOT: **2.1**

---

### **ASSESSMENT:**

ASSESSED OWNER(S): **City of Newburgh**

PROPERTY CLASS:	311	LAND VALUE:	\$38,800
SCHOOL DISTRICT:	NEWBURGH	TOTAL VALUE:	\$38,800
LOT SIZE:	0.41 AC	EXEMPTIONS:	

---

**2022 COUNTY/TOWN TAX: RUNS 1/1/22 - 12/31/22**

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<b>FULL TAX:</b>	<b>0.00</b>	<b>Base Tax w/o Exemptions:</b>	<b>\$</b>
		<b>FULLY EXEMPT</b>	

---

**2022/23 SCHOOL TAX: RUNS 7/1/22 - 6/30/23**

---

<b>FULL TAX:</b>	<b>0.00</b>	<b>Base Tax w/o Exemptions:</b>	
		<b>FULLY EXEMPT</b>	

---

**WATER/SEWER: SELLER TO CONFIRM WELL/SEPTIC OR PROVIDE FINAL READINGS AT CLOSING**

AMOUNT:

PERIOD DATE:

IF PREMISES ARE SERVICED BY MUNICIPAL WATER/SEWER:

A final water reading must be obtained, and the bill, therefore, presented at closing. In the event the premises are serviced by the municipal water, sewer, etc., and no other bill is presented, policy will except any and all charges accrued against the subject premises for the same, unless a letter of indemnity is obtained from the attorney for the seller at closing, guaranteeing the payment of said water/sewer charges holding the company harmless from any loss, claim or damage arising from failure to do the same. In the alternative, the company will be forced to escrow from the proceeds of the sale an amount to be determined by the company at its discretion, sufficient to pay said water/sewer charges.

Our policy does not insure against such items which have not become a lien up to the date of the policy or installment due after the date of the policy. Recent payment of any open items returned on this tax search may not be reflected on the public records. Therefore, please request the seller or borrower to have the receipted bill available at the closing.

---

**PAYMENT INFORMATION:**

***CITY TAX COLLECTOR:***

City of Newburgh  
Tax Collector  
83 Broadway  
Newburgh, NY 12550

***SCHOOL TAX COLLECTOR:***

***Newburgh School Tax Office***  
124 Grand Street  
Newburgh, NY 12550

***Fidelity National Title Insurance Company***

Title Number: **FHT1313**

Page **1**

**MUNICIPAL, DEPARTMENTAL AND OTHER INFORMATIONAL SEARCHES**

**THE MUNICIPAL SEARCH BELOW IS PROVIDED BY THE TITLE COMPANY FOR INFORMATION ONLY. ANY VIOLATIONS OR ISSUES SHOULD BE ADDRESSED DIRECTLY TO THE BUILDING DEPARTMENT BY THE BUYER/SELLER.** They will not be insured and the company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.

NO MUNICIPAL SEARCHES HAVE BEEN ORDERED FOR THIS REPORT.

**STREET REPORT:** SMITH STREET IS MAINTAINED BY THE CITY OF NEWBURGH.  
MONTGOMERY STREET IS MAINTAINED BY THE CITY OF NEWBURGH.

**CENTRAL VIOLATIONS BUREAU**

In New York City, since about July 1, 1961, only the Fire Department, The Department of Health, the Department of Air Pollution Control and the Department of Water Supply, Gas and Electricity have been reporting violations issued by them affecting multiple dwellings to the Central Violations Bureau established pursuant to Section 328 of the Multiple Dwelling Law. In its report to its search for violations the Department of Buildings includes such violations affecting multiple dwellings filed by the aforesaid departments in the central bureau.



