



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:	Louis Gallo
Project Name:	Dairy Queen
Location of Project Site:	197 South Plank Road

Tax Map #:	60-3-6.1
Tax Map #:	
Tax Map #:	
Local File No.:	2409-14
Size of Parcel*:	1,000 sq. ft.

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

Reason for County Review: ON Route 300 & Route 52

Current Zoning District (include any overlays): B

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) ERECT A DOUBLE RED LIGHT STRIP ALONG THE PERIMETER OF THE BUILDING
- Other

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

Local board comments or elaboration:

Grace Cardone 3/13/14 Chairperson
Signature of local official Date Title
Zoning Board of Appeals

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:

Empty box for applicant 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: March 4 2014

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

I (WE) Louis Gallo PRESENTLY

RESIDING AT NUMBER 2 Kelley Cir Poughkeepsie N.Y 12601

TELEPHONE NUMBER 845-489-3392

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:

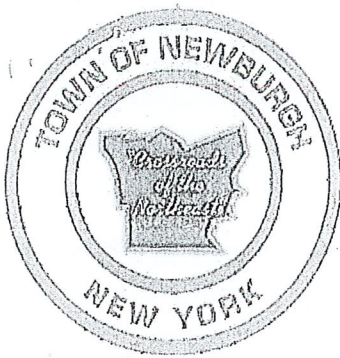
60-3-601 (TAX MAP DESIGNATION)

197 S. Plank Rd (STREET ADDRESS)

_____ (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).

185-14-C-2
185-14-C-4



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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: _____

4. DESCRIPTION OF VARIANCE SOUGHT: _____

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:

Car not meet current DA
standards

(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:

No one else is required
to haul rock fighting

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

It is a Business area No other
properties would be adversely effected



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

*It is part of re-model look
required by Dairy Queen to
meet new Dairy Queen design standards*

6. IF AN AREA VARIANCE IS REQUESTED:

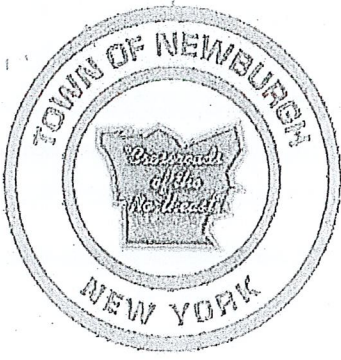
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

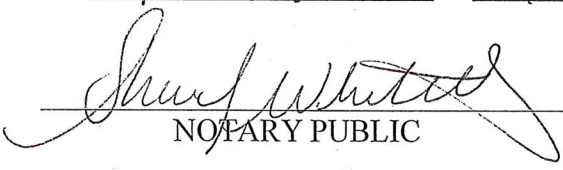
7. ADDITIONAL REASONS (IF PERTINENT):

Other buildings in town have
similar lighting bands


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13th DAY OF March 20 14


NOTARY PUBLIC

SHARON J. WHITELEY
Notary Public, State of New York
Dutchess County, Reg. No. 10N16212483
Commission Expires October 13, 2017

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

617.20
Appendix B
Short Environmental Assessment Form

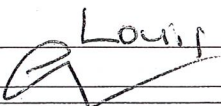
Instructions for Completing

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:			
Project Location (describe, and attach a location map): 197 S. Plank Rd Newburgh N.Y.			
Brief Description of Proposed Action: Add lighting band around soffit of Dairy Queen			
Name of Applicant or Sponsor: Louis Gallo		Telephone:	
		E-Mail:	
Address: 2 Kelley Cir P.			
City/PO: Poughkeepsie		State: N.Y.	Zip Code: 12601
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?		2 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 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 checked="" type="checkbox"/> Commercial <input 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
			✓
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: _____	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? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
			✓
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? 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: _____	NO	YES	
			✓
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 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	
			✓

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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Louis Gallo</u> Date: <u>3-4-14</u> Signature: 		

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

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

2409-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/24/2014

Application No. 14-0090

**To: Louis Gallo
2 Kelly Cir
Poughkeepsie, NY 12601**

**SBL: 60-3-6.1
ADDRESS: 197 S Plank Rd**

ZONE: B

PLEASE TAKE NOTICE that your application dated 02/21/2014 for permit to install a double red light band around the perimeter of the building on the premises located at 197 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:
185-14-C-2 All lighting must be diffused or indirect.
185-14-C-4 Outlining the perimeter of a building is prohibited.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

2409-14

NAME: LOUIS GALLO

ADDRESS: 2 KELLY CIRCLE POUGHKEEPSIE NY 12601

PROJECT INFORMATION: USE VARIANCE

TYPE OF STRUCTURE: DOUBLE RED LIGHT BANDS ON THE FACADE FOR DAIRY QUEEN

SBL: 60-3-6.1 ZONE: B

TOWN WATER: YES

TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
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: PROPOSING PROPOSING A DOUBLE RED LIGHT STRIP ALONG THE PERIMETER OF THE FACADE.

