



Edward A. Pinnac  
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

Tax Map #:

1-1-30

Local Referring Board:

Zoning Board of Appeals

Tax Map #:

Applicant:

Cesar & Mercedes Flores

Tax Map #:

Project Name:

Local File No.:

2300-12

Location of Project Site:

222 Forest Road  
Wallkill NY 12589

Size of Parcel:

160X300

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

Reason for County

Review:

ON CR-23 / FOREST ROAD

Current Zoning

District (include

any overlays):

A/R

#### 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): \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision

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) INCREASING DEGREE OF NON-CONFORMITY

Other

of combined side yard setback to build rear deck

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

Local board comments or elaboration:

*Grace Cardone*

5/13/13

Chairperson,  
Zoning Board of Appeals

Signature of local official

Date

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@orangecountyny.gov](mailto:planning@orangecountyny.gov)

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

## APPLICATION

DATED: 7-1-2012

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

I (WE) Cesar + Mercedes Flores PRESENTLY  
RESIDING AT NUMBER 222 Forest Road  
TELEPHONE NUMBER 845-566-7686

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE

### 1. LOCATION OF THE PROPERTY:

1-1-30 (TAX MAP DESIGNATION)  
222 Forest Road (STREET ADDRESS)  
AIR Zone (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

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: June 25, 2012
- 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: To build a rear deck 12'x24'

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

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

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

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

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

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

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

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

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

it will only improve the character of the neighborhood, and will not in anyway interfere with nearby properties.

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:

Because the deck will increase the degree of non-conformity for combined side yard as per Town Inspector

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The deck size will not interfere with anyone. I feel there's more than enough room for this deck and my Neighbor's don't have a problem the deck.

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

Because it will not effect anyone in the neighborhood in anyway, it will only Enhance the appearance of the neighborhood.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Need a Variance.

7. ADDITIONAL REASONS (IF PERTINENT):

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

Cesar Flores  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 13<sup>th</sup> DAY OF May 20 13

Charlene M. Black  
NOTARY PUBLIC

CHARLENE M. BLACK  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 20 14

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 C**  
 State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR <u>Cesar Flores</u>	2. PROJECT NAME <u>12x24 Rear Deck</u>
3. PROJECT LOCATION: Municipality <u>County Orange County</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>222 Forest Road Walkkill NY 12589</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:  <u>Build a new 12x24 rear Deck.</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres      Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No          If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No          If Yes, list agency(s) name and permit/approvals:  <u>Zoning Board of Appeals - Town of Newburgh.</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Cesar Flores Cesar Flores</u> Date: <u>11-26-12</u> Signature: <u>Cesar Flores</u>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 AND provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_ \_\_\_\_\_  
 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)

**Reset**

TOWN OF NEWBURGH

*Crossroads of the Northeast*  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550  
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2300-12

Date: June 25, 2012

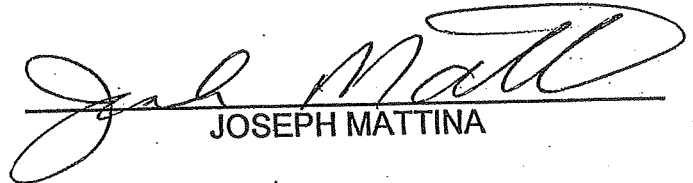
To: CESAR & MERCEDES FLORES  
222 FOREST ROAD  
WALLKILL, NY 12589

SBL 1-1-30  
ADD: 222 Forest Road, Wallkill  
ZONE A / R

PLEASE TAKE NOTICE that your application dated April 18,  
20 12 for permit to build a rear deck (12 x 24)  
At the premises located at 222 Forest Road, Wallkill

Is returned herewith and disapproved on the following grounds:

185 - 19 - C - 1 -  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY. (COMBINED SIDE  
YARDS SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

*NO*

NAME: CESAR FLORES

ADDRESS: 222 FOREST RD WALLKILL NY 12589

2300-12

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 12' X 24' REAR DECK

SBL: 1-1-30      ZONE: A/R

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
COMBINED SIDE YARDS	80'	40'	INCREASING DEGREE NONCONFORMITY		
LOT WIDTH					
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 / 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:    EXISTING SIDE YARD SETBACKS OF 34' AND 6'. REQUIRES 80' DECK WILL INCREASE THE DEGREE OF NON CONFORMITY FOR COMBINED SIDE YARD**

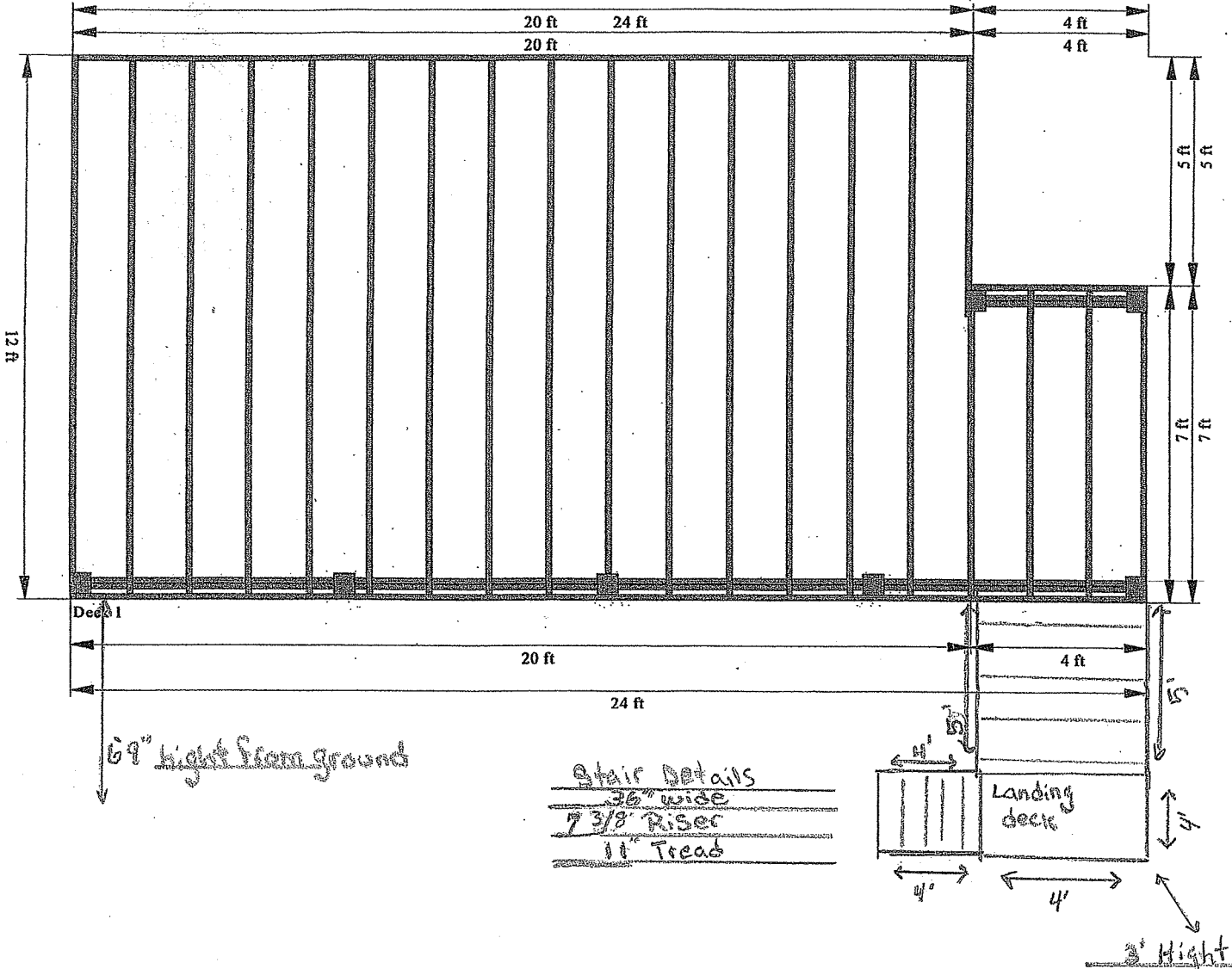
**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA

DATE: JUNE 25 2012

# Dimension 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.

**Advertencia e instrucciones importantes:** Esto no es un plan ni una estimación final del diseño. EDGENET, INC. no asume ninguna responsabilidad del uso o de la salida correcto de este programa. Toda la información contenida en esta página está conforme a los términos en la negación, situada en el extremo de este documento.



## Deck Information

### Deck 1

Construction Method - Beam on Top of Post  
Footing Type - Pier In-Ground  
Live Load - 60  
Dead Load - 10  
Decking Spacing - 1/8 in  
Joist Spacing - 16 in  
Beam Spacing - 144 7/32 in  
Post Spacing - 70 1/2 in  
Decking - L5/4x6 Treated Southern Pine No. 2  
Beams - L2x10 Treated Southern Pine No. 2  
Joists - L2x10 Treated Southern Pine No. 2  
Posts - L6x6 Treated Southern Pine No. 2  
Deck Height - 96 in  
Diagonal Bracing - Yes  
Joist Overhang - 0 in  
Beam Overhang - 0 in  
Decking Deflection Factor - 360  
Joist Deflection Factor - 360  
Beam Deflection Factor - 360  
Pref Decking Size - 5/4x6  
Pref Joist Size - NONE  
Pref Beam Size - NONE  
Pref Post Size - NONE  
Diag Brace Height 1 - 24 in  
Diag Brace Height 2 - 24 in

### Stair 1

Step Width - 36 in  
Step Height - 88 1/2 in  
Step Rise - 7 3/8 in  
Step Run - 11 in  
Stringers - L2x12 Treated Southern Pine No. 2  
Risers - L2x4 Treated Southern Pine No. 2  
Treads - L5/4x6 Treated Southern Pine No. 2

### Railing 7

Railing Height - 36 in  
Baluster Spacing - 3 3/4 in

### Railing 1

Railing Height - 36 in  
Baluster Spacing - 3 3/4 in

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Railing 5

Railing Height - 36 in  
Baluster Spacing - 3 3/4 in

Railing 6

Railing Height - 36 in  
Baluster Spacing - 3 3/4 in

Railing 3

Railing Height - 36 in  
Baluster Spacing - 3 3/4 in

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ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME (S) OF PARTY(S) TO DOCUMENT: BLACK INK

ANTHONY M. FRANCO  
TO  
CESAR FLORES &  
MERCEDES FLORES

SECTION 1 BLOCK 1 LOT 30 & 31.1  
TWO WALKHILL

RECORD AND RETURN TO:  
(Name and Address)

ATTORNEY'S TITLE INSURANCE AGENCY, INC.  
71 Smith Avenue  
Mt. Kisco, New York 10549 612-010

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

A01-41560

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE DEED  MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

PROPERTY LOCATION

- |                            |                           |
|----------------------------|---------------------------|
| 2089 BLO JIMMO GROVE (TN)  | 4209 MONTGOMERY (TN)      |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG)       |
| 2289 CHESTER (TN)          | 4209 MONTGOMERY (VLG)     |
| 2201 CHESTER (VLG)         | 4205 WALDEN (VLG)         |
| 2489 CORNWALL (TN)         | 4489 MOUNT HOPE (TN)      |
| 2401 CORNWALL (VLG)        | 4401 OTTSVILLE (VLG)      |
| 2600 CHAFFORD (TN)         | 4600 NEWBURGH (TN)        |
| 2800 DEER PARK (TN)        | 4800 NEW WINDSOR (TN)     |
| 3089 GOSHEN (TN)           | 5089 TUXEDO (TN)          |
| 3001 GOSHEN (VLG)          | 5001 TUXEDO PARK (VLG)    |
| 3003 FLORIDA (VLG)         | 5200 WALLKILL (TN)        |
| 3005 CHESTER (VLG)         | 5489 WARWICK (TN)         |
| 3200 GREENVILLE (TN)       | 5401 FLORIDA (VLG)        |
| 3489 HAMPTONBURGH (TN)     | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG)        | 5405 WARWICK (VLG)        |
| 3689 HIGHLANDS (TN)        | 5600 WAWAYANDA (TN)       |
| 3601 HIGHLAND FALLS (VLG)  | 5809 WOODBURY (TN)        |
| 3809 MINERIK (TN)          | 5801 HANNIMAN (VLG)       |
| 3801 UNIONVILLE (VLG)      |                           |
| 4089 MONROE (TN)           |                           |
| 4001 MONROE (VLG)          |                           |
| 4003 HANNIMAN (VLG)        |                           |
| 4005 KIRYAS JOEL (VLG)     |                           |

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 0999 HOLD

NO. PAGES 5 CROSS REF  
CERT. COPY \_\_\_\_\_ AFFI \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

CONSIDERATION \$ 98,000-  
TAX EXEMPT \_\_\_\_\_

MORTGAGE AMT \$ \_\_\_\_\_  
DATE \_\_\_\_\_

MORTGAGE TYPE

- ... (A) COMMERCIAL
- ... (B) 1 OR 2 FAMILY
- ... (C) UNDER \$10,000
- ... (E) EXEMPT
- ... (F) 3 TO 6 UNITS
- ... (H) NAT PERSON/CH UNION
- ... (J) NAT PER/CH UNH OR 2
- ... (K) CONDO

*Dorcas J. Benson*

RECEIVED FROM: *Attorneys Title*

LIBER 5626 PAGE 241

... OF NEW YORK (COUNTY OF ORANGE) SS:  
... CLERK AND CLERK OF THE  
... AND COUNTY COURTS, ORANGE COUNTY, DO  
... CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
... ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
... 9-12-01 AND THE SAME IS A CORRECT  
... SCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
... SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Dorcas J. Benson 3-4-13*

LIBER 5626 PAGE 241

... COUNTY CLERKS OFFICE 54279 LAL  
RECORDED/FILED 09/12/2001 04:34:00 PM  
FEES 50.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 001529  
DEED CNTL NO 62869 RE TAX 292.00

Bargain and Sale Deed with Covenants  
Against Grantors Acts

*21<sup>st</sup> J.F.*  
**This Indenture** made the ~~21<sup>st</sup>~~ day of August, Two Thousand and One,

Between ANTHONY M. FRANCO, residing at 11250 Playa Street, #4, Culver  
City, CA 90230, party of the first part, and

CESAR FLORES and MERCEDES FLORES, husband and wife, residing at 248  
Ardonia Road, Wallkill, New York 12589, 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, does hereby grant and  
release unto the parties of the second part, the heirs, or successors and assigns forever,

**PARCEL I**

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND**, with the  
buildings and improvements thereon erected, situate, lying and being Town of  
Newburgh, County of Orange, State of New York, and being more particularly  
described as follows:

**BEGINNING** at an iron pipe set in the easterly taking line of the Forest Road at  
the southwest corner of lands conveyed to Frederick McDowell and John Steele by  
Deed recorded in Liber 1237 of Deeds at Page 402 and running thence along the  
southerly line of the said lands of McDowell and Steele on a bearing of about South 62°  
16' East 300 feet to an iron pipe set; thence South 14° 27' West 74.65 feet to an iron pipe  
set; thence North 67° 10' West 300 feet to the aforesaid easterly taking line of the Forest  
Road; thence along the same North 17° 15' East 100 feet to the point or place of  
beginning. The bearings herein refer to the magnetic needle as it pointed in 1960.

**BEING THE SAME PREMISES CONVEYED BY DEED** from PAUL E.  
REUTER and CAROLYN A. REUTER to ANTHONY M. FRANCO dated August 15,  
1969 and recorded in the Orange County Clerk's Office on August 18, 1969 in Liber  
1827 of Deeds at Page 683.

**PREMISES KNOWN AS: 222 Forest Road, Wallkill, New York** and  
designated as Section 1 - Block 1 - Lot 30 as shown on the Orange County and  
Town of Newburgh Land and Tax Maps.

**PARCEL II**

ALL that certain plot, piece, or parcel of land, situate lying and being in the Town of Newburgh, County of Orange, State of New York, and being more particularly described as follows:

**BEGINNING** at a point on the Easterly bounds of Forest Road, said point being distant South 17° 15' 00" West 100.00 feet from the line of lands of McDowell and Steele, thence:

1. South 67° 10' 00" East 155.40 feet along lands now or formerly of Franco, thence:
2. South 50° 00' 00" west 55.93 feet through the lands of Reuter, thence:
3. North 67° 10' 00" West 125.00 feet through the lands of Reuter to the Easterly bounds of Forest Road, thence:
4. North 17° 15' 00" East 50.00 feet along the Easterly bounds of Forest Road to the point of beginning, containing 6975 square feet of land.

**BEING THE SAME PREMISES CONVEYED BY DEED** from **GEORGE REUTER** to **ANTHONY M. FRANCO** dated December 15, 1976 and recorded in the Orange County Clerk's Office on December 16, 1976 in Liber 2054 of Deeds at Page 996.

**PREMISES KNOWN AS:** Forest Road, Walkill, New York and designated as Section 1 - Block 1 - Lot 31.1 as shown on the Orange County and Town of Newburgh Land and Tax Maps.

**SUBJECT TO** restrictive covenants, agreements, easements, reservations, leases and/or consents of record, if any, affecting the use of the premises set forth herein.

**TOGETHER** with all right, title and interest, if any, of the parties 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 parties of the first part in and to the said premise;

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

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

AND, the parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties 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.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

*Anthony M. Franco*  
*Joseph Franco, as Atty in Fact L.S.*  
ANTHONY M. FRANCO  
by: JOSEPH FRANCO, as Attorney-in-Fact

State of New York |  
County of Orange | ss.:

On the <sup>21<sup>st</sup></sup> day of August, Two Thousand and One, before me, the undersigned, a notary public in and for the state, personally appeared ~~JOSEPH~~ **FRANCO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*John G. Sisti*  
\_\_\_\_\_  
NOTARY PUBLIC

JOHN G. SISTI  
NOTARY PUBLIC, State of New York  
No. 01314512277  
Qualified in Ulster County  
Commission Expires December 31, 2001

State of New York |  
County of Orange | ss.:

On the 22nd day of August, Two Thousand and One, before me, the undersigned, a notary public in and for the state, personally appeared JOSEPH FRANCO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and whose name is subscribed to the within Instrument, as the appointed attorney-in-fact, pursuant to a certain Power of Attorney executed by ANTHONY M. FRANCO, dated November 9, 2001 which is to be simultaneously recorded herewith, and he acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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



**BARGAIN AND SALE DEED**

**WITH COVENANT AGAINST GRANTOR'S ACTS**  
Title No.:

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**ANTHONY M. FRANCO,**

- to -

**CESAR FLORES and MERCEDES FLORES**  
Husband and Wife,

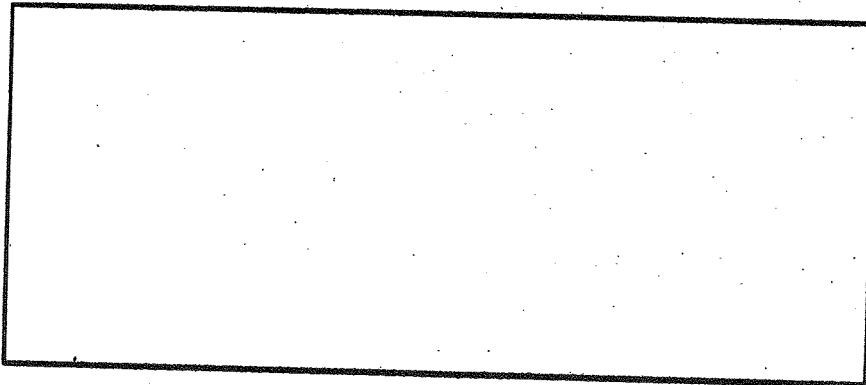
Section: 1 1  
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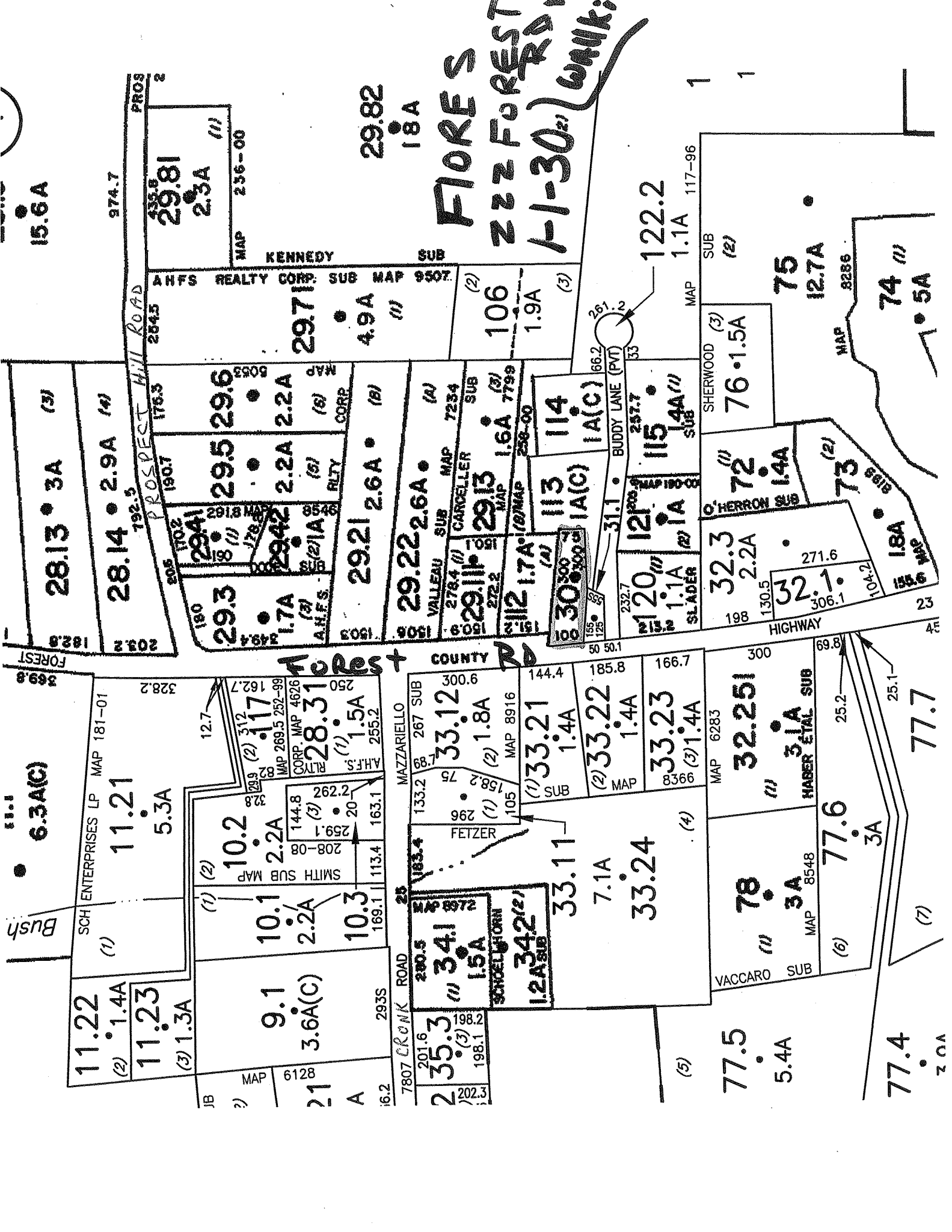
County: Orange  
Town: Newburgh

Street Address:  
222 Forest Road and Forest Rd.  
Wallkill, New York 12589

**RECORD AND RETURN TO:**

**ATTORNEY'S TITLE INSURANCE AGENCY, INC.**  
71 Smith Avenue  
Mt. Kisco, New York 10549 617-010





**FLORES**  
**222 FOREST**  
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