



# 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: 02/20/2018

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

I (WE) SIMCHA Z. STERN, PRESIDENT, EXR, L.L.C. PRESENTLY

RESIDING AT NUMBER 25 PERLMAN DRIVE SUITE 23-2, SPRING VALLEY, NEW YORK 10977

TELEPHONE NUMBER 845-608-2298

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:

41-4-1.2 (TAX MAP DESIGNATION)

71 HY VUE DRIVE (STREET ADDRESS)

R-3 SINGLE FAMILY RESIDENTIAL (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY



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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: 01/29/2018
- 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 FOR FRONT YARD SETBACK FROM THE EDGEWOOD DRIVE NORTH STREETLINE. PREVIOUS OWNER CONVERTED FRONT SUNROOM INTO FINISHED SPACE WITHOUT PROPER PERMITTING FROM THE TOWN.

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 BUILDING AND CONVERTED SPACE ALL IS EXISTING. THE WORK APPLIED FOR IN THE BUILDING DEPARTMENT FOR INTERIOR RENOVATIONS AND CODE COMPLIANCE ISSUES. APPROVAL OF THE AREA VARIANCE WILL ALLOW THE HOME TO OBTAIN A CERTIFICATE OF OCCUPANCY AND BE OCCUPIED BY A NEW FAMILY. THE PROPERTY WILL BE OWNER OCCUPIED WHICH IS TYPICALLY MORE DESIRABLE IN A NEIGHBORHOOD.

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 SUNROOM WAS ILLEGALLY FINISHED BY PREVIOUS OWNER AND ANY OTHER ADDITION TO THIS HOME WOULD REQUIRE SUBSTANTIAL RELOCATION OF EXISTING FEATURES ON THE SITE AND/OR REQUIRE SIMILAR AREA VARIANCE FOR SETBACKS.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: IT WILL NOT CREATE ANY ADDITIONAL BURDEN ON THE TOWN OF NEWBURGH INFRASTRUCTURE INCLUDING ROADS, EMERGENCY SERVICES, OR SCHOOLS,

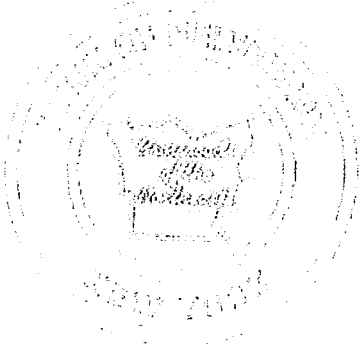
\_\_\_\_\_

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 PROPOSED ADDITION WILL BE CONSTRUCTED OVER GROUND THAT IS ALREADY IMPERVIOUS AND WILL THEREFORE HAVE NO ADVERSE EFFECTS ON THE ENVIRONMENT AND ALL DISTURBED AREAS WILL BE RECLAIMED PER PERMANENT EROSION CONTROL MEASURES OUTLINED BY NYSDEC GUIDELINES. THE CONSTRUCTION WILL NOT ALTER THE DISTRICT OR NEIGHBORHOOD AS IT WILL REMAIN A SINGLE FAMILY RESIDENCE AND THE APPEARANCE OF THE HOUSE WILL NOT CHANGE DRAMATICALLY.

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

WHEN THE BUILDING WAS PURCHASED BY THE CURRENT OWNER IN 2017 THE SUNROOM WAS ALREADY FINISHED SPACE. THE WORK DONE BY THE CURRENT OWNER HAS NOT INCREASED THE DEGREE OF ANY NON-CONFORMITIES ON THE PROPERTY.



