

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: Oct 29, 2013

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

I (WE) EUGENIA FERRARI-FALIN PRESENTLY

RESIDING AT NUMBER 35 ODELL CIRCLE

TELEPHONE NUMBER 443-350-3236

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:

51-2-25 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1

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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: 10/9/13
- 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: \_\_\_\_\_

INCREASING DEGREE OF NON-CONFORMITY

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:

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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 properties around my house have all been upgraded & modernized. I want to do the same thing. I want to enhance the appearance of the house to fit in with the surrounding homes.*

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:

*Additional space (head room) to add bedrooms to accommodate family. I could not do this without spanning the back to we will need the windows for bedroom as well as closets. cannot achieve without adding shed dormer*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*It is not increasing to "footprint" of the house, I am just taking rear area of roof up to have almost 8' high ceiling on back of house & windows + storage closet*

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

*It is within the character of the residential neighborhood*

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

*We need the bedrooms for our family. The first floor bedroom is already designated for my 89 year old father who cannot climb the stairs to the 2nd floor.*

7. ADDITIONAL REASONS (IF PERTINENT):

In order to have windows large enough in bedrooms for escape route, in case of fire, we also need to add shed dormer for this reason.

Eugenia Ferran Tala  
PETITIONER (S) SIGNATURE

KINGS  
STATE OF NEW YORK: COUNTY OF ~~ORANGE~~

SWORN TO THIS 30TH DAY OF OCTOBER 20 13



[Signature]  
NOTARY PUBLIC

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.

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.

<b>Part 1 - Project and Sponsor Information</b>			
FERRARI - FALIN			
Name of Action or Project: Add Shed Dormer, Add Gabled Dormer			
Project Location (describe, and attach a location map): 35 O'dell Circle, Newburgh, NY 12550			
Brief Description of Proposed Action: Adding shed dormer to rear of house (41 ft) to increase headroom of existing space. Adding additional dormer to front of house to balance look of house and maximize view			
Name of Applicant or Sponsor: EUGENIA FERRARI - FALIN		Telephone: 443-350-3236	
		E-Mail: gma-ferrari@hotmail.com	
Address: 35 O'Dell Circle			
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 ✓ /
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 ✓ /
3.a. Total acreage of the site of the proposed action?		0.288± 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?		0.288± acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?			✓
b. Consistent with the adopted comprehensive plan?			✓
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES ✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	✓		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	✓		
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: <i>Add insulation; upgrading heating &amp; A/C, Add energy efficient Double pane windows</i>		NO	YES ✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES ✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO	YES ✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	NO	YES
b. Is the proposed action located in an archeological sensitive area?	✓		
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
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: _____	✓		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	NO	YES
16. Is the project site located in the 100 year flood plain?	✓	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	✓	NO	YES

<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)?                  If Yes, explain purpose and size: _____                  _____                  _____</p>	<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	NO	YES	✓	
NO	YES				
✓					
<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?                  If Yes, describe: _____                  _____                  _____</p>	<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	NO	YES	✓	
NO	YES				
✓					
<p>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: _____                  _____                  _____</p>	<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	NO	YES	✓	
NO	YES				
✓					
<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>EUGENIA FERRARI FALIN</u> Date: <u>10-29-2013</u>                  Signature: <u>Eugenia Ferrari Falin</u></p>					

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

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

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

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

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





# TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

2387-13

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

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/09/2013

Application No. ~~13-0910~~

To: EUGENIA FERARI-FALIN  
35 ODELL CIRCLE  
NEWBURGH, NY 12550

SBL: 51-2-25  
ADDRESS: 35 Odell Cir

ZONE: R-1

PLEASE TAKE NOTICE that your application dated 09/24/2013 for permit to add dormers and shed roof to a nonconforming dwelling on the premises located at 35 Odell Cir is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code sections:

- 1) 185-19-C-1 Shall not increase the degree of nonconformity. (front yard Old South Plank Rd 50')
- 2) 185-19-C-1 Shall not increase the degree of nonconformity. (front yard Odell Circle 50')

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

2387-13

**OWNER INFORMATION**

**NAME:** EUGENIA FERARI-FALIN

**ADDRESS:** 35 ODELL CIRCLE NEWBURGH NY 12550

**PROJECT INFORMATION:**

**TYPE OF STRUCTURE:** 2ND FLOOR DORMERS & RAISED SHED ROOF

**SBL:** 51-2-25      **ZONE:** R-1

**TOWN WATER:**  **TOWN SEWER:**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
OLD SOUTH PLANK FRONT YARD	50'	25.20	INCREASING THE DEGREE OF NONCONFORMITY		
ODELL CIRCLE FRONT YARD	50'	20.30			
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  YES  X2  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO  
 CORNER LOT - 185-17-A  YES

**ACCESSORY STRUCTURE:**

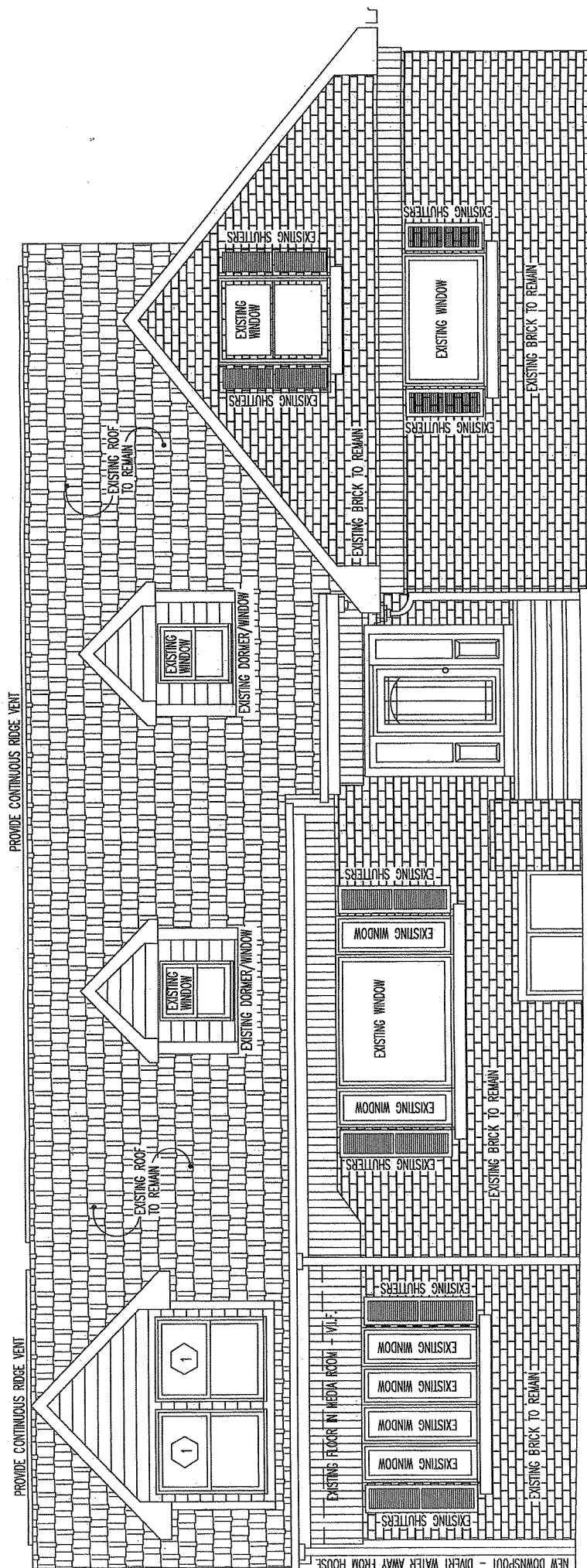
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO  
 FRONT YARD - 185-15-A YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

**NOTES:** **ENTIRE DWELLING NONCONFORMING.**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NONCONFORMITY ( OLD SOUTH PLANK )
- 2 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NONCONFORMITY ( ODELL CIRCLE )
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** JOSEPH MATTINA      **DATE:** 9-Oct-13



PROVIDE CONTINUOUS RIDGE VENT

PROVIDE CONTINUOUS RIDGE VENT

EXISTING ROOF TO REMAIN

EXISTING ROOF TO REMAIN

EXISTING WINDOW

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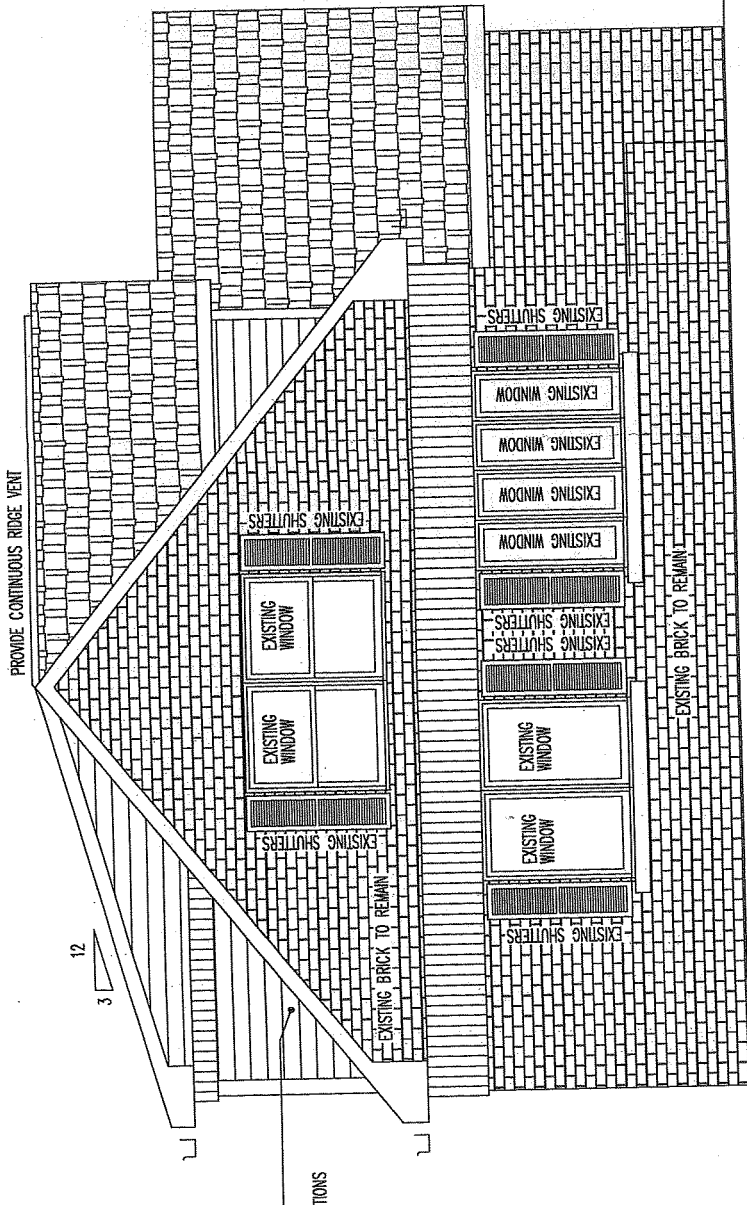
EXISTING FLOOR IN MEDIA ROOM - W.I.F.

NEW DOWNSPOUT - DIVERT WATER AWAY FROM HOUSE

**FRONT ELEVATION**

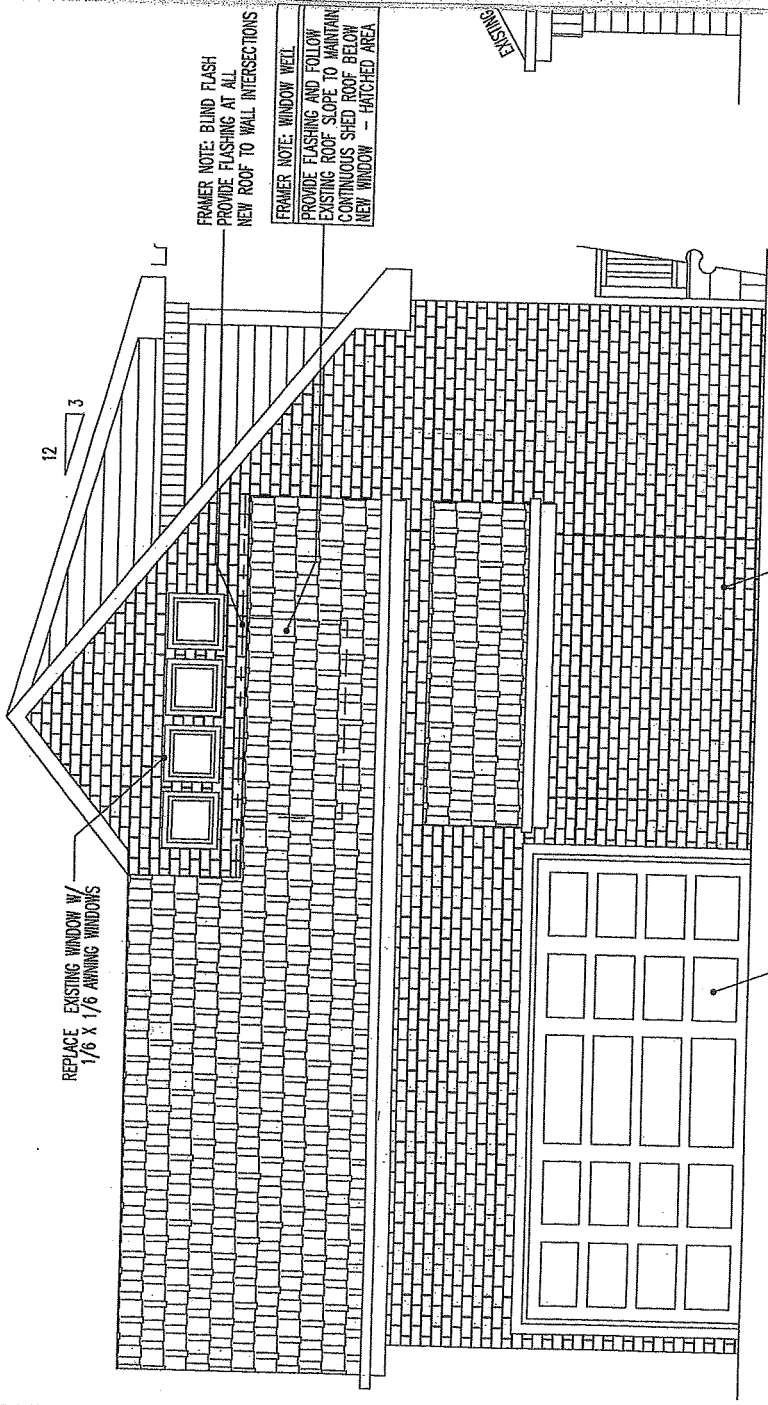
SCALE: 1/4" = 1'-0"





**LEFT ELEVATION**

SCALE: 1/4" = 1'-0"



REPLACE EXISTING WINDOW W/  
1/6 X 1/6 AWNING WINDOWS

12  
3

FRAMER NOTE: BLIND FLASH  
PROVIDE FLASHING AT ALL  
NEW ROOF TO WALL INTERSECTIONS

FRAMER NOTE: WINDOW WELL  
PROVIDE FLASHING AND FOLLOW  
EXISTING ROOF SLOPE TO MAINTAIN  
CONTINUOUS SHED ROOF BELOW  
NEW WINDOW - HATCHED AREA

EXISTING

EXISTING BRICK AND BUMPOUT

EXISTING OVERHEAD GARAGE DOOR

**RIGHT ELEVATION**

SCALE: 1/4" = 1'-0"

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

Richard Hugh Clark,  
Surviving Trustee  
TO  
Eugenia Ferrari - Falin

SECTION 51 BLOCK 2 LOT 25



RECORD AND RETURN TO:  
(name and address)

Eugenia Ferrari - Falin  
1588 EAST 58th Street  
Brooklyn NY 11234

THIS IS PAGE ONE OF THE RECORDING

ST. 50545

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  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 WALKKILL (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) \_\_\_\_\_
- 4089 MONROE (TN) \_\_\_\_\_ 0900 MIDDLETOWN
- 4001 MONROE (VLG) \_\_\_\_\_ 1100 NEWBURGH
- 4003 HARRIMAN (VLG) \_\_\_\_\_ 1300 PORT JERVIS
- 4005 KIRYAS JOEL (VLG) \_\_\_\_\_
- \_\_\_\_\_ 9999 HOLD

NO. PAGES 5 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_  
PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

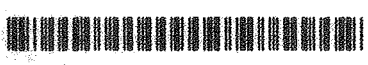
Taxable  
CONSIDERATION \$ 232,875.00  
TAX EXEMPT \_\_\_\_\_  
Taxable  
MORTGAGE AMT. \$ \_\_\_\_\_

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

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

Received From River City

RECORDED/FILED  
08/19/2013/ 07:00:00  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE#20130085545  
DEED R / BK 13632PG 1882  
RECORDING FEES 195.00  
TTX# 000364 T TAX 932.00  
Receipt#1648718 maryp



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

**THIS INDENTURE**, made the 25<sup>th</sup> day of JUNE in the year 2013

**BETWEEN**

**RICHARD HUGH CLARK, SURVIVING TRUSTEE, AS TRUSTEE OF THE "RICHARD HUGH CLARK AND MICHAEL JOHN CLARK, AS TRUSTEES OF THE JOHN W. AND JUNE C. CLARK IRREVOCABLE TRUST," RESIDING AT 35 O'DELL CIRCLE, NEWBURGH, NEW YORK 12550,**

party of the first part, and

D.P.

FERRARI - FALIN

**EUGENIA FERARI-FALIN, RESIDING AT 1588 EAST 58<sup>TH</sup> STREET, BROOKLYN, NEW YORK 11234**

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Two Hundred Thirty Two Thousand Eight Hundred Seventy Five Dollars (\$232,875.00) 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, and more particularly described on the annexed Schedule "A".

BEING and intended to be the same premises conveyed by deed from JOHN W. CLARK JR. AND JUNE C. CLARK to RICHARD HUGH CLARK AND MICHAEL JOHN CLARK AS TRUSTEE OF THE "RICHARD HUGH CLARK AND MICHAEL JOHN CLARK, AS TRUSTEES OF THE JOHN W. AND JUNE C. CLARK IRREVOCABLE TRUST" by Deed dated May 10, 2000 and recorded in the Orange County Clerk's Office on July 11, 2000 in Liber 5326 at Page 174.

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.

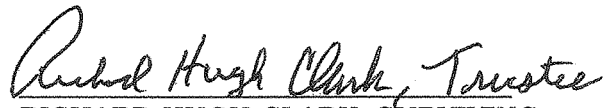


AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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.

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

IN PRESENCE OF:



RICHARD HUGH CLARK, SURVIVING TRUSTEE, AS TRUSTEE OF THE "RICHARD HUGH CLARK AND MICHAEL JOHN CLARK, AS TRUSTEES OF THE JOHN W. AND JUNE C. CLARK IRREVOCABLE TRUST,"

RICHARD HUGH CLARK signs below individually to release his right of first refusal to purchase the premises:



RICHARD HUGH CLARK

\*STATE OF VIRGINIA: \*

COUNTY OF Fairfax, ss:

\* (or insert District of Columbia, Territory, Possession or Foreign Country)

On the 17 day of JULY, in the year 2013, before me the undersigned, personally appeared RICHARD HUGH CLARK personally known to me or proved to me on the basis of satisfactory evidence, to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that (he) (she) (they) executed the same in (his) (her) (their) capacity(y)(ies), and that by (his) (her) (their) signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in the County of Fairfax, Virginia (add the city or political subdivision and the state or country or other place the acknowledgment was taken).

Commonwealth of Virginia  
City/County of Fairfax

This instrument was acknowledged before me on 17 day of July, 2013 by Richard H. Clark

Lauren A. Sluges  
Notary Public's Signature

Lauren A. Sluges  
Notary Public  
Lauren A. Sluges  
State of Virginia  
County of Fairfax  
Comm. Exp. 6/14/15

**BARGAIN AND SALE DEED**

**RETURN BY MAIL TO**

**RIVER CITY ABSTRACT LLC  
Title No. RCA-ST-50545**

Eugenia Ferarri-Falin  
1588 EAST 58th Street  
Brooklyn, NY 11234

**RICHARD HUGH CLARK, SURVIVING  
TRUSTEE, AS TRUSTEE OF THE  
"RICHARD HUGH CLARK AND  
MICHAEL JOHN CLARK,  
AS TRUSTEES OF THE JOHN W.  
AND JUNE C. CLARK IRREVOCABLE TRUST,"**

**TO**

**EUGENIA FERARI FALIN**

Section: 51

Block: 2

Lot: 25

County: ORANGE

Town: NEWBURGH

TITLE NO. RCA-ST-50545

SCHEDULE A

**ALL** that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 28 on a certain map entitled, "Map of Lands of Orange Lake Park" dated September 1940, revised June 12, 1951, made by Nial Sherwood, P.E. and filed in the Office of the Orange County Clerk, being bounded and described as follows:

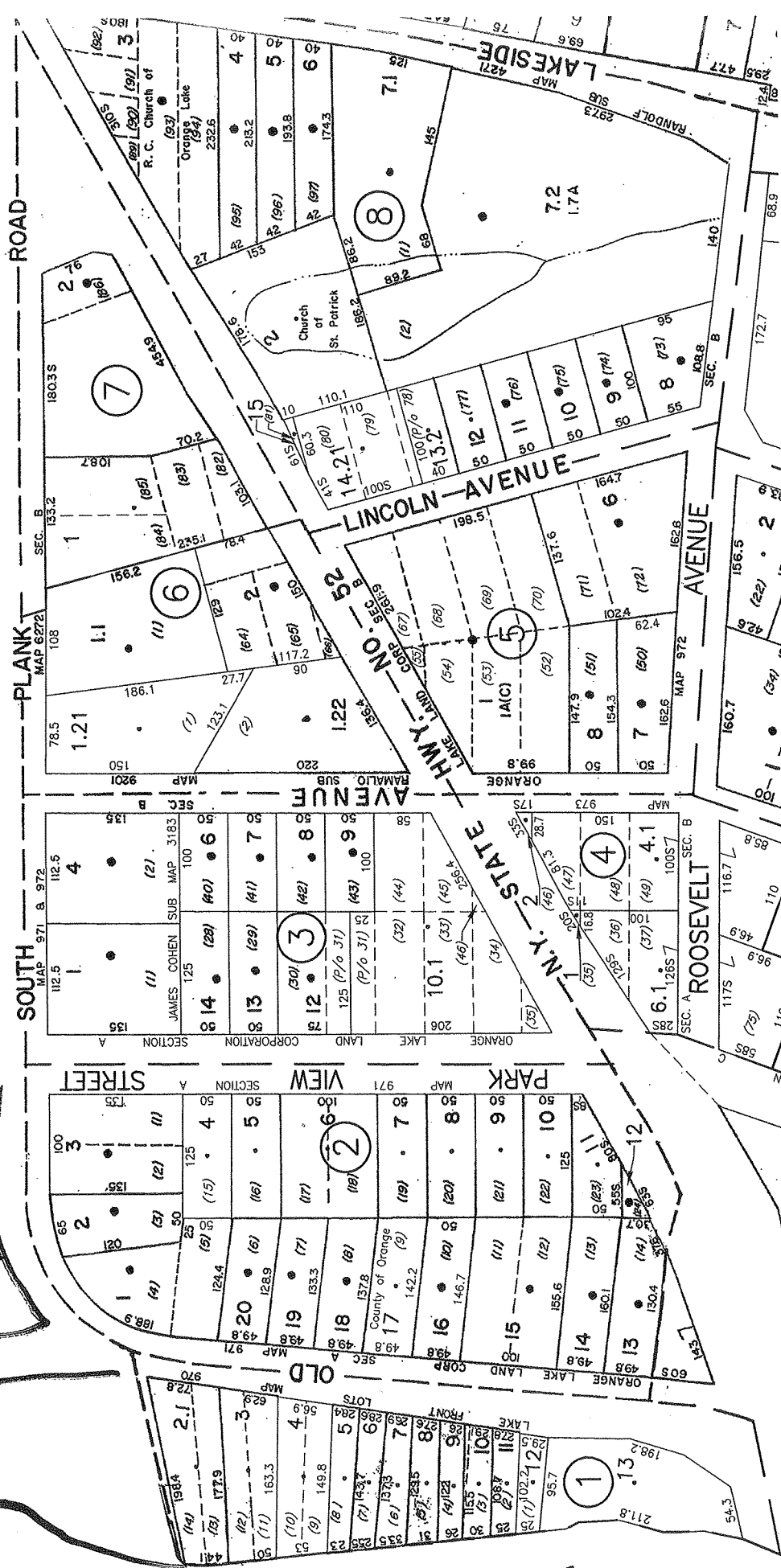
**BEGINNING** at a point formed by the intersection of the north side of the Newburgh and Ellenville Plank Road (old location) and the east side of a proposed street on the aforesaid map known as "O'Dell Circle" and running thence in an easterly direction along the north side of the said Newburgh and Ellenville Plank Road (old location) the following distances: 45.65 feet and 55.23 feet to the southwest corner of Lot No. 29 on the aforesaid map; running thence along the westerly boundary of said Lot No. 29, 139.60 feet to the northwest corner of said Lot No. 29, being also a point on the southerly boundary of Lot No. 75 on the aforesaid map; running thence in a westerly direction along the southerly boundary of said Lot No. 75, a distance of 85 feet, to the easterly side of said "O'Dell Circle", said point being also the southwest corner of Lot No. 75; running thence in a southerly direction along the easterly side of said "O'Dell Circle" 162.98 feet, more or less, to the point or place of **BEGINNING**.

For conveyancing only,  
to be conveyed

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

Orange Lake

Ferrari Falin  
Section 51



ROAD

PLANK

SOUTH

PARK VIEW STREET

AVENUE

LINCOLN AVENUE

Hwy. No. 52

ROOSEVELT AVENUE

N.Y. STATE

Church of St. Patrick

R.C. Church of Orange Lake

LAKE SIDE MAP 4271

MAP 2973

MAP 6272

MAP 971 & 972

MAP 973

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

MAP 972

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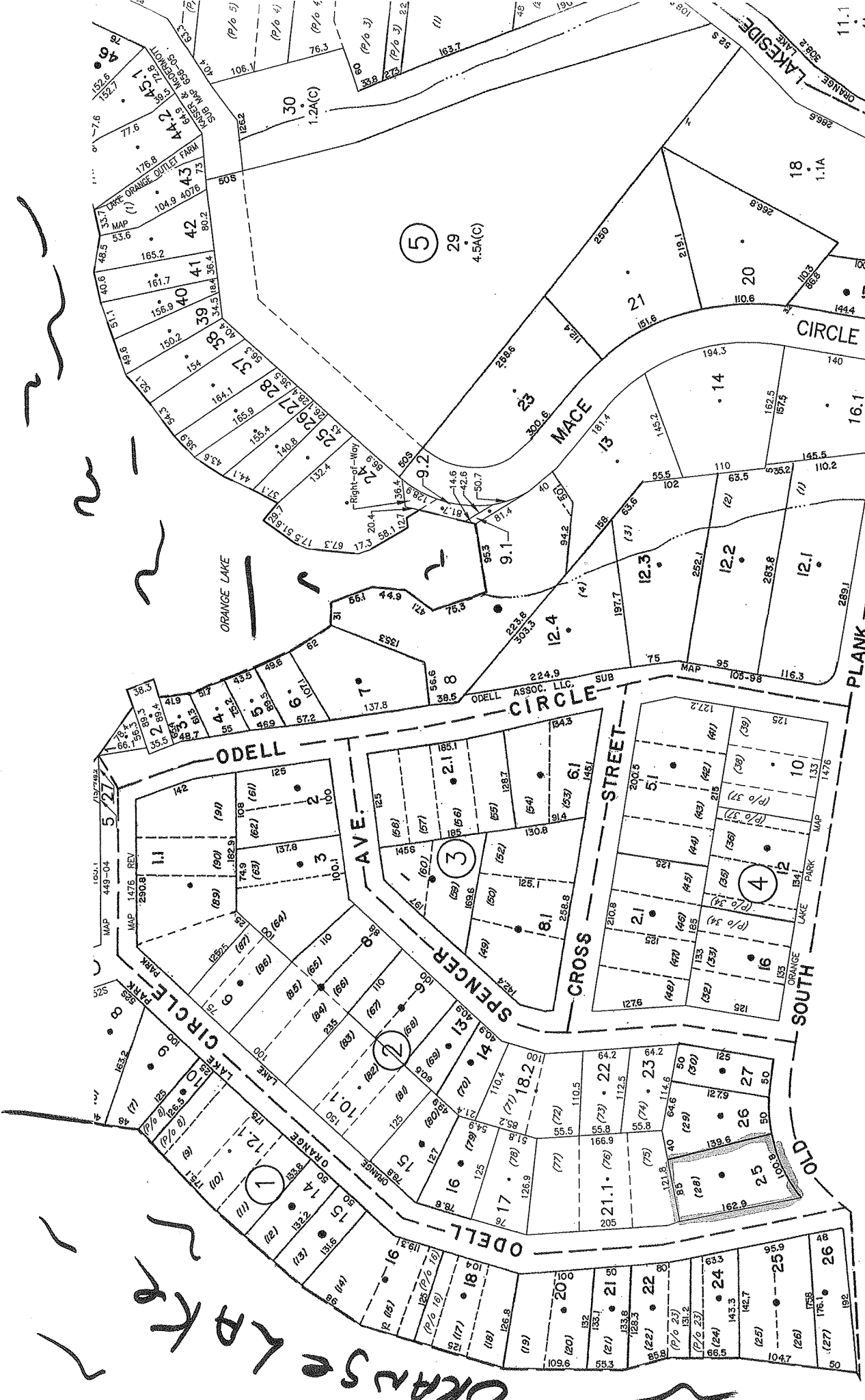
MAP 972

MAP 972

MAP 972

MAP 972

MAP 972



CRANSE PARK  
 51-2-25  
 section 52  
 Reference

FERRARI - FALINS

35 ODELL CIRCLE

N. Y.

DAN LEGRON

Reference

section 52

51-2-25

35 ODELL CIRCLE

FERRARI - FALINS