VARIANCE(S) REQUIRED:

- 1 185-14-C-2 All lighting must be diffused or indirect.
- 2 185-14-C-4 Outlining the perimeter of a building is prohibited.
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 24-Feb-14



example
Not
Actual
store
OR
color

Handwritten notes:
3/14/14
[Signature]

STATE OF NEW YORK, COUNTY OF ORANGE 881

On the 21st day of January 19 85, before me personally came ALBERT W. FUTIKA and VIVIAN R. FUTIKA,

to me known to be the individual s described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Allen J. DeZonia
Notary Public

ALLEN J. DEZONIA
Notary Public in the State of NY
Residence on Appointment - Orange County
Commission Expires March 30, 1987

STATE OF NEW YORK, COUNTY OF 881

On the _____ day of _____ 19 _____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____

_____ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF 881

On the _____ day of _____ 19 _____, before me personally came _____

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF 881

On the _____ day of _____ 19 _____, before me personally came _____

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

that he knows _____

_____ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and did execute the same and that he, said witness, at the same time subscribed his name as witness thereto.

STATE OF NEW YORK (ORANGE) SS:
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 02/01/85 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ray G. Rabbit

SECTION _____ COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
BLOCK _____ ORANGE COUNTY
LOT _____
COUNTY OF TOWN OF NEWBURGH

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. _____

ALBERT W. FUTIKA and
VIVIAN R. FUTIKA, husband
and wife

TO

LOUIS J. GALLO and JEAN F.
GALLO, husband and wife

RETURN BY MAIL TO:

Harold L. Mankoff
322 Mill Street
Poughkeepsie NY
Zip No. 12601

Lucy Aron

Reserve this space for use of Recording Office.

RECEIVED
REAL ESTATE
FEB 1 1985
TRANSFER TAX
ORANGE COUNTY

LIBER 2323 pg 77

Orange County Clerk's Office, NY
Recorded on the 1st day of Feb
at 12:00 o'clock P.M. in Liber 2323
at page 77
and Examined.
Maria S. Mangano Clerk

Section

60

Block

3

Lot

6.1

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

THIS INDENTURE, made the 29th day of January, nineteen hundred and Eighty-five,
BETWEEN ALBERT W. FUTIKA and VIVIAN R. FUTIKA, husband and
wife, residing at No. 21 Leeland Road, Newburgh, New York 12550,

party of the first part, and LOUIS J. GALLO and JEAN F. GALLO, husband and
wife, as tenants by the entirety, residing at R. D. 1, Box 77,
Poughkeepsie, New York 12601,

party of the second part,
WITNESSETH, that the party of the first part, in consideration of TEN and no/100 - - - - -
- - - - - + - - - - - (\$10.00) - - - - - dollars,
lawful money of the United States, and other good and valuable considerations 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 lying at the west corner of the intersection formed by
the New York State Route 52 and the County Road known as Union
Avenue, and being more particularly bounded and described as
follows:-

BEGINNING at a point marking the intersection of the
northwesterly line of Union Avenue and the southwesterly line of
Route 52 (South Plank Road) as aforesaid, and runs thence along
the southwesterly line of Route 52 North 40° 43' West 114 feet
more or less to an iron pipe marking the northeasterly corner
of premises described in a certain deed John H. Monell et al to
Sarah W. McNamara dated April 6, 1951 and recorded in the Orange
County Clerk's Office on April 10, 1951 in Liber 1192 of Deeds
at Page 5, said point also being the northwesterly corner of a
parcel heretofore conveyed to one Mumford as recorded in the Orange
County Clerk's Office in Liber 1310 of Deeds at Page 528; thence
along said McNamara parcel South 37° 37' West 318 feet to a stake
being along the general line of a wire fence (as referred to in
Liber 1192 of Deeds, Page 5) to the southeasterly corner of the
said McNamara parcel; thence South 55° 40' 1/2" East 175 feet

420

051780

XU

84-11-043351

XU

more or less to a point in the northwesterly line of Union Avenue, said course being the prolongation of the southerly line of McNamara parcel; thence along the northwesterly line of Union Avenue North 25° 55' 40" East (bearing as taken from a June 1954 Harry C. Carpenter, P. E., Middletown, New York survey) 285 feet more or less to the point or place of beginning.