## CERTIFICATE OF TITLE

### ***Fidelity National Title Insurance Company of New York***

Agrees to issue its standard form of title insurance policy after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy, and (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAYBE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

TITLE NO.: **FHT1313**  
PREMISES: **137 Smith Street, Newburgh, NY 12550;**  
**140 Montgomery Street, Newburgh, NY 12550;**  
**146 Montgomery Street, Newburgh, NY 12550**  
REFERENCE: **The Kearney Realty & Development Group, Inc.**  
**from City of Newburgh**

Issued By:

**First Hudson Title Agency, LLC**  
**32 LaGrange Avenue**  
**Poughkeepsie, NY 12603**

Phone: 845-223-7101 Fax: 845-452-2747

Dated: 11/4/2022

*First Hudson Title Agency, LLC*

Authorized Signatory

Redated:

By: \_\_\_\_\_

**Fidelity National Title Insurance Company**



By:

*James M. P. L.*

ATTEST

*John C. J.*

President

Secretary

*Will be pleased to confer on  
any questions concerning this certificate*

**THIS REPORT IS NOT A TITLE INSURANCE POLICY! PLEASE READ IT CAREFULLY. THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY. YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

**Certificate for Title Insurance**  
**(Continued)**

The following matters will be expressly excluded from the coverage of the policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10 or loan policy 11, 13 or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes, assessments, water charges or sewer rents imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records.

**Loan Policy additional Exclusions:**

6. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
7. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.

The policy will except from coverage any state of facts which an accurate survey might show, unless a survey is provided or survey coverage is available. When a survey is provided, this certificate will set forth the specific survey exceptions which we will include in the policy. Whenever the word "trim" is used in any survey exceptions from coverage, it shall be deemed to include roof cornices, show window cornices, lintels, sills, window trim, entrance trim, bay window cornices, moldings, belt courses, water tables, keystones, pilasters, porticos, balconies all of which project beyond the street line. CONSUMER NOTICES AND DISCLOSURE FORM

These disclosures and Notices are for the purposes of compliance with New York Insurance law and do not alter or change the coverages, exceptions, exclusions or conditions of the final policies issued in connection with the subject transaction. Any person who knowingly, and with intent to defraud any insurance company or other persons, files an application for insurance or statement of claim containing any materially false information, or conceals, for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars (\$5,000.00) and the stated value of the claim for each such violation.

**THIS REPORT IS NOT A TITLE INSURANCE POLICY. PLEASE REVIEW THIS REPORT WITH A REAL ESTATE PROFESSIONAL REPRESENTING YOUR INTEREST IN THIS TRANSACTION. PLEASE READ IT CAREFULLY. THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT LIST ALL LIENS, DEFECTS AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY. YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

Initial: \_\_\_\_\_



Parcel 1

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

NEWBURGH HOUSING AUTHORITY

TO

THE CITY OF NEWBURGH

SECTION 12 BLOCK 4 LOT 4.1

RECORD AND RETURN TO:  
(name and address)

THE CITY OF NEWBURGH  
OFFICE OF THE CORPORATION COUNSEL  
83 BROADWAY, CITY HALL  
NEWBURGH, NY 12550



THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
4800 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)  
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS  
9999 HOLD

NO. PAGES 4 CROSS REF.  
CERT. COPY ADD'L X-REF.  
MAP# PGS.

PAYMENT TYPE: CHECK  
CASH  
CHARGE ✓  
NO FEE

CONSIDERATION \$  
TAX EXEMPT

MORTGAGE AMT. \$  
DATE

MORTGAGE TAX TYPE:

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

*Donna L. Benson*

DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM:

*Newburgh City*

RECORDED/FILED  
04/23/2009/ 16:30:03  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE#20090038638  
DEED C / BK 12014PG 1203  
RECORDING FEES 230.00  
TX# 005275 T TAX 0.00  
Receipt#1015078 juls



**THIS INDENTURE**, made the 12<sup>th</sup> day of February, 2009,

**BETWEEN**

NEWBURGH HOUSING AUTHORITY, 40 Walsh Road, Newburgh, New York 12550,  
party of the first part, and

THE CITY OF NEWBURGH, City Hall – 83 Broadway, Newburgh, New York 12550,  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of the sum 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 buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

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 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 as of the day and year first above written.

