



Steven M. Neuhaus  
County Executive

Orange County Department of Planning  
Submission Form for Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l,m, & n

Referral ID#:  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	Michael Acevedo
Project Name:	
Location of Project Site:	954 Route 32 Wallkill NY 12589

Tax Map #:	2-2-8.1
Tax Map #:	
Tax Map #:	
Local File No.:	-13
Size of Parcel*:	945 acres

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

Reason for County Review: on County Route 32

Current Zoning District (include any overlays): RIR

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

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

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

Local Law

Site Plan

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

Subdivision

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

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

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

Special Use Permit

Lot Line Change

Variance

AREA / USE (circle one) 185-7-F - unspecified uses shall be deemed prohibited - Keeping of Fowl. No Permit

Other

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

Local board comments or elaboration:

*Shane Cardone* 6/17/14 Chairperson  
Zoning Board of Appeals

Signature of local official Date Title

Municipal Contact Phone Number: 845-566-4901

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

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)

2339-13

1



TOWN OF NEWBURGH

USE VARIANCE

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 5/8/14

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

I (WE) Michael Acaredo PRESENTLY

RESIDING AT NUMBER 954 RT 32 Casskill NY

TELEPHONE NUMBER 914-755-2652

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

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

1. LOCATION OF THE PROPERTY:

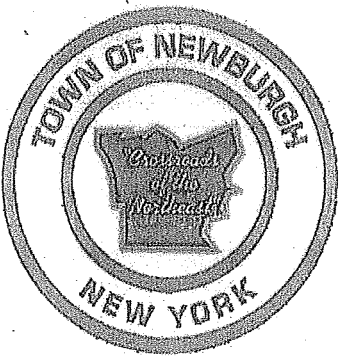
2-2-8.11' (TAX MAP DESIGNATION)

954 RT 32 (STREET ADDRESS)

RR (ZONING DISTRICT)

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

185-7-F



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 2/14/13
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 2/19/13

4. DESCRIPTION OF VARIANCE SOUGHT: To keep Fowl

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

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

My little girl cannot eat egg that aren't fresh.

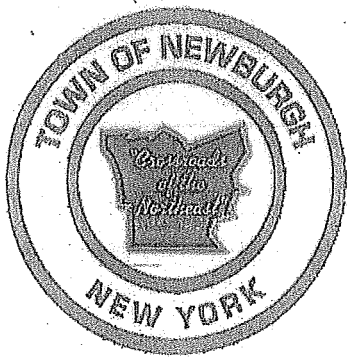
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

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

About 5 people in my neighborhood have chickens, peacocks, fowl. Pic is closed

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

They are kept in a pen and not lose



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

*I didn't make my kid sick*

6. IF AN AREA VARIANCE IS REQUESTED:

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

*they are there already.*

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

*it gives me peace of mind.*

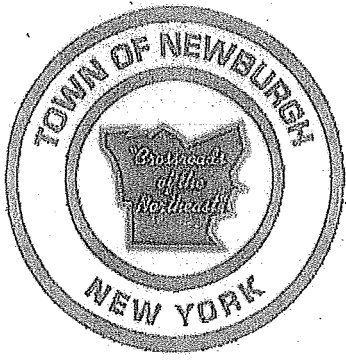
c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*no harm to anyone*

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

*my sheds look better than most homes near me.*

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

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

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11<sup>th</sup> DAY OF June 2014

  
\_\_\_\_\_  
NOTARY PUBLIC

**KAREN KOPIECKI**  
Notary Public, State of New York  
Qualified In Orange County  
# 01KO6213091  
Commission Expires November 2, 2017

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

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

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>USE VARIANCE</i>			
Project Location (describe, and attach a location map): <i>954 RT 38. Wallkill NY</i>			
Brief Description of Proposed Action: <i><del>USE</del> WANT to keep forest.</i>			
Name of Applicant or Sponsor: <i>Michael Acevedo</i>		Telephone: <i>914-755-2652</i>	
		E-Mail: <i>MFA54@AOL.COM</i>	
Address: <i>73 Carpenter Ave</i>			
City/PO: <i>NBG. NY</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	\		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	\	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	\	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	\	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	\	NO	YES
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	\	NO	YES
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	\	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	\	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	\	NO	YES
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	\	NO	YES
16. Is the project site located in the 100 year flood plain?	\	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	\	NO	YES

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Michael Accardo</u> Date: <u>5/8/14</u> Signature: <u>[Signature]</u>		

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

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



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

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

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

TOWN OF NEWBURGH

*Crossroads of the Northeast*  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550  
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2339-13

Date: February 14, 2013

To: MICHAEL ACEVEDO  
73 CARPENTER AVENUE  
NEWBURGH, NY 12550

SBL 2-2-8.11  
ADD: 954 ROUTE 32 Wallkill  
ZONE R/R

PLEASE TAKE NOTICE that your application dated January 22,  
20 13 for permit to keeping of fowl (No Permit)

At the premises located at 954 Route 32 Wallkill

**(USE VARIANCE REQUIRED)**

Is returned herewith and disapproved on the following grounds:

**185 - 7 - F -  
UNSPECIFIED USES SHALL BE DEEMED PROHIBITED**

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File

# Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: MICHAEL ACEVEDO

ADDRESS: 73 CARPENTER AVE NEWBURGH NY 12550

~~2840-13~~  
2339

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: KEEPING OF FOWL @ 954 RTE 32 NEWBURGH NY 12550

SBL: 2-2-8.11 ZONE: R/R

TOWN WATER:  NO

TOWN SEWER:  NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ACCESSORY S.F.					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 ----- YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY ----- YES / NO  
 CORNER LOT - 185-17-A ----- YES / NO

**ACCESSORY STRUCTURE:**

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 -----  
 FRONT YARD - 185-15-A ----- YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES ----- YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

NOTES: **THE KEEPING OF FOWL NOT A PERMITTED USE IN A R / R ZONE**  
**SCHEDULE # 1 COLUMN (A)**

**VARIANCE(S) REQUIRED:**

- 1 185-7-F UNSPECIFIED USES SHALL BE DEEMED PROHIBITED
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA

DATE: 4-Feb-13

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

WILLIAM R. OLIVER  
  
TO  
  
MICHAEL ACEVEDO

SECTION 2 BLOCK 2 LOT 8, 11

RECORD AND RETURN TO:  
(name and address)

Michael Acevedo  
73 Carpenter Avenue  
Newburgh, New York 12550



*Law Office*  
*6/17/14*

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 K061201

INSTRUMENT TYPE: DEED ✓ MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER       

PROPERTY LOCATION

- |                            |                           |
|----------------------------|---------------------------|
| 2089 BLOOMING GROVE (TN)   | 4289 MONTGOMERY (TN)      |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG)       |
| 2289 CHESTER (TN)          | 4203 MONTGOMERY (VLG)     |
| 2201 CHESTER (VLG)         | 4205 WALDEN (VLG)         |
| 2489 CORNWALL (TN)         | 4489 MOUNT HOPE (TN)      |
| 2401 CORNWALL (VLG)        | 4401 OTISVILLE (VLG)      |
| 2600 CRAWFORD (TN)         | 4600 NEWBURGH (TN)        |
| 2800 DEERPARK (TN)         | 4800 NEW WINDSOR (TN)     |
| 3089 GOSHEN (TN)           | 5089 TUXEDO (TN)          |
| 3001 GOSHEN (VLG)          | 5001 TUXEDO PARK (VLG)    |
| 3003 FLORIDA (VLG)         | 5200 WALKILL (TN)         |
| 3005 CHESTER (VLG)         | 5489 WARWICK (TN)         |
| 3200 GREENVILLE (TN)       | 5401 FLORIDA (VLG)        |
| 3489 HAMPTONBURGH (TN)     | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG)        | 5405 WARWICK (VLG)        |
| 3689 HIGHLANDS (TN)        | 5600 WAWAYANDA (TN)       |
| 3601 HIGHLAND FALLS (VLG)  | 5889 WOODBURY (TN)        |
| 3889 MINISINK (TN)         | 5801 HARRIMAN (VLG)       |
| 3801 UNIONVILLE (VLG)      |                           |
| 4089 MONROE (TN)           |                           |
| 4001 MONROE (VLG)          |                           |
| 4003 HARRIMAN (VLG)        |                           |
| 4005 KIRYAS JOEL (VLG)     |                           |

