



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 11-27-17

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

I (WE) MILTON & MONTEZ BUXTON PRESENTLY
RESIDING AT NUMBER 8 DENE ROAD, NEWBURGH, N.Y. 12550
TELEPHONE NUMBER 845-564-6156

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

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

1. LOCATION OF THE PROPERTY:

93-1-28 (TAX MAP DESIGNATION)

8 Dene Road, Newb. N.Y. (STREET ADDRESS)

R-1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk Table schedule 3



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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: Oct. 17, 2017
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: OCT. 17, 2017

4. DESCRIPTION OF VARIANCE SOUGHT: EXISTING REAR YARD 24'-6", Need 40', (Need VARIANCE FOR 15'-6")

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

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

N/A

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

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

N/A

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

The building AREA is behind my home. There is a small wooded AREA STRIP between my NEIGHBOR AND I.



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d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
OF A REASON VARIANCE CHANGE.
The VARIANCE WENT FROM 20' TO
40'.

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:
The Requested deck is in the back
of the house, out of view of
the neighbors.

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:
Property in the back of our home is
OWN by our neighbor (we CAN
NOT EXPAND.)

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
IT will NOT effect ANYONE in the
neighborhood

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
The Requested deck is only 2' longer
AND 2'-6" wider THAN THE ORIGINAL
deck when the house was built.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
The VARIANCE WAS CHANGE FROM
20', TO NOW: 40' FOR back YARDS.



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Milton H. Burton
Milton H. Burton
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27th DAY OF NOVEMBER 2017

Andrew J. Zarutskie

NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 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.
(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 NIGHT 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 | | | |
| Milton + Montez Buxton, 8 Dene Rd. Newb. N.Y. 12550 | | | |
| Name of Action or Project: Replace old deck | | | |
| Project Location (describe, and attach a location map): 334600 93-1-28 | | | |
| Brief Description of Proposed Action: Replace old deck / update To Code | | | |
| Name of Applicant or Sponsor: Milton H. Buxton / Montez Buxton | | Telephone: 845-564-6156 | |
| Address: 8 Dene Road | | E-Mail: mitbuxton@yahoo.com | |
| City/PO: Newburgh | State: N.Y. | Zip Code: 12550 | |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | NO | YES |
| 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. | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? | | NO | YES |
| If Yes, list agency(s) name and permit or approval: | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 2/3 acres | |
| b. Total acreage to be physically disturbed? | | 26' x 8'-6" acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 2/3 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland | | | |

| | | | |
|--|---|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 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 | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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 | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Is the proposed action located in an archeological sensitive area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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: _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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 checked="" 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 | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 16. Is the project site located in the 100 year flood plain? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES | |
| a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ | <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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 |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: <u>Milton H. Buxton</u> | Date: <u>11-27-17</u> | |
| Signature: <u>Milton H. Buxton</u> | | |

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) |



TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

Permit No. 17-0342

File Date: 07/26/2017

SEPTIC PERMIT

SEC-BLK-LOT: 93-1-28

Fee:50.00

THE UNDERSIGNED IS HEREBY APPROVED FOR THE FOLLOWING:

PERMIT FOR (NEW/REPAIR): Repair

TYPE (SEPTIC/AEROBIC/SEEPAGE/LEACH): TANK & PUMP

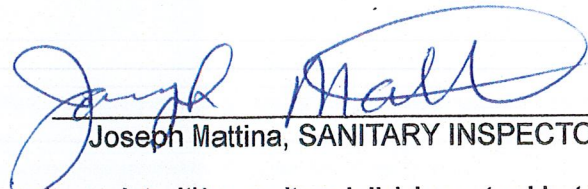
Contractor's Name: US SEAMLESS
Address: 14 FULLERTON NEWBURGH, NY 12550
Owner's Name: Milton Buxton
Address: 8 Dene Rd Newburgh, NY 12550

Location of Property: 8 Dene Rd Newburgh, New York 12550

| | | |
|-----------------------|-------------------|---------------------------|
| Subdivision: | Sub/Lot: | Lot Size: |
| # Occupants: | Bedrooms: | Baths: |
| Extra Showers: | Garbage Disposal: | Automatic Laundry Washer: |
| Tank Cap (Gal): 1.000 | Trench Lin (Ft): | Trench Width: |

Description of Work : REPLACE SEPTIC PUMP

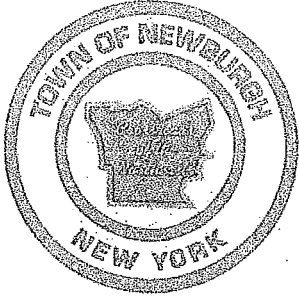
Receipt(s): 9019


Joseph Mattina, SANITARY INSPECTOR

Prior to issuance of a Certificate of Occupancy for a dwelling unit on a lot within a realty subdivision not subject to review by the Orange County Department of Health, the Town of Newburgh Building Inspector must receive an 'as built' plan of such system bearing the following certification of a professional engineer or other authorized design professional.