NEWBURGH HOUSING AUTHORITY

By: MAS  
Marc Starling, Executive Director

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

On the 12<sup>th</sup> day of February, 2009, before me, the undersigned, a Notary Public in and for said state, personally appeared Marc Starling personally known to be 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Michelle J. Rider  
Notary Public

MICHELLE FASCIANA RIDER  
Notary Public, State of New York  
No. 02RI6103994  
Qualified in Orange County  
Commission Expires January 12, 20 12

#### SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, State of New York, known as 137-157 Smith Street in the City of Newburgh and being more accurately described as Section 12, Block 4, Lot 4.1 on the Official Tax Map of the City of Newburgh.



# This Indenture,

Made the 23rd day of August, nineteen hundred and fifty-seven

Between WILLIAM H. BARTON, residing at No. 150 Montgomery Street, Newburgh, Orange County, New York,

part y of the first part, and

NEWBURGH HOUSING AUTHORITY, a public corporation which is a corporate governmental agency organized pursuant to Article XVIII of the Constitution of the State of New York, and having its principal place of business at #150 Smith Street, in the City of Newburgh, County of Orange and State of New York,

part y of the second part,

Witnesseth, that the party of the first part, in consideration of ONE THOUSAND ONE HUNDRED and TWENTY FIVE (\$1,125.00) Dollars, lawful money of the United States, and other valuable consideration paid by the party of the second part, do as hereby grant and release unto the party of the second part, and assigns forever,

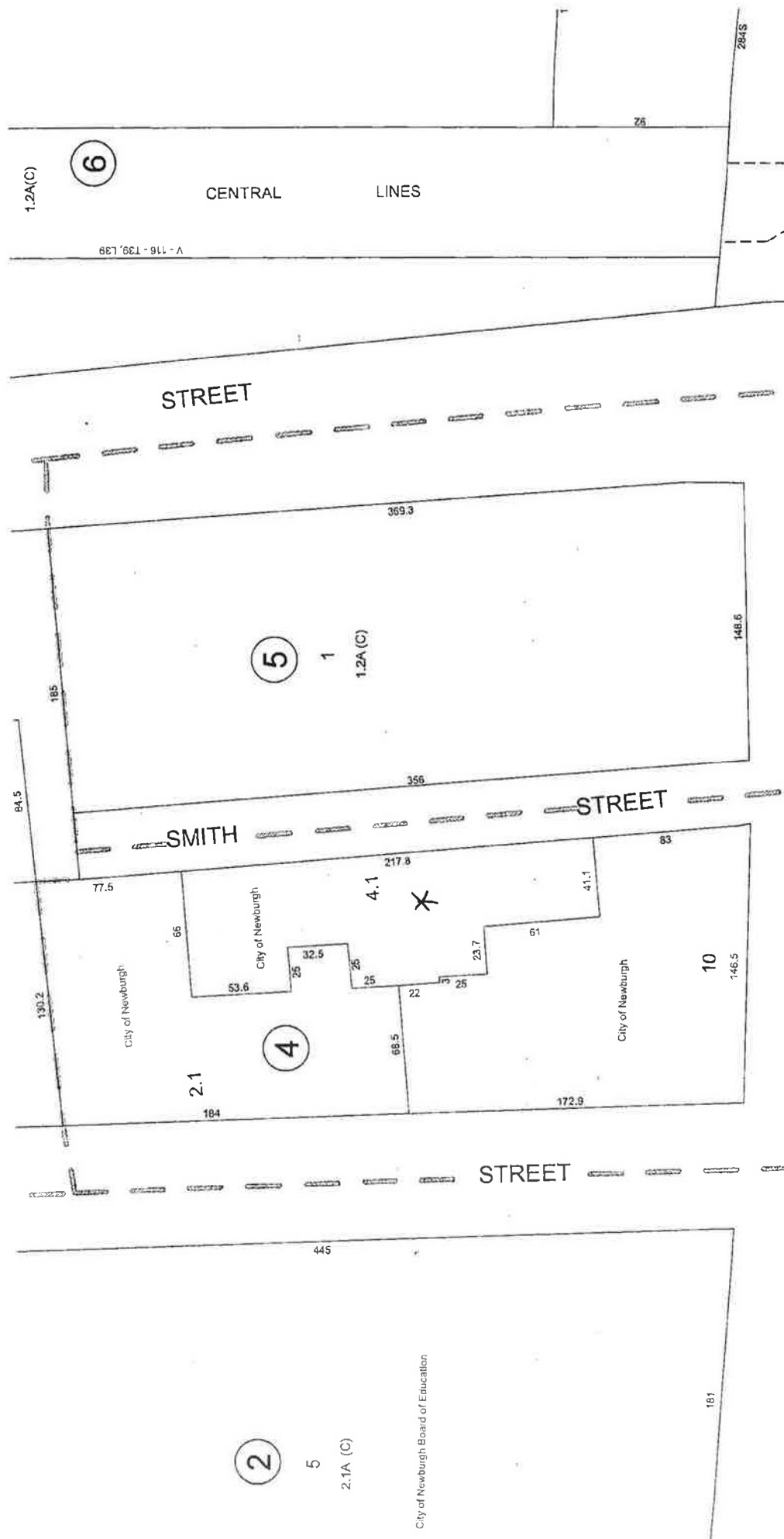
All that certain parcel of land with the building thereon, situate on the west side of Smith Street, in the City of Newburgh, County of Orange, and State of New York, known and designated on the Tax Map of the City of Newburgh, Tax District #4; Map 1, Block 1, Tax Lot 12, and known as 153 Smith Street.