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7. ADDITIONAL REASONS (IF PERTINENT):

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

*[Handwritten Signature]*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23 DAY OF FEBRUARY 2013

*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

**ANDREW J. ZARUTSKIE**  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2021

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)



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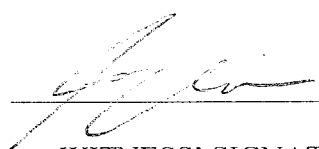
## PROXY

SIMCHA Z. STERN, EXR, L.L.C., DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 25 PERLMAN DRIVE SUITE 23-2, SPRING VALLEY, NEW YORK 10977  
IN THE COUNTY OF ROCKLAND AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

71 HY VUE DRIVE (S/B/L: 41-4-1.2), TOWN OF NEWBURGH, ORANGE COUNTY, NY  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED GEORGE KEYER  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2-13-18

  
\_\_\_\_\_  
OWNER'S SIGNATURE

  
\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ROCKLAND <sup>Rockland JV</sup> ORANGE:

SWORN TO THIS 14 DAY OF FEB 20 18

**JUDAH VORCHHEIMER**  
Notary Public - State of New York  
No. 01VO6353384  
Qualified in Rockland County  
My Commission Expires January 23, 2021

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



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## PROXY

SIMCHA Z. STERN, EXR, L.L.C., DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 25 PERLMAN DRIVE SUITE 23-2, SPRING VALLEY, NEW YORK 10977  
IN THE COUNTY OF ROCKLAND AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

71 HY VUE DRIVE (S/B/L: 41-4-1.2), TOWN OF NEWBURGH, ORANGE COUNTY, NY  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2-13-18

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13 DAY OF February 20 18

**JUDAH VORCHHEIMER**  
Notary Public - State of New York  
No. 01VO6353384  
Qualified in Rockland County  
My Commission Expires January 23, 2021

NOTARY PUBLIC

# 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.

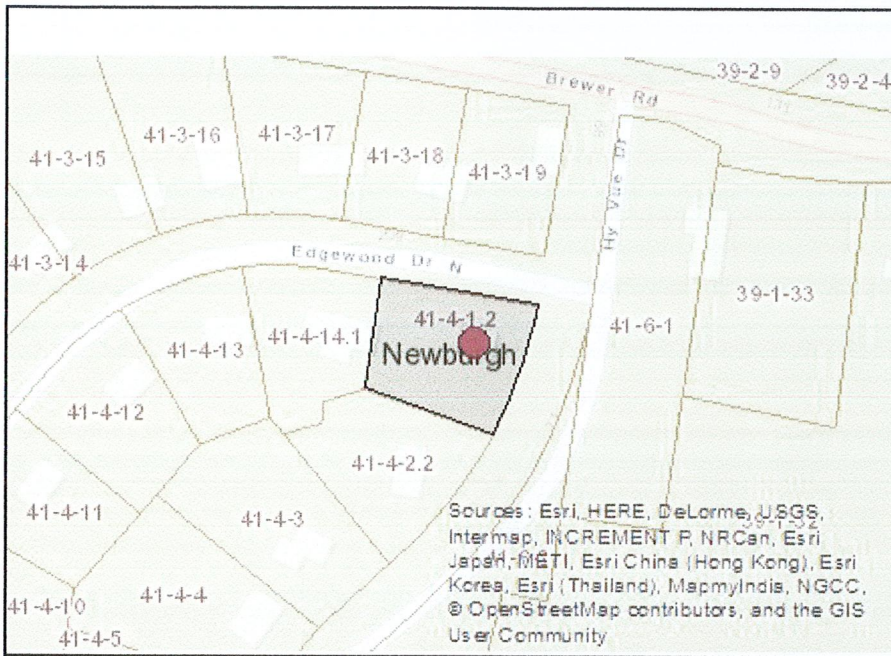
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b> EXR, L.L.C.			
Name of Action or Project: CONVERSION OF ENCLOSED SUNROOM INTO FINISHED SPACE			
Project Location (describe, and attach a location map): 71 HY VUE DRIVE (S/B/L: 41-4-1.2), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK			
Brief Description of Proposed Action: OBTAIN CRTIFICATE OF OCCUPANCY FOR EXISTING FINISHED SPACE ON FIRST FLOOR OF RESIDENCE THAT WAS PREVIOUSLY A SUNROOM. THE CONVERSION WAS DONE BY A PREVIOUS OWNER WITHOUT OBTAINING BUILDING PERMITS FROM THE TOWN OF NEWBURGH AND THE CURRENT OWNER IS ATTEMPTING TO FIX THE PROBLEM.  ALL CONSTRUCTION WAS INTERNAL AND THERE WAS NO INCREASE IN THE FOOTPRINT OF THE RESIDENCE BY THE CURENT AND/OR PREVIOUS OWNER.  THE FINISHED SPACE IS ON THE FIRST FLOOR OF THE RESIDENCE AND WILL BE USED AS A LIVING ROOM. THERE IS NO INCREASE IN THE BEDROOM COUNT OF THE RESIDENCE.			
Name of Applicant or Sponsor: EXR, L.L.C. c/o SIMCHA Z. STERN		Telephone: 845-608-2298	
		E-Mail: jasonv@exresidential.com	
Address: 25 PERLMAN DRIVE SUITE 23-2			
City/PO: SPRING VALLEY		State: NEW YORK	Zip Code: 10977
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 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: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FROM TOWN OF NEWBURGH CODE COMPLIANCE DEPARTMENT			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.41 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.41 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			



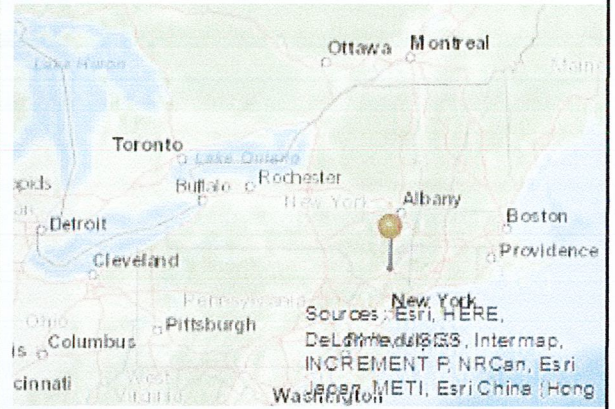


<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<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><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>JONATHAN CELLA, P.E.</u> Date: <u>02/20/2018</u></p> <p>Signature: <u></u></p>		



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, OpenStreetMap contributors, and the GIS User Community

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong)

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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 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"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input 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

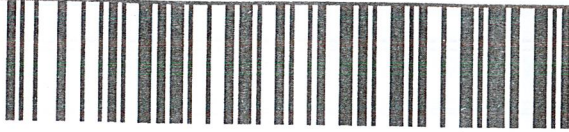
\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)



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

*low original*  
*3/16/18*  
*[Signature]*

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



Recording:	
Recording Fee	40.00
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:	<u>190.00</u>
Transfer Tax	
Transfer Tax - State	290.00
Sub Total:	<u>290.00</u>
Total:	<u>480.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 5226	
Transfer Tax	
Consideration: 72450.00	
Transfer Tax - State	290.00
Total:	<u>290.00</u>

BOOK/PAGE: 14341 / 1953  
 INSTRUMENT #: 20180000460

Receipt#: 2428697  
 Clerk: KP  
 Rec Date: 01/03/2018 10:10:31 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: BRANDI BURNS

Party1: BANK OF NY MELLON  
 Party2: EXR LLC  
 Town: NEWBURGH (TN)  
 41-4-1.2

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

*Ann G. Rabbitt*

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

BRANDI BURNS  
 20 CHURCH AVE  
 BALLSTON SPA, NY 12020

Special Warranty Deed

HIS INDENTURE DATED ~~May 18th~~ June 6 2017

between: THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as successor in interest to JPMORGAN CHASE BANK, N.A., as Trustee for STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. MORTGAGE PASS-THROUGH CERTIFICATES Series 2005-AR2, by: Nationstar Mortgage, LLC, as attorney in fact, 8950 Cypress Waters Boulevard, Coppell, TX 75019, party of the first part, and

EXR LLC, party of the second part residing at 25 PERLMAN DR., STE 23-2, SPRING VALLEY, NY 10977

WITNESSETH, that the party of the first part in consideration of TEN DOLLARS and other valuable consideration paid by 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 & BEING (see attached schedule "A")

PREMISES KNOWN AS: 71 HY VUE DR., NEWBURGH, NY 12550

BEING & INTENDED TO BE THE SAME PREMISES CONVEYED TO PARTY OF THE FIRST PART BY DEED DATED 1/25/2017 & RECORDED ON 3/8/2017 IN INSTRUMENT#20170016305