'I hereby certify to the Town of Newburgh that the sewerage system depicted on this plan has been designed and installed in accordance with the New York State Public Health Law and all regulations promulgated there under.'

(Signature of Applicant)



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**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

2652-17

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/17/2017

Application No. 17-0341

+ Montez Buxton
**To: Milton Buxton
8 Dene Rd
Newburgh, NY 12550**

**SBL: 93-1-28
ADDRESS: 8 Dene Rd**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 05/08/2017 for permit to Replace the rear 8'-6" x 26' rear deck that was originally built without a permit on the premises located at 8 Dene Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3 requires a rear yard setback of 40' minimum.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

/ NO

2652-17

NAME: Milton Buxton + Montez Buxton Building Application # 17-0341

ADDRESS: 8 Dene Rd. Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 8'-6" x 26' rear deck

SBL: 93-1-28 ZONE: R-1 ZBA Application # _____

TOWN WATER: YES / NO TOWN SEWER: YES / NO

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|---------|----------|----------|----------|---------------------|
| LOT AREA | | | | | |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | | | | |
| REAR YARD | 40' | 24'-6" | | 15'-6" | 38.75% |
| 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 YES / NO
 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: Replacing a rear deck that was originally built without a permit.

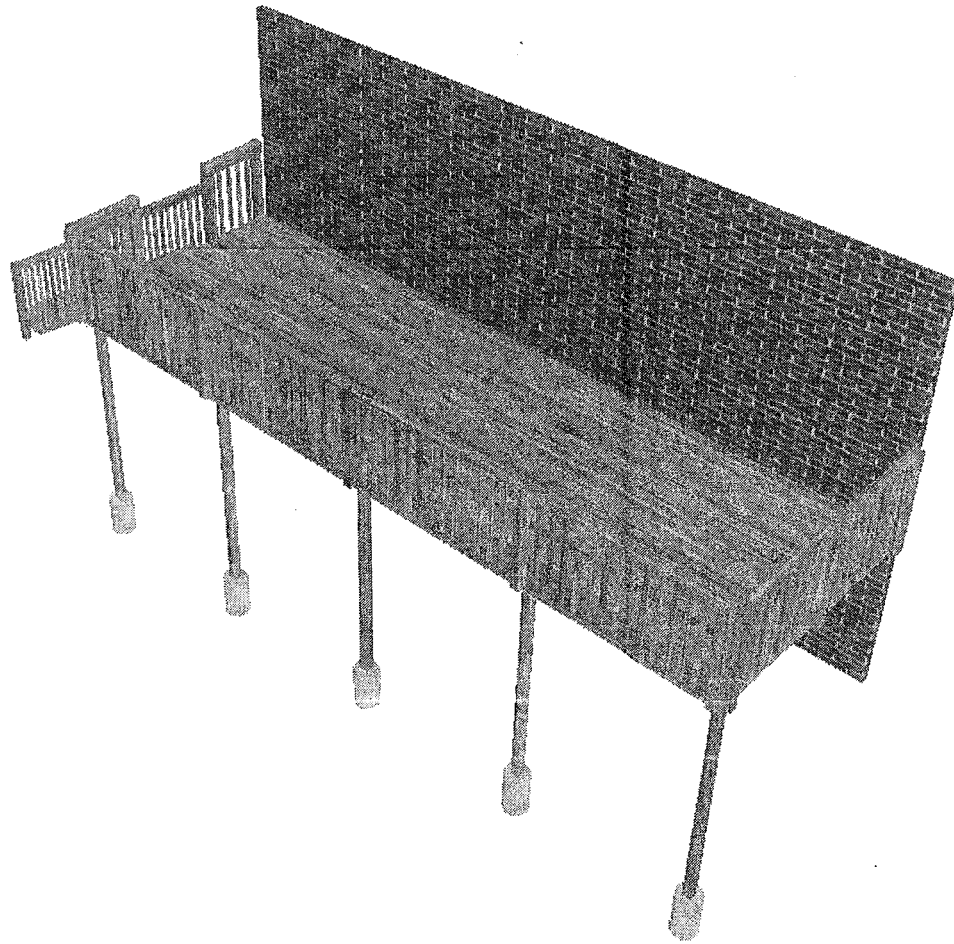
VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 3 requires a minimum 40' rear yard setback.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina DATE: 17-Oct-17



3D View



Warning and Important Instructions: This is not a final design plan or estimate. EDGENET, INC. assumes no responsibility for the correct use or output of this program. All information contained on this page is subject to the terms in the disclaimer located at the end of this document.

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This Indenture,

Made the 6th day of September
Nineteen Hundred and Sixty-Six.