The said parcel as hereby described being 24 feet, more or less, front and rear and 67 feet, more or less, in depth.

BEING and intended to be the same premises as were conveyed by Jennie Wallace Baker to William H. Barton and Rita M. Barton, husband and wife, by deed dated November 25, 1929, and recorded in the Office of the Orange County Clerk on November 29, 1929, in Liber of Deeds 703, at page 6; said Rita M. Barton having died a resident of Orange County, New York on the 23rd day of June, 1951.

SUBJECT to an easement whereby the party of the first part, WILLIAM H. BARTON, perpetually reserves to himself, his heirs, and assigns, the right to maintain and operate, relay and remove sewer pipes running through the herein described premises being conveyed. Party of the first part, his heirs, assigns, will have, forever, the right to enter upon the parcel being conveyed, as hereinabove described, to maintain and operate, relay and remove sewer pipes and the party of the first part, his heirs, assigns shall never be liable for damage to the premises being conveyed, as herein described, which are the results of maintaining and operating, relaying and removing sewer pipes running through the above described property.

1441/366





# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



Parcel 213

TYPE IN BLACK INK:

NAMES(S) OF PARTY(S) TO DOCUMENT

Newburgh Community Development  
Agency f/k/a Newburgh  
Urban Renewal Agency

TO

The City of Newburgh

SEE ATTACHED

SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

RECORD AND RETURN TO:  
(name and address)

The City of Newburgh  
Office of the Corporation Counsel  
83 Broadway, City Hall  
Newburgh, NY 12550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

