



Steven M. Neuhaus
County Executive

Orange County Department of Planning Submittal 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:	ANTONIO CASSARA
Project Name:	
Location of Project Site:	442 FOSTERTOWN RD

Tax Map #:	17-2-3212
Tax Map #:	
Tax Map #:	
Local File No.:	PB Refl
Size of Parcel*:	4.671 acres

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

Reason for County Review: ON FOSTERTOWN RD CR86

Current Zoning District (include any overlays): AR

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) one front yard setback Lot # 2

Other

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

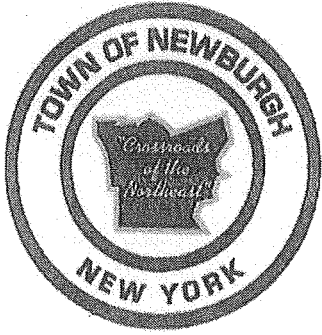
Local board comments or elaboration:

Grace Cardone 5/9/14 Chairperson
Signature of local official Date Zoning Board of Appeals
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



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: 4/23/14

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

I (WE) ANTONINO CASSARA PRESENTLY

RESIDING AT NUMBER 442 FOSTERTOWN ROAD NEWBURGH, NY 12550

TELEPHONE NUMBER 845.239.6608

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:

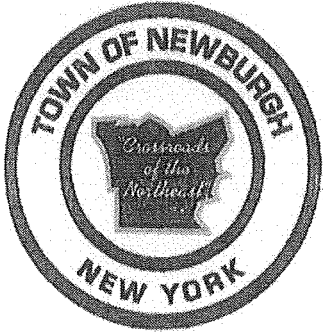
17-2-32.12 (TAX MAP DESIGNATION)

FOSTERTOWN ROAD (STREET ADDRESS)

AR (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 - ATTACHMENT 6 (FRONT YARD VARIANCE)



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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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: April 8th 2014

4. DESCRIPTION OF VARIANCE SOUGHT: Front yard setback.

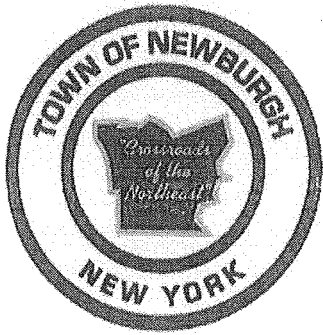
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



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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:

THE FRONT YARD SETBACK IS TO AN EXISTING
HOUSE. NO ADDITIONS OR ALTERATIONS ARE PROPOSED.

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:

THE HOUSE IS EXISTING.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

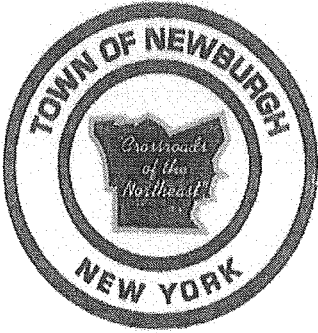
NO ADDITIONS ARE BEING PROPOSED, THE HOUSE IS
EXISTING.

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 FRONT YARD SETBACK IS TO AN EXISTING HOUSE

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

THE HOUSE IS EXISTING



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7. ADDITIONAL REASONS (IF PERTINENT):

Arthur Cook
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF April 2014

Gina N. Somma
NOTARY PUBLIC

GINA N. SOMMA
Notary Public, State of New York
No. 01SO6297495
Qualified in Orange County
My Commission Expires Feb. 24, 2018

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: Cassara Subdivision			
Project Location (describe, and attach a location map): Fostertown Road			
Brief Description of Proposed Action: Proposed 3-lot residential subdivision, two single-family (including existing dwelling), one two-family			
Name of Applicant or Sponsor: Antonino Cassara		Telephone: 845-239-6608	E-Mail:
Address: 442 Fostertown Road			
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?		_____ 4.671 acres	
b. Total acreage to be physically disturbed?		_____ 1.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 4.671 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			

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 type="checkbox"/>	<input checked="" 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>Antonino Cassara</u>		Date: <u>3/18/14</u>
Signature:  _____		<u>PROJECT ENGINEER</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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

James B. Biagi, of Counsel

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

April 8, 2014

Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

RE: Cassara Subdivision 14.06
Section 17, Block 2, Lot 31.12
Fostertown Road/ AR Zone


32.12

Members of the Board:

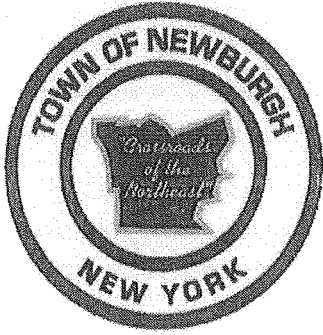
I write to you as the attorney for the Town of Newburgh Planning Board. The planning board took up consideration of the above referenced subdivision application during its meeting held on April 3, 2014. The applicant proposes a 3-lot residential subdivision with access to Fostertown Road. Proposed Lot #2 has an existing single family home located on it that fails to meet the front yard setback requirement applicable in the AR zoning district. While this condition is pre-existing, under your prior precedent, the protection afforded by Section 185-19 of the Town of Newburgh Code is lost upon subdivision.

