



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: 8/21/15

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

I (WE) Lawrence Lubkert PRESENTLY

RESIDING AT NUMBER 13 Windwood Dr.

TELEPHONE NUMBER (845)-551-3825

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:

90-6-14 (TAX MAP DESIGNATION)

13 Windwood Dr. (STREET ADDRESS)

R1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk Table Schedule 1
185-14-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: 8/13/2015
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 8/13/2015

4. DESCRIPTION OF VARIANCE SOUGHT: 20'-6" x 42'-6" REAR

ADDITION TO HOME w/ 10' x 26' COVERED PATIO

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:

THE VARIANCE NEEDED ONLY APPLIES TO MY PROPERTY AND DOES NOT INVOLVE ANY SURROUNDING PROPERTIES

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

THE ADDITION IS LOCATED IN THE REAR OF HOME MOST OF WHICH UNSEEN AND MANY OTHER NEIGHBORS POSSESS ADDITIONS OFF THE REAR OF THEIR HOMES



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

Property owner did not change the zoning laws to R1 zone

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:

I already have an addition to the side, the rear of home is mostly out of view, many other neighbors have additions of side and rear of 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:

Any building on my property would be in violation of the code regardless of size

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The home will not be the largest in my neighborhood, plenty of available land around home after addition, does not encroach or invade my neighbors land or privacy

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 home is not located on wet lands, addition to be in rear of home - mostly out of sight - will only improve neighborhood and surrounding home values

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

I did not change the zoning laws for my property to R1 zoning.



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7. ADDITIONAL REASONS (IF PERTINENT):

[Handwritten Signature]

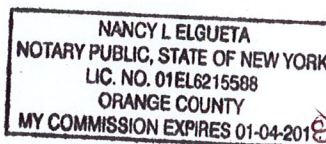
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20th DAY OF August 2015

[Handwritten 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.

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

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.

Part 1 - Project and Sponsor Information				
Name of Action or Project: <i>Living Room Addition For Home</i>				
Project Location (describe, and attach a location map): <i>13 WINDWOOD DR. Newburgh N.Y</i>				
Brief Description of Proposed Action: <i>20'-6" x 42'-6" REAR ADDITION FOR LIVING ROOM AND REC AREA WITH A 10' x 26' COVERED PATIO</i>				
Name of Applicant or Sponsor: <i>LAWRENCE LUBKERT</i>		Telephone: <i>(845)-551-3825</i>	E-Mail: <i>Larry.lubkert@gmail.com</i>	
Address: <i>13 WINDWOOD DR</i>				
City/PO: <i>Newburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>	
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 checked="" 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:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>0.301</i> acres (<i>13,125 SF</i>)		
b. Total acreage to be physically disturbed?		<i>775.25 SF</i> acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.301</i> 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				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties? <input checked="" 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	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Lawrence Subject</u>		Date: <u>8/19/15</u>
Signature: <u>[Handwritten Signature]</u>		

Agency Use Only [If applicable]

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)



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

2521-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/13/2015

Application No. 15-0658

To: Lawrence Lubkert
13 Windwood Dr
Newburgh, NY 12550

SBL: 90-6-14
ADDRESS: 13 Windwood Dr

ZONE: R1

PLEASE TAKE NOTICE that your application dated 08/12/2015 for permit to construct a 20'-6" x 42'-6" rear addition with a 10' x 26' covered patio on the premises located at 13 Windwood Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 1 Requires a minimum 40' rear yard setback.
- 2) Bulk table schedule 1 Allows a maximum building lot coverage of 10%
- 3) Bulk table schedule 1 Allows a maximum lot surface coverage of 20%
- 4) 185-19-C-1 Shall not increase the degree of non-conformity. (one side yard)
- 5) 185-19-C-1 Shall not increase the degree of non-conformity. (combined side yards)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

2521-15
Pg 1 of 2

NAME: LAWRENCE LUBKERT

ADDRESS: 13 WINDWOOD DR NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: REAR 20'-6" X 42'-6" ADDITION W/ 10' X 26' COVERED PATIO

SBL: 90-6-14 ZONE: R-1

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'		31.1'	8.9'	22.25%
ONE SIDE YARD	30'	INCREASING THE DEGREE OF NON-CONFORMITY			
COMBINED SIDE YARDS	80'				
BUILDING COVERAGE	10%=1312.5		2501 SF	1188.5 SF	90.55%
SURFACE COVERAGE	20%=2625		3086 SF	461 SF	18.25%

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES X 2
 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: **PREVIOUSLY RECEIVED AREA VARIANCES FOR A FRONT / SIDE BEDROOM ADDITION ON 4-25-2013 (ZBA # 2350-13)**