BEING AND INTENDED TO BE all of the premises in which title was acquired by grantors, ALBERT W. FUTIKA and VIVIAN R. FUTIKA, husband and wife, by

(a) Deed dated 11-7-61 by Walter Dork and Lillian Dork, his wife, recorded February 26, 1962 in Liber 1611 cp. 505, Orange County Clerk's Office; and

(b) Deed dated June 18, 1962 by William V. Grant and Jean Grant, recorded June 20, 1962 in Liber 1618 cp. 767, Orange County Clerk's Office.

xd

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,

as tenants by the entirety,
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 incumbered 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:

Albert W. Futika (L.S.)
Albert W. Futika

Vivian R. Futika (L.S.)
Vivian R. Futika

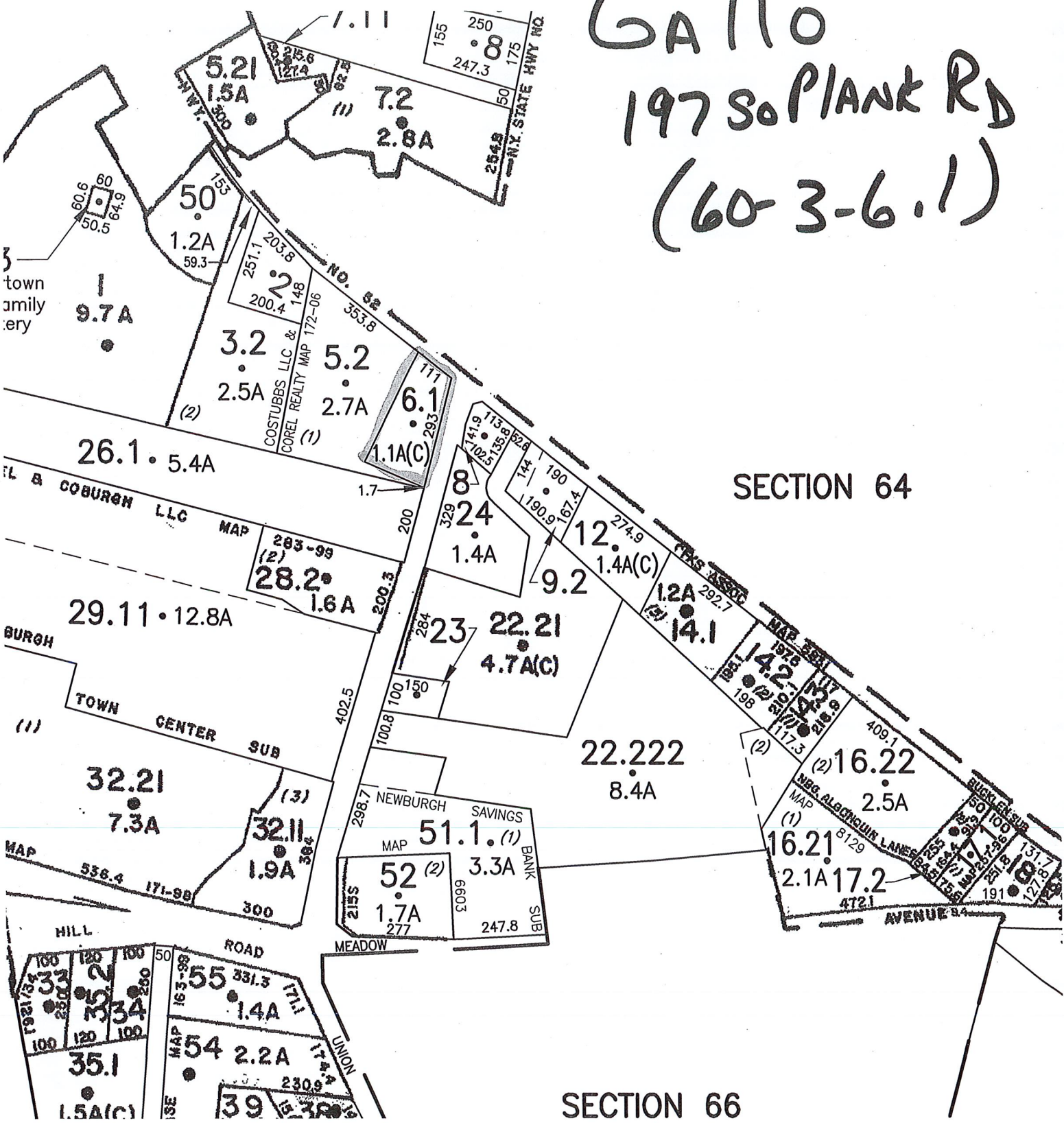
27
On
pe
to
sa
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of
in
kn
to
aff
tio

TITLE :

AI
VI
ar

LC
GF

Gallo
197 So Plank Rd
(60-3-6.1)



SECTION 64

SECTION 66