The planning board, therefore, wishes to refer this matter to you for consideration of a grant of a front yard variance. The planning board has no particular concerns to bring to your attention during in regard to this application.

If review of this variance application does not constitute a Type II action under SEQRA the planning board recommends that you review the environmental impacts of the grant of variance on an uncoordinated basis.

Very truly yours,

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Mercurio-Norton-Tarolli-Marshall, P.C.



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

PROXY

ANTONINO CASSARA, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 442 FOSTERTOWN ROAD

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

TOWN OF NEWBURGH TAX PARCEL 17-2-32.17

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED MERCURIO-NORTON-TAROLI-MARSHALL

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4/23/14

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF April 2014

NOTARY PUBLIC

GINA N. SOMMA
Notary Public, State of New York
No. 01SO6297495
Qualified in Orange County
My Commission Expires Feb. 24, 2018

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

John W. Curtis
TO
Antonio aka Antonio
Cassara

17 2 32.12-1
SECTION 17 BLOCK 2 LOT 32.12-2



RECORD AND RETURN TO:
(name and address)

Mark Abernethy Esq.
Po Box 176
Goshen NY 10924

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 R MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|-----------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2003 SO. BLOOMING GROVE (VLG) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4205 WALDEN (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2489 CORNWALL (TN) | ___ 4401 OTISVILLE (VLG) |
| ___ 2401 CORNWALL (VLG) | ___ 4600 NEWBURGH (TN) |
| ___ 2600 CRAWFORD (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 2800 DEERPARK (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3001 GOSHEN (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3003 FLORIDA (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5401 FLORIDA (VLG) |
| ___ 3200 GREENVILLE (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5405 WARWICK (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5600 WAWAYANDA (TN) |
| ___ 3689 HIGHLANDS (TN) | ___ 5889 WOODBURY (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5801 HARRIMAN (VLG) |
| ___ 3889 MINISINK (TN) | ___ 5809 WOODBURY (VLG) |
| ___ 3801 UNIONVILLE (VLG) | ___ CITIES |
| ___ 4089 MONROE (TN) | ___ 0900 MIDDLETOWN |
| ___ 4001 MONROE (VLG) | ___ 1100 NEWBURGH |
| ___ 4003 HARRIMAN (VLG) | ___ 1300 PORT JERVIS |
| ___ 4005 KIRYAS JOEL (VLG) | ___ 9999 HOLD |

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

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 150,000
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

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

Ann G. Rabbitt
ANN G. RABBITT
ORANGE COUNTY CLERK

Received From Hill-N-Dele

RECORDED/FILED
02/14/2014/ 14:50:45
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140012703
DEED R / BK 13716PG 0680
RECORDING FEES 190.00
TTX# 004163 T TAX 600.00
Receipt#1720785 mrl

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 2/14/2014 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 2/23/2014
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



HN 50702

**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 11th day of February, 2014,

Between **JOHN W. CURTIS**, of 10 Rosaline Lane, Newburgh, NY 12550, party of the first part,
and **ANTONINO CASSARA** ^{Aka Antonino} of 210 Konefal Avenue, Pine Bush, NY 12566, 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 in Schedule A attached 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" whenever the sense of this indenture so requires.

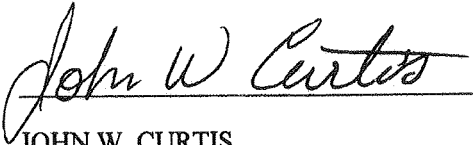
Together with all rights as such may exist to easements and paper roads leading from the subject property to the municipally maintained roadway.

SCHEDULE A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK, BEING LOT #2 ON A SUBDIVISION MAP ENTITLED "THREE LOT SUBDIVISION OF LANDS OF RUTH CAMPBELL," FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON JULY 7, 1993, AS MAP # 119-93.

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

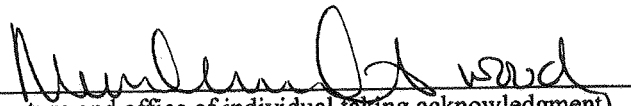
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.



JOHN W. CURTIS

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

On the 11th day of February in the year 2014, before me, the undersigned, personally appeared JOHN W. CURTIS, 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)

MARLENE H. WOOD
Notary Public, State of New York
No. 4974895
Qualified in Orange County
Commission Expires November 19, 2014