*Saw original
10/23/17 B8*

Between HYMEN KNOFF, residing at M. D. #25, Ashley Drive, Newburgh,
Orange County, New York,

party of the first part, and

MILTON H. BUXTON and MONTEZ BUXTON, his wife, both residing at
63 Ann Street, Newburgh, Orange County, New York,

parties of the second part,
Witnesseth that the party of the first part, in consideration of

Ten and no/100 - - - - - Dollars (\$ 10.00)
lawful money of the United States, and other good and valuable consideration
paid by the parties of the second part, do es hereby grant and release unto the
part ies of the second part, their heirs and assigns forever, all

THAT PIECE OR PARCEL OF LAND situate, lying and being on the North
side of Dene Road in the Town of Newburgh, County of Orange, State of
New York, bounded and described as follows:

*D
JR
B*

Lots numbered 17, 19 and 21, Section II, Block F, as laid out and
shown upon a map entitled "Cascade Gardens, owned by Fletcher House
and Homes, Inc., Town of Newburgh, Orange County, New York," dated
July 3, 1928, made by Charles A. Gridley, C.E., filed in the Orange
County Clerk's Office July 6, 1928. Subject to building and zoning
ordinances, and restrictions and easements of record.

Subject to restrictions attached hereto and made a part hereof.

The above described premises are subject to the following restrictions which shall attach to and run with the title to said lands forever.

1. No building of any kind shall be erected upon any single lot or plot except one dwelling house for the use and occupancy of not more than one family and one private garage.
2. Any dwelling erected on said premises shall cost not less than \$10,000.00 and any garage erected thereon shall cost not less than \$800.00.
3. No part of any building erected upon said premises shall be within 25 feet of any side street nor within 10 feet of the side or rear lines of the lot upon which it is erected, except that steps may project a reasonable distance from such structure.
4. No signs of any nature except street signs shall be erected or maintained upon said premises except with the consent of the grantor herein or his assigns.
5. No business of any kind shall ever be conducted upon said premises.
6. That no public or private nuisance shall be maintained on said premises, and a nuisance shall be construed to cover any premises which are unsightly, which are not in keeping with, and which are a detriment to the general appearance of the neighborhood. In this connection, the storage of objects or material on the premises shall be considered a nuisance.
7. That neither the party of the second part (Purchaser) nor his heirs or assigns shall keep or permit any animals or birds, excepting an ordinary and reasonable number of household pets upon the property hereby conveyed.
8. No trailer, basement, tent, garage, or other out-buildings erected on said premises shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be erected or used as a residence.
9. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

The covenants are to run with the land, except however, it is mutually understood and agreed that the above covenants and restrictions or any of them may be altered or annulled at any time by written agreement by and between the party of the first part, his heirs, distributees, administrators or assigns, and the owner for the time being of any parcel upon which it is mutually agreed to alter or annul said covenants or restrictions, and such agreement shall be effectual to alter or annul said covenants and restrictions as to said premises without the consent of the owner, or owners, of any adjacent premises. Nothing herein contained shall be construed nor shall there be any obligation upon the party of the first part, his heirs, distributees, administrators or assigns, to restrict in any manner any other premises now or hereafter owned by the party of the first part, his heirs, distributees, administrators, or assigns.

Together with the appurtenances and all the estate and rights of the part y of the first part in and to said premises,

To Have and to Hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as tenants by the entirety.

And said HYMEN KNOFF

First, That said HYMEN KNOFF is covenants as follows:

seized of said premises in fee simple, and has good right to convey the same;

Second, That the parties of the second part shall quietly enjoy the said premises:

Third, That the said premises are free from incumbrances; except as above stated;

Fourth, That the part y of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth, That said HYMEN KNOFF

will forever Warrant the title to said premises.

Sixth, That, in Compliance with Sec. 13 of the Lien Law, the grantor 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.

In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In Presence of



Handwritten signature of Hymen Knopf over a line, with four circular notary seals stacked vertically to the right.

State of New York } ss. On this 6th day of September
County of ORANGE } Nineteen Hundred and Sixty-six
before me, the subscriber, personally appeared

HYMEN KNOFF,

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he duly acknowledged to me that he executed the same.

Handwritten signature of Janet R. Roth over a line, with the text 'Notary Public' below it.

JANET R. ROTH
Notary Public, State of New York
Qualified in Orange County
My Commission expires Mar. 30, 1968

Deed

FULL COVENANT WITH LIEN COVENANT

HYMEN KNOFF

PRO

MILTON H. BUXTON
and
MONTEZ BUXTON

Dated September 6th, 1966

Orange County Clerk's Office, S.S.
Recorded on the 17th day
of September, 1966, at 10:30
o'clock A.M. in Liber 1752
Book at page 740.
and Examined.

Received Clerk

Record & Return to -
Milton H. Buxton
63 Ann St.
Newburgh, N.Y. 5-520

KNOFF & TAMSEN
COUNSELLORS AT LAW
70 SECOND STREET
NEWBURGH, N.Y.

LIBER 1752 PG 740



**Buxton
8 Dene Road
(93-1-28)**