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

## PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)	NO. PAGES <u>11</u> CROSS REF.
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)	CERT. COPY _____ ADD'L X-REF. _____
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)	MAP# _____ PGS. _____
2201 CHESTER (VLG)	4205 WALDEN (VLG)	PAYMENT TYPE: CHECK _____
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)	CASH _____
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)	CHARGE <input checked="" type="checkbox"/>
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)	NO FEE _____
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)	CONSIDERATION \$ <u>0</u>
3089 GOSHEN (TN)	5089 TUXEDO (TN)	TAX EXEMPT _____
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)	MORTGAGE AMT. \$ _____
3003 FLORIDA (VLG)	5200 WALLKILL (TN)	DATE _____
3005 CHESTER (VLG)	5489 WARWICK (TN)	MORTGAGE TAX TYPE:
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)	____ (A) COMMERCIAL/FULL 1%
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)	____ (B) 1 OR 2 FAMILY
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)	____ (C) UNDER \$10,000
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)	____ (E) EXEMPT
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)	____ (F) 3 TO 6 UNITS
3889 MINISINK (TN)	5801 HARRIMAN (VLG)	____ (I) NAT. PERSON/CR. UNION
3801 UNIONVILLE (VLG)		____ (J) NAT. PER-CR. UN/1 OR 2
4089 MONROE (TN)		____ (K) CONDO
4001 MONROE (VLG)	<b>CITIES</b>	
4003 HARRIMAN (VLG)	0900 MIDDLETOWN	
4005 KIRYAS JOEL (VLG)	1100 NEWBURGH	
	1300 PORT JERVIS	
	9999 HOLD	

*Donna L. Benson*

DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: Newburgh

RECORDED / FILED  
10/28/2010 / 11:20:49  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE# 20100102910  
DEED C / BK 13076PG 1034  
RECORDING FEES 350.00  
TTX# 001618 T TAX 0.00  
Receipt# 1237036 mar 10



PROPERTY ADDRESS	S-B-L	10 Assessment	Prop. Class Code	Lot Size	Description	Condo
35-37 Broad Street	10-3-2.22	\$95,100	311	2.70 Acres	Residential Vacant Land	No
Water Street	10-3-36	\$5,800	311	63' X 156'	Residential Vacant Land	No
207 Water Street	12-3-2.1	\$17,500	350	86' X 185'	Urban Renewal	No
209 Water Street	12-3-3	\$2,900	350	26' X 175'	Urban Renewal	No
146 Montgomery Street	12-4-2.1	\$21,800	350	184' X 130'	Urban Renewal	No
140 Montgomery Street	12-4-10	\$24,500	350	146' X 173'	Urban Renewal	No
180 Water Street	12-6-5	\$52,900	331	142' X 272'	Comm. Vacant W/ Imp.	No
151 Lander Street	18-4-43	\$1,800	311	25' X 120'	Residential Vacant Land	No
1 Colden Street	24-9-1	\$11,700	350	311' X 285'	Urban Renewal	No
3 Colden Street	24-9-2	\$500	330	19' X 56'	Commercial Vacant	No
2 Montgomery Street	24-9-3	\$19,600	330	33' X 178'	Commercial Vacant	No
34 Montgomery Street	24-10-1	\$75,600	438	100' X 125'	Parking Lot	No
14 Montgomery Street	24-10-7	\$40,200	350	170' X 97'	Urban Renewal	No
12 Montgomery Street	24-10-11	\$1,500	350	23' X 97'	Urban Renewal	No
4 Montgomery Street	24-10-14	\$4,100	350	65' X 66'	Urban Renewal	No
55 Second Street	24-10-15	\$9,900	330	67' X 449'	Commercial Vacant	No
94 S. Water Street	37-3-1.1	\$94,200	350	2.10 Acres	Urban Renewal	No



THIS INDENTURE made the 18<sup>th</sup> day of October, in the year two thousand-ten

BETWEEN:

The NEWBURGH COMMUNITY DEVELOPMENT AGENCY, formerly known as the Newburgh Urban Renewal Agency, a New York Public Authority, having its principal office at 83 Broadway, City Hall, Newburgh, New York 12550, party of the first part; and

The CITY OF NEWBURGH, a New York municipal corporation, and having its principal office at 83 Broadway, City Hall, Newburgh, New York 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of \$1.00, and other good and valuable consideration by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