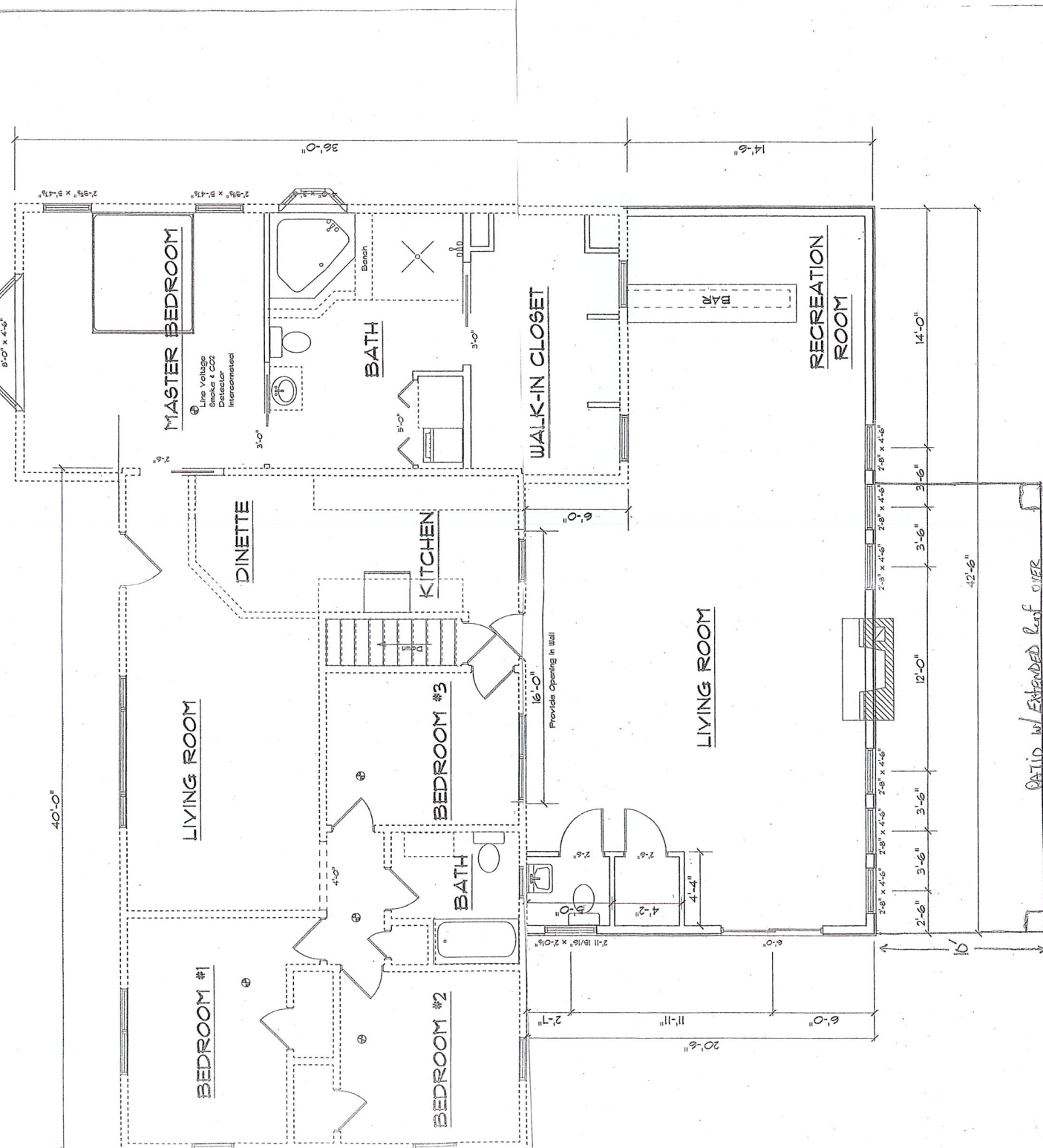
VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 1 requires a minimum rear yard setback of 40'
- 2 Bulk table schedule 1 allows a maximum building surface coverage of 10%
- 3 Bulk table schedule 1 allows a maximum lot surface coverage of 20%.
- 4 185-19-C-1 Shall not increase the degree of non-conformity. (one side yard)

REVIEWED BY: Joseph Mattina

DATE: 13-Aug-15

WIND SPEED (MPH)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM WEATHERING		WINTER DESIGN TEMP.	ICE SHIELD UNDERLAYMENT REQUIRED	FLOOD HAZARD	HEATING DEGREE DAYS
		SEVERE	MODERATE TO HEAVY				
50	B	SEVERE	MODERATE TO HEