



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 9-29-20

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

I (WE) Samantha and John Arcinola PRESENTLY
RESIDING AT NUMBER 70 Old Little Britain Rd, Newburgh, NY
TELEPHONE NUMBER 845-214-2753 (cell)

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

101-6-7.2 (TAX MAP DESIGNATION)

70 Old Little Britain Rd. (STREET ADDRESS)

R2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-43-F

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:

9-17-2020

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: Area Variance,

because our parcel has four front yards.

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:

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

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

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

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

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:

Correct. This variance will be used to install an in-ground pool. The area for this pool is a good amount away from our property line.

- 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:

Our parcel has four front yards since our 2.8 acre property is surrounded by roads on all sides, so all of our property is considered a front yard.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

it affects a .01 acre area, which is the size of the pool being installed (450 sq. ft.).

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

A pool doesn't have this kind of effect or impact.

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

We cannot control or had any say in where the roads around our property were placed. ☺

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF ● SAMANTHA DUARTE 20 20

NOTARY PUBLIC STATE OF NEW YORK

No. 01DU6354873

Qualified in Westchester County

My Commission Expires 02-21-20

NOTARY PUBLIC

Samantha Duarte

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 Planning 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 action to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE AGENDA OF THE MEETING.

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

Short Environmental Assessment Form

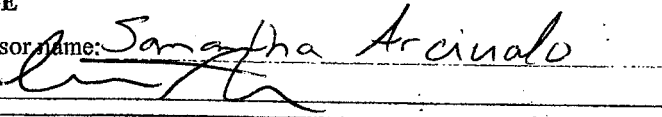
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Installing In-Ground Pool			
Project Location (describe, and attach a location map): 70 Old Little Britain Rd, Newburgh, NY 12550			
Brief Description of Proposed Action: We would like to install an in-ground pool on our property. Our property is close to 3 acres in total. Orange County Pools will be doing the work.			
Name of Applicant or Sponsor: Samantha John Arciuolo		Telephone: 845-216-2753	
Address: 70 Old Little Britain Road		E-Mail: samantharciuolo@gmail.com	
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.8 acres	
b. Total acreage to be physically disturbed?		.01 acres (450 square feet)	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.8 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			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Sangha Arcinolo</u></p>		<p>Date: <u>9/29/20</u></p>
<p>Signature: <u></u></p>		

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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

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

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

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



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

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14615 / 1222
 INSTRUMENT #: 20190062101
 Receipt#: 2694914
 Clerk: JM
 Rec Date: 08/27/2019 12:55:44 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: JOHNSTON REBECCA SUE
 Party2: ARCIUOLO JOHN PETER
 Town: NEWBURGH (TN)
 101-6-7.2

Recording:
 Recording Fee 45.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 Residential/Agricu 116.00
 RP5217 - County 9.00

Sub Total: 195.00

Transfer Tax
 Transfer Tax - State 1000.00

Sub Total: 1000.00

Total: 1195.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 888
 Transfer Tax
 Consideration: 250000.00

Transfer Tax - State 1000.00

Total: 1000.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

KLEISTER LAW GROUP
 85 E MAIN STREET
 WASHINGTONVILLE, NY 10992

HN 63686

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

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 7/5, 2019

BETWEEN

REBECCA SUE JOHNSTON, residing at 4964 Quail Ridge Road, NW, Albuquerque, NM 87114;
MATTHEW ERIC JOHNSTON, residing at P.O. Box 303, Montgomery, New York 12549;
CHRISTOPHER DAVID JOHNSTON, residing at 5472 Minks Pond Road, Bushkill, PA 18324
PATRICIA H. JOHNSTON, residing at 70 Old Little Britain Road, Newburgh, NY 12550, individually and as heir-at-law and next of kin of MARK CALDWELL JOHNSTON, (deceased)

party of the first part, and

^{Peter}
JOHN ARCIUOLO and SAMANTHA ARCIUOLO, Husband and Wife, residing at 10 Todd Court, East Williston, New York 11596

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly described on Schedule A attached hereto:

Section: 101
Block : 6
Lot : 7.2
70 Old Little Britain Road, Newburgh, New York 12550

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

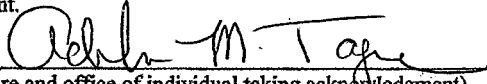
21-6-7.2
101-6-7.2

R.A. Kleister Law Office
85-E Main Street #2
Wash. - Newtonville NY
10992

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the ^{20th} ~~day of November 2015~~ ^{August 2019}, before me, the undersigned, personally appeared CHRISTOPHER DAVID JOHNSTON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that HE executed the same in HIS capacity, and that by HIS signature on the instrument, the individual or the person upon behalf of which the individual(s) acted, executed the instrument.



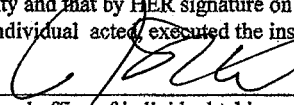
(signature and office of individual taking acknowledgment)

ADELINA M. TAGUE
Notary Public, State of New York
No. 4920620
Qualified in Orange County
Commission Expires February 14, 2022

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

On the ²¹ day of ^{August} 2019, before me, the undersigned, personally appeared PATRICIA H. JOHNSON,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that SHE executed the same in HER capacity and that by HER signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



(signature and office of individual taking acknowledgment)

TRISTAN S. MCDONN
Orlando County
Reg # 02MCL6389795
Expires 7/28/2023

Schedule A Description

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

BEGINNING at a point at the intersection of the northerly line of Old Little Britain Road with the easterly line of Williams Avenue and running thence North 23° 40' East 200.00 feet to a point; thence into the lands of Edgar Williams the following two courses and distances: 1) South 74° 33' 37" East 129.33 feet to a point; 2) North 24° 50' 34" East 180.49 feet to a point in the southerly line of a newly developed subdivision road within the lands formerly of said Williams; thence along the said southerly line of road South 65° 28' East 125.00 feet to a point at the southwesterly corner of Lot #8 of said subdivision of land of Edgar and Bessie Williams and as shown on a map of said land filed in the Orange County Clerk's Office, dated February 13, 1959 by Theodore Jargstorff, Surveyor; thence along the southerly line of said Lot #8 South 56° 44' East 201.00 feet more or less to a point in the easterly line of lands of said Williams, the said point being in the middle of a stone fence; thence along said line and fence South 18° 47' 45" West 192.68 feet more or less, to the said northerly line of Old Little Britain Road; thence along said line the following two courses and distances: 1) South 89° 36' West 204.08 feet; 2) North 83° 35' West 298.69 feet to the point of place of beginning. Containing an area of 2.785 acres be the same more or less.

Said premises also being known as Lot #2 on a minor subdivision entitled Lands of Edgar H. Williams, Town of Newburgh, Orange County, NY, made by Theodore Jargstorff, P.L.S., dated March 16, 1976, revised April 20, 1976, revised June 1, 1976 as Map #3863.

Being the same premises described in a deed dated May 15, 2001 between Patricia H. Johnston to Mark Caldwell Johnston, Rebecca Sue Johnston, Matthew Eric Johnston, and Christopher David Johnston, said deed recorded in the Orange County Clerk's Office on December 03 12, 2001 in Liber 5699 at Page 307. The said Mark Caldwell Johnston having died a resident of the State of Florida, County of Charlotte, Punta Gorda on December 9, 2005, leaving his mother Patricia H. Johnston his sole heirs-at-law and next of kin by operation of law.

HILL-N-DALE ABSTRACTERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

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

2872-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/22/2020

Application No. 20-0887

To: John Peter Arciuolo
70 Old Little Britain Road
Newburgh, NY 12550

SBL: 101-6-7.2
ADDRESS: 70 Old Little Britain Rd

ZONE: R2

PLEASE TAKE NOTICE that your application dated 09/11/2020 for permit to install a 15' X 30' In-ground pool in a front yard on the premises located at 70 Old Little Britain Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-43-F: No pool shall be located in a front yard. (4 Front yards)



Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Pool Location Angle #1



Pool Location Angle #2



Pool Location Angle #3



Pool Location Angle #4



**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

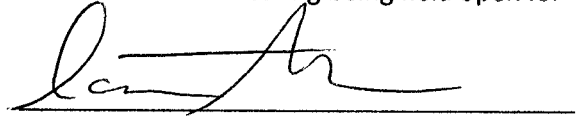
STATE OF NEW YORK: COUNTY OF ORANGE:

Samantha Arciuolo, being duly sworn, depose and say that I did on or before

November 10, 2020, post and will thereafter maintain at

70 Old Little Britian Rd 101-6-7.2 R2 Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

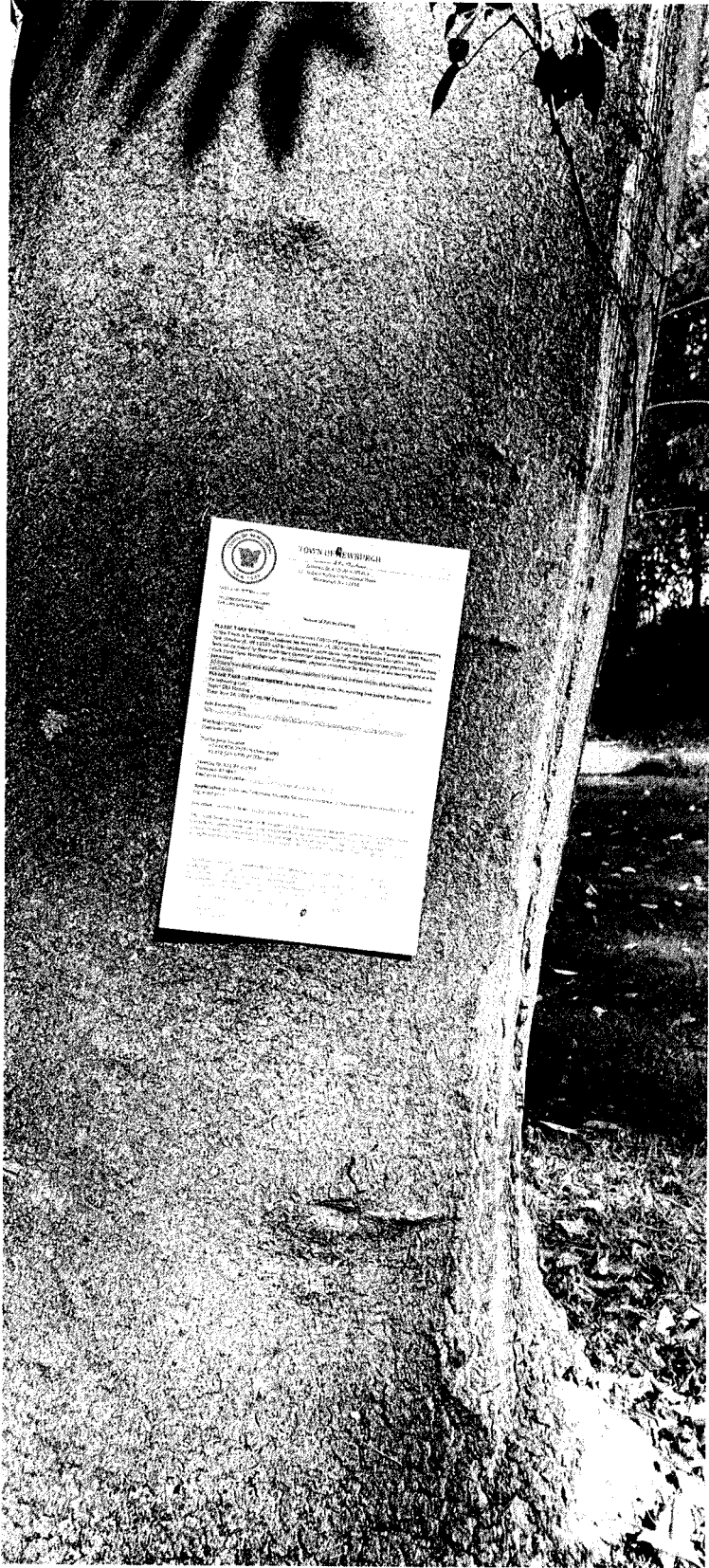


Sworn to before me this 13

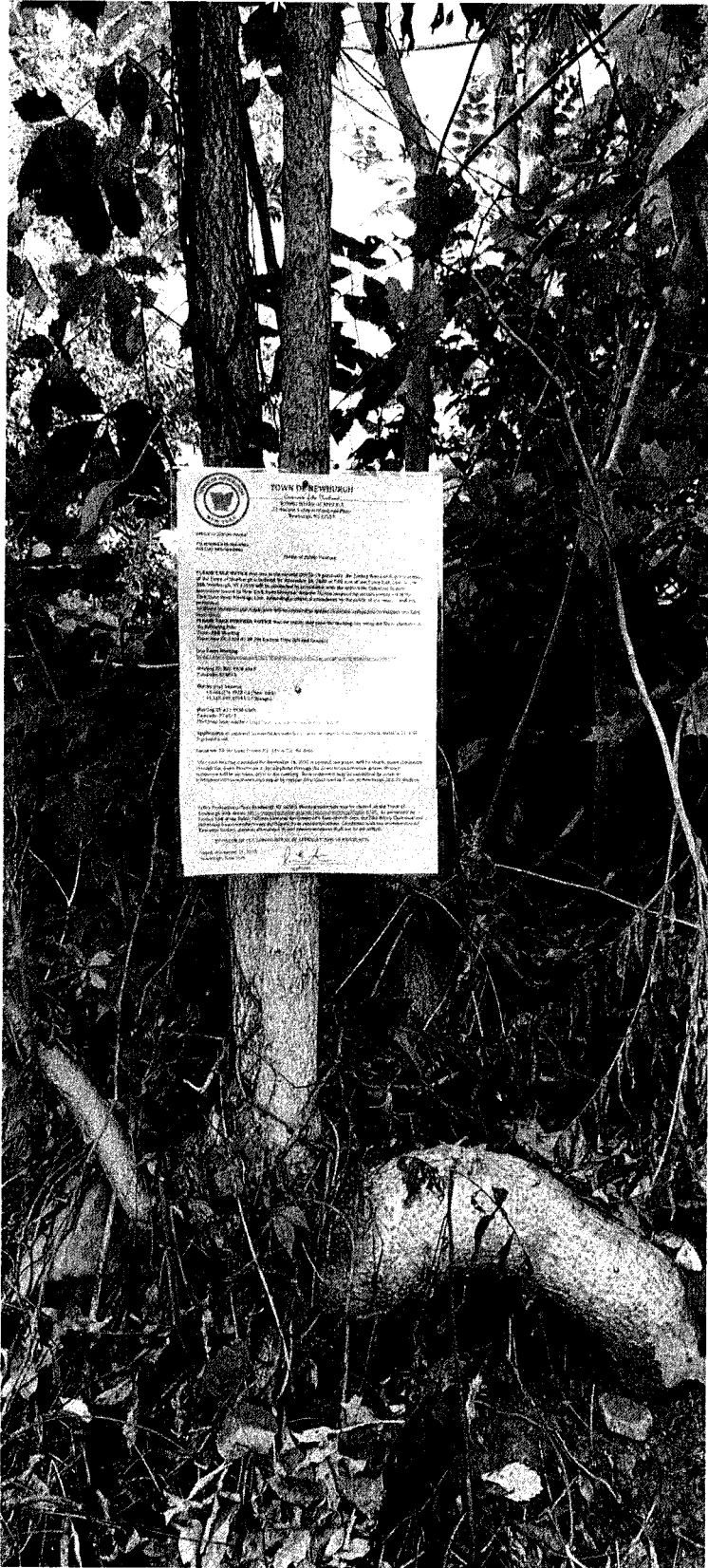
day of October, 2020.

SANDRA L. POWER
Notary Public, State of New York
Qualified in Ulster County
Reg. No. 01PO6073338
My Commission Expires 04/22/2022





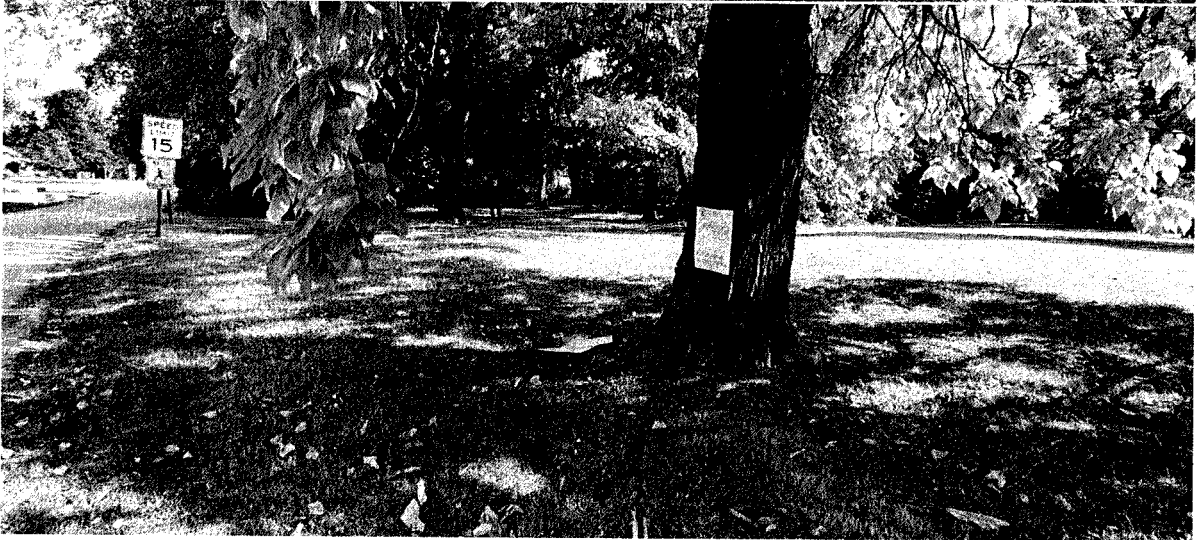
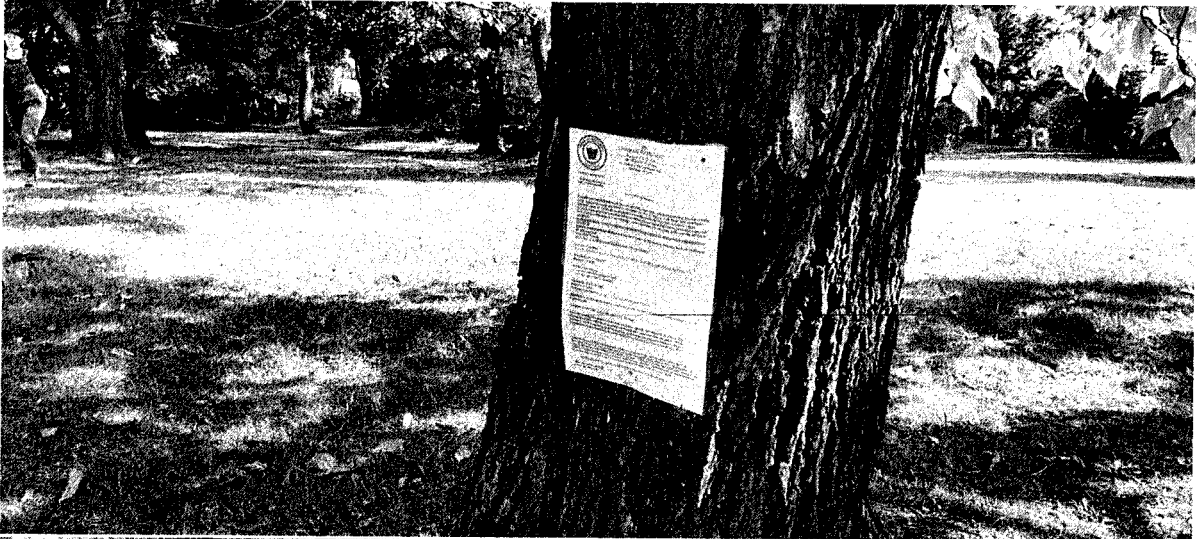
Old Little Britain Road



Dewey Drive

TOWN OF NEWBURGH
 Town of Newburgh, New York
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Williams Ave



Land Plot Plan

Williams Ave ~~11111~~

Neighbor

Williams Ave

Neighbor

Total Property
2.9 ACES

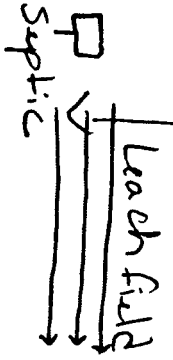
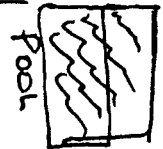
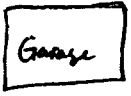
100' R

60' R

250' R

300' R

58' R

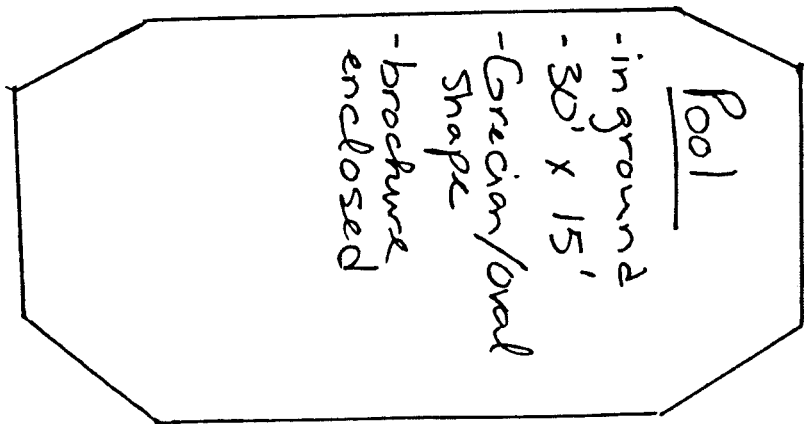
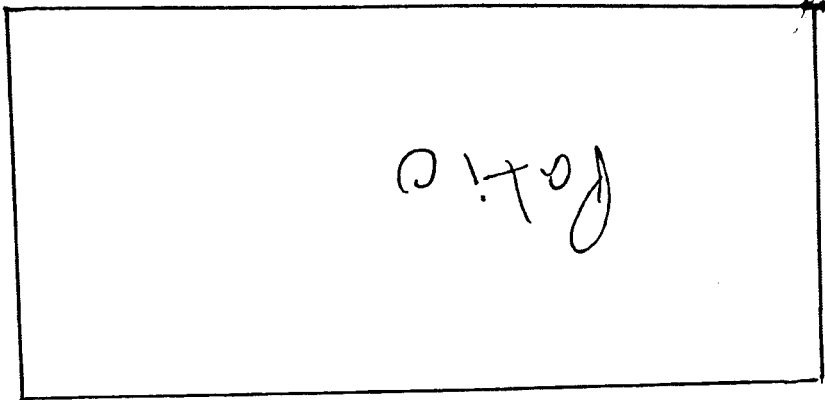


OLD Little Britain Rd

Fence

48" high Post & Rail w/
wire mesh backing

48" high



48" high Post & Rail Fencing w/
wire mesh backing 48" high

Post & Rail 48" high/wire mesh

Gate will swing out

Post & Rail Fencing w/