PARCEL I

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 35-37 Broad Street, and being more particularly described as Section 10, Block 3, Lot 2.22, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from Edward C. Moulton and Theima D. Moulton the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated February 10, 1977, and recorded in the Orange County Clerk's office in Liber 2060 of Deeds at page 294; and

PARCEL II

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as Water Street, and being more particularly described as Section 10, Block 3, Lot 36, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated September 18, 1985, and recorded in the Orange County Clerk's office in Liber 2416 of Deeds at page 227; and

#### PARCEL III

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 207 Water Street f/k/a Water & Barclay, and being more particularly described as Section 12, Block 3, Lot 2.1 f/k/a Section 12, Block 3, Lot 15, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated October 2, 1986, and recorded in the Orange County Clerk's office in Liber 2607 of Deeds at page 28; and

#### PARCEL IV

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 209 Water Street, and being more particularly described as Section 12, Block 3, Lot 3, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated April 16, 1985, and recorded in the Orange County Clerk's office in Liber 2355 of Deeds at page 15; and

X

PARCEL V

✓ ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 146 Montgomery Street f/k/a 146-152 Montgomery Street/ 159-165 Smith Street, and being more particularly described as Section 12, Block 4, Lot 2.1, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe a portion of that same premises described in a deed from Sara Fenton to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated April 14, 1972, and recorded in the Orange County Clerk's office in Liber 1904 of Deeds at page 300; and

X

PARCEL VI

✓ ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 140 Montgomery Street f/k/a 62-74 South Street, and being more particularly described as Section 12, Block 4, Lot 10, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from Raymond Jenkinson and Richard Jordan Goodrich to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated March 14, 1972, and recorded in the Orange County Clerk's office in Liber 1901 of Deeds at page 1047; and

PARCEL VII

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 180 Water Street, and being more particularly described as Section 12, Block 6, Lot 5, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban renewal Agency, dated July 22, 1986, and recorded in the Orange County Clerk's office in Liber 2591 of Deeds at page 315; and

#### PARCEL VIII

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 151 Lander Street, and being more particularly described as Section 18, Block 4, Lot 43, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe a portion of that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated March 15, 1994, and recorded in the Orange County Clerk's office on May 6, 1994, in Liber 4040 of Deeds at page 100; and

#### PARCEL IX

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 1 Colden Street f/k/a Int. of High and Smith Streets, and being more particularly described as Section 24, Block 9, Lot 1, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe a portion of that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated January 8, 1987, and recorded in the Orange County Clerk's office in Liber 2660 of Deeds at page 243; and

**PARCEL X**

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 3 Colden Street f/k/a 1 Smith Street, and being more particularly described as Section 24, Block 9, Lot 2, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from The City of Newburgh to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated April 24, 1973, and recorded in the Orange County Clerk's office in Liber 1940 of Deeds at page 544; and

**PARCEL XI**

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 2 Montgomery Street, and being more particularly described as Section 24, Block 9, Lot 3, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated August 22, 1986, and recorded in the Orange County Clerk's office in Liber 2591 of Deeds at page 311; and

**PARCEL XII**

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon

erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 34 Montgomery Street f/k/a 34-42 Montgomery Street, and being more particularly described as Section 24, Block 10, Lot 1, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from Victor Rossi to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated December 18, 1971, and recorded in the Orange County Clerk's office in Liber 1898 of Deeds at page 448; and

#### PARCEL XIII

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 14 Montgomery Street f/k/a 14-26 Montgomery Street, and being more particularly described as Section 24, Block 10, Lot 7, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe a portion of that same premises described in a deed from Mamie M. Page to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated September 2, 1971, and recorded in the Orange County Clerk's Office on September 15, 1971 in Liber 1884 of Deeds at page 459; and

BEING, intended to describe a portion of that same premises described in a deed from Lee Rush and Amanda Rush to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated June 30, 1971, and recorded in the Orange County Clerk's Office in June of 1971 in Liber 1882 of Deeds at page 481.