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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 second part shall quietly enjoy the said premises; AND that the party of the First part will WARRANT the title to the said premises, only from the date that party of the first part acquired title to same;

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

IN PRESENCE OF:

*[Handwritten signature]*

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as successor in interest to JPMORGAN CHASE BANK, N.A., as Trustee for STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. MORTGAGE PASS-THROUGH CERTIFICATES Series 2005-AR2 by: Nationstar Mortgage, LLC, as attorney in fact by:

Angela Guice, Asst Secretary





**'Schedule A'**

NAME(S):      LOUIS A. PONESSI, JR. AND MAUREEN PONESSI

LONG LEGAL: LYING AND BEING LOCATED IN THE TOWN OF NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK; ALL THAT CERTAIN PARCEL OR TRACT OF LAND KNOWN AS:

LOT NUMBER 66, AS SHOWN ON A MAP ENTITLED "PLAN OF SUBDIVISION OF EDJEWOD ESTATES, SECTION B", AS PREPARED BY EUSTANCE & HOROWITZ, ENGINEERS, AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON SEPTEMBER 12, 1957 AS MAP # 1723.

TAX MAP#:      4600-41-4-1.2

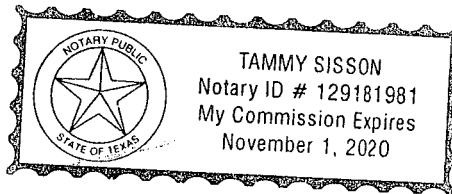
STATE OF TEXAS  
COUNTY OF Denton

On the 18<sup>th</sup> day of May, 2017 before me, the undersigned, personally appeared

Angela Guice

, 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, acknowledged to me that he executed same in his capacity, that by his signature on the said instrument, the individual or the person on which the individual acted, executed the instrument; and that such individual made such appearance before the undersigned, a notary public in the State of Texas County of Denton

  
NOTARY PUBLIC



SPECIAL WARRANTY DEED

-----  
THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as  
successor in interest to JPMORGAN CHASE BANK, N.A., as Trustee for  
STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. MORTGAGE PASS-  
THROUGH CERTIFICATES Series 2005-AR2  
TO

EXR LLC

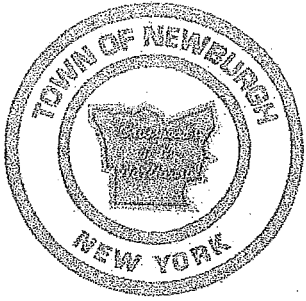
-----  
PREMISES: 71 HY VUE DR., NEWBURGH, NY 12550

SECTION 41  
BLOCK 4  
LOT 1.2  
TOWN/CITY ORANGE COUNTY

RECORD & RETURN TO:

-----  
Brandi Burns, Esq.  
20 Church Ave  
Ballston Spa NY 12020





**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

**2667-18**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 01/29/2018**

**Application No. 17-1192**

**To: EXR LLC  
71 Hy Vue Dr  
Newburgh, NY 12550**

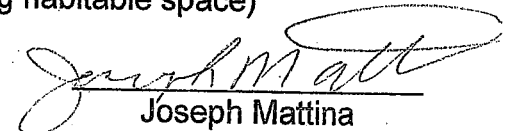
**SBL: 41-4-1.2  
ADDRESS: 71 Hy Vue Dr**

**ZONE: R3**

PLEASE TAKE NOTICE that your application dated 12/12/2017 for permit to keep the front porch that was converted into habitable space without approvals or permits. on the premises located at 71 Hy Vue Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-C-1 / Shall not increase the degree of non-conformity, (Adding habitable space)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

YES / NO

NAME: EXR LLC Building Application # 17-1192

ADDRESS: 71 Hy Vue Dr. Newburgh NY 12550

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 8'-2" x 23'-6" Front Porch

SBL: 41-4-1.2 ZONE: R-3 ZBA Application # 2667-18

TOWN WATER:  YES / NO

TOWN SEWER: YES /  NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'	32'	Increasing the degree non-conformity		
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:**

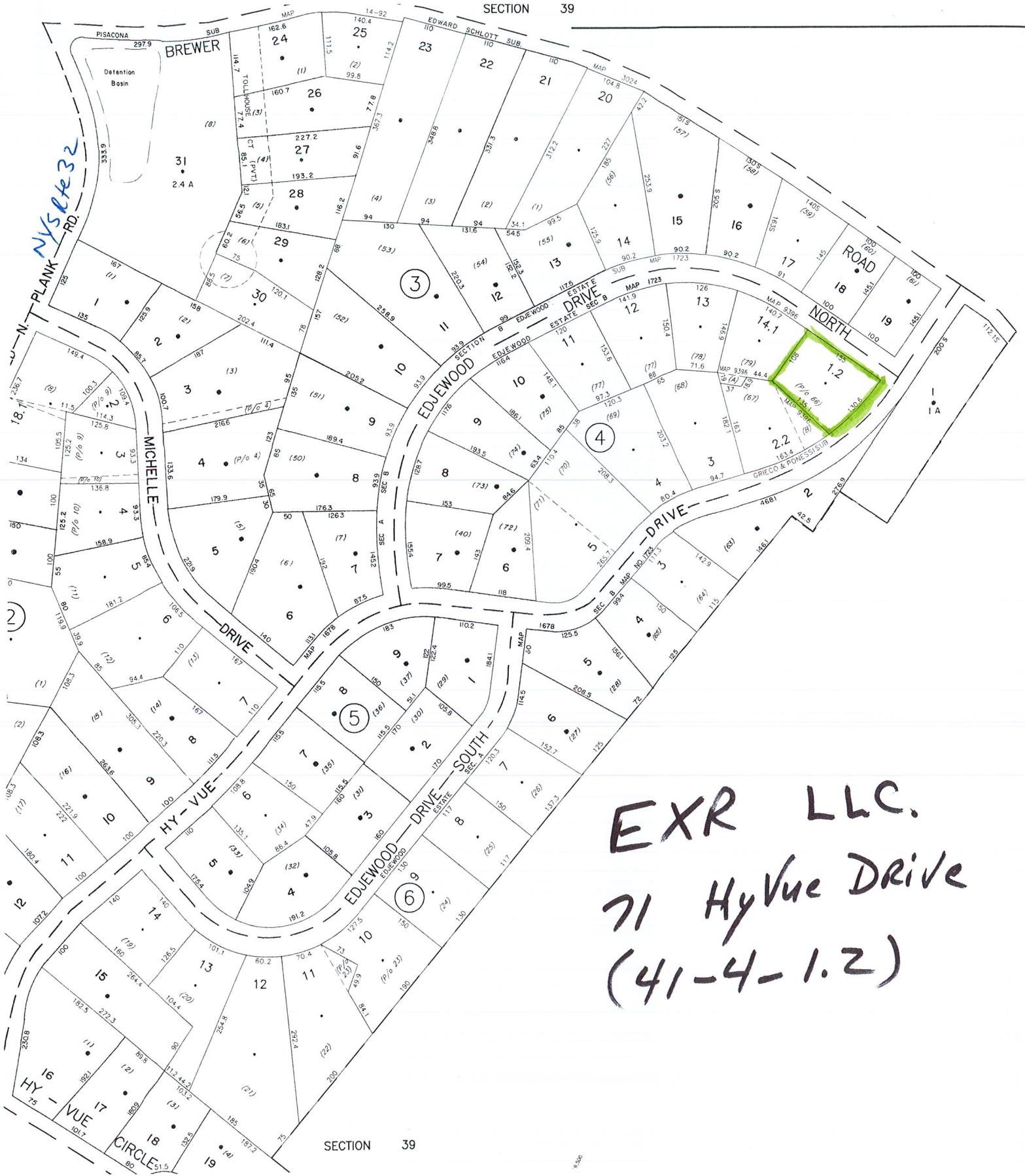
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO  
 FRONT YARD - 185-15-A YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Converted a non-conforming enclosed porch into habitable space

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 / Shall not increase the degree of non-conformity. New habitable space.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 29-Jan-18



*NYS Route 32*

**EXR LLC.**  
 71 HyVue Drive  
 (41-4-1.2)