NO. PAGES 4 CROSS REF.         
CERT. COPY        ADD'L X-REF.         
MAP#        PGS.         
PAYMENT TYPE: CHECK ✓  
CASH         
CHARGE         
NO FEE       

CONSIDERATION \$ 75,000  
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

- CITIES
- 0900 MIDDLETOWN
  - 1100 NEWBURGH
  - 1300 PORT JERVIS

       9999 HOLD

*Donna L. Benson*  
DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: Kar Vici

RECORDED/FILED  
07/18/2006 / 09:54:01  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY

FILE # 20060077377  
DEED R / BK 12207 PG 0872  
RECORDING FEES 117.00  
TTX# 011599 T TAX 300.00  
Receipt#604725 joanned



THIS INDENTURE, made the 10<sup>th</sup> day of July, 2006

BETWEEN William R. Oliver, presently residing at c/o Moran's Rest Home, 1741 State, Route 32, Modena, New York 12548,

party of the first part, and Michael Acevedo, presently residing at 73 Carpenter Avenue, Newburgh, New York 12550,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN----- dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO.


TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

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

IN PRESENCE OF:

  
WILLIAM R. OLIVER

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of **ORANGE**

ss:

State of New York, County of

ss:

On the 18 day of July in the year 2006  
before me, the undersigned, personally appeared

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

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

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

*[Handwritten Signature]*  
\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**GARY A. GALATI**  
Notary Public, State of New York  
Certified in Orange County  
Commission Expires Oct. 31, ~~2009~~ 2009

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of

ss:

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

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

\_\_\_\_\_  
(insert the City or other political subdivision) in \_\_\_\_\_  
(and insert the State or Country or other place the acknowledgment was taken)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

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

Title No. \_\_\_\_\_

**WILLIAM R. OLIVER  
TO  
MICHAEL ACEVEDO**

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN  
STREET ADDRESS

Recorded at: Request of  
COMMONWEALTH LAND TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

**Michael Acevedo**  
73 Carpenter Avenue  
Newburgh, New York 12550



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Recorded at the request of  
Kar-Vin Abstract Corp.  
New Windsor NY 12553  
(845) 562-2622 FAX 565-8737