#### PARCEL XIV

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 12 Montgomery Street, and being more particularly described as Section 24, Block 10, Lot 11, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated February 28, 1977, and recorded in the Orange County Clerk's office in Liber 2602 of Deeds at page 130; and

#### PARCEL XV

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 4 Montgomery Street f/k/a 4-8 Montgomery Street, and being more particularly described as Section 24, Block 10, Lot 14, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from Laura I. Stewart to the Newburgh Urban Renewal Agency, now known as the Newburgh Community Development Agency, dated January 14, 1972, and recorded in the Orange County Clerk's office in Liber 1898 of Deeds at page 450; and

#### PARCEL XVI

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 55 Second Street f/k/a 1-35 Smith Street, and being more particularly described as Section 24, Block 10, Lot 15, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe a portion of that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the

Newburgh Urban Renewal Agency, dated January 8, 1987, and recorded in the Orange County Clerk's office in Liber 2660 of Deeds at page 243; and

**PARCEL XVII**

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange and State of New York known as 94 S. Water Street f/k/a 94-104 S. Water Street, and being more particularly described as Section 37, Block 3, Lot 1.1 f/k/a Section 37, Block 5, Lot 2, on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING, intended to describe that same premises described in a deed from the City of Newburgh to the Newburgh Community Development Agency, formerly known as the Newburgh Urban Renewal Agency, dated July 22, 1986, and recorded in the Orange County Clerk's office in Liber 2591 of Deeds at page 307; and

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.

THIS DEED having been authorized by Resolution No.: 5-2010 adopted by the Newburgh Community Development Agency on May 10, 2010 and Resolution No.: 105-2010 adopted by the City Council of the City of Newburgh on May 10, 2010.

IN WITNESS WHEREOF, the parties have duly executed this deed the day and year first above written.

IN PRESENCE OF:

NEWBURGH COMMUNITY DEVELOPMENT  
AGENCY f/k/a NEWBURGH URBAN  
RENEWAL AGENCY

BY:

  
NICHOLAS J. VALENTINE,  
Chairman



THE CITY OF NEWBURGH

BY:

Richard F. Herbek  
RICHARD F. HERBEK,  
Acting City Manager

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

On the 18<sup>th</sup> day of October in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared NICHOLAS J. VALENTINE 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.

B E Nelson

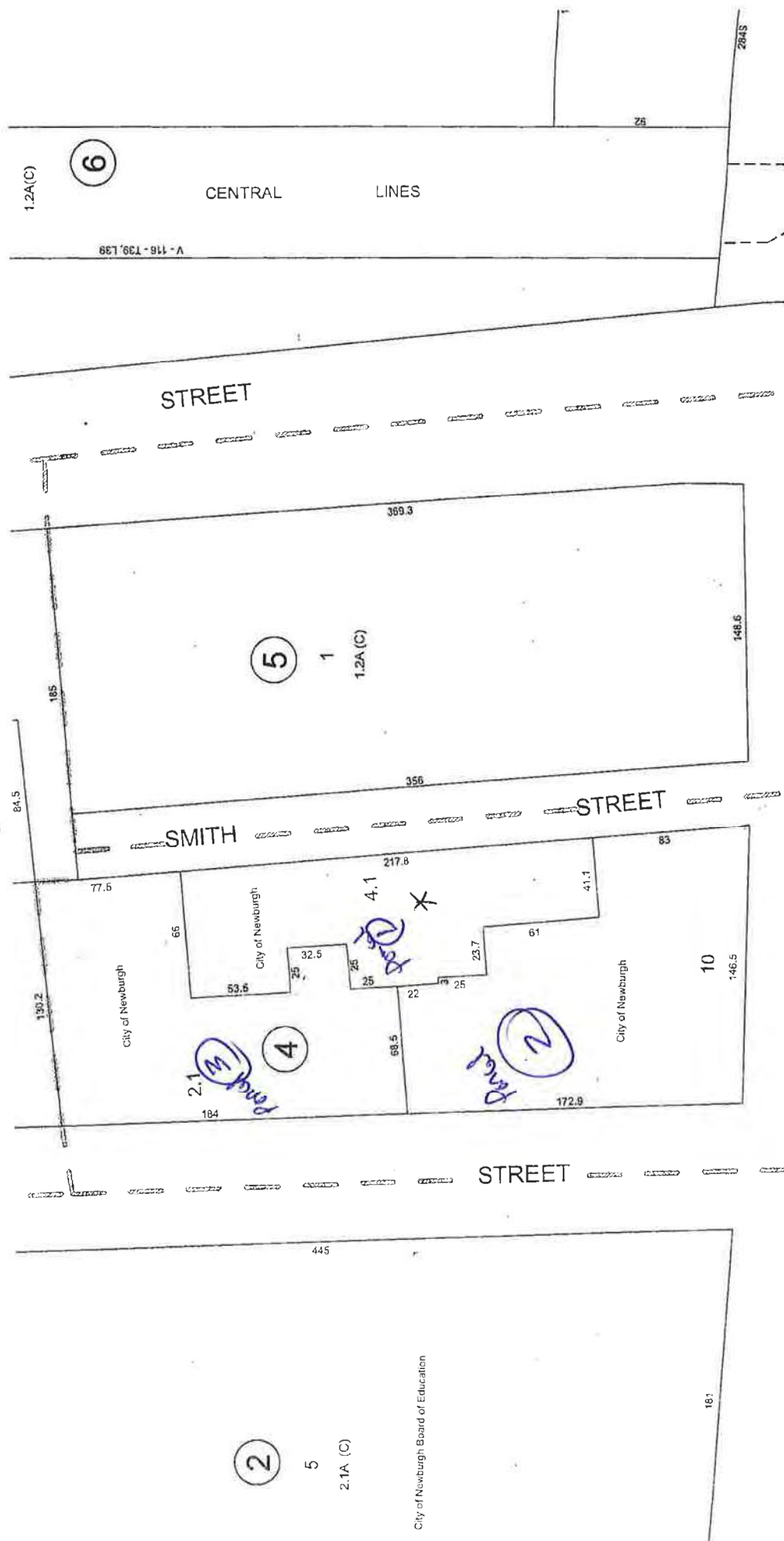
BERNIS E. NELSON  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN WESTCHESTER COUNTY  
NO. 60-4773853  
COMMISSION EXPIRES AUGUST 31, 2014

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

On the 18<sup>th</sup> day of October in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD F. HERBEK 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.

B E Nelson

BERNIS E. NELSON  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN WESTCHESTER COUNTY  
NO. 60-4773853  
COMMISSION EXPIRES AUGUST 31, 2014



April 7, 2023

Karen Cissel, Librarian, Head of User Services  
Newburgh Free Library  
124 Grand Street  
Newburgh, NY 12550

via e-mail: [kcissel@rcls.org](mailto:kcissel@rcls.org)

Re: Document Repository for the property located at 137 Smith Street,  
140 and 146 Montgomery Street, City of Newburgh, Orange County, New York  
GBTS File: 22003-0092 – Brownfields Cleanup Program Application

Dear Ms. Cissel:

This letter is an acknowledgment that the Newburgh Free Library will act as the Document Repository for the above-referenced Site as a requirement of New York State Department of Environmental Conservation. All documents will be sent to you electronically to be made available for the public to access.

If you have any questions, please contact me at (845) 867-4715.

Sincerely,



Richard Hooker  
Manager, Environmental Consulting

## **Attachment D – Previous Environmental Reports (Provided in Zip File)**