## Schedule A Description

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

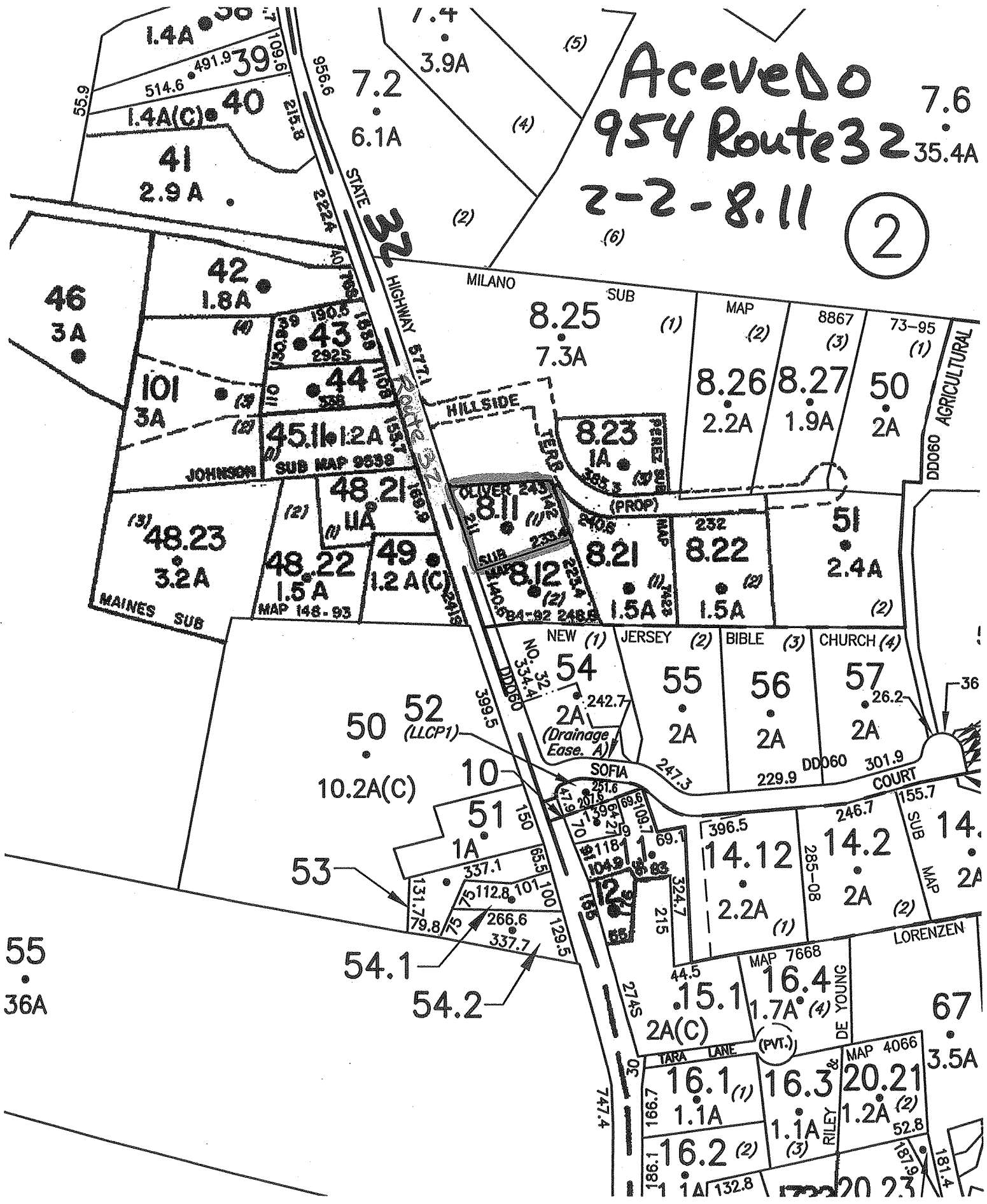
KNOWN and designated as Lot 1 on a certain map entitled "Subdivision of Lands for Marie V. Oliver", prepared by Patrick T. Kennedy, L.S., dated 5/12/89 and filed in the Orange County Clerk's Office on 4/21/92, as Filed Map #84-92.

TOGETHER WITH AND SUBJECT TO covenants, easements, restrictions and agreements of record, if any.

BEING and intended to be the same premises as conveyed by Robert Williams and Alice Williams to William R. Oliver and Marie V. Oliver by Deed dated May 30, 1989 and recorded in the Orange County Clerk's Office on May 31, 1989 in Liber 3188\* of Deeds at page 43. The said Marie V. Oliver having died a resident of Orange County on March 15, 1993 and having left surviving her, her son, William R. Oliver, the Grantor, herein.

\*3138

Acevedo  
954 Route 32 7.6  
2-2-8.11 35.4A  
(2)



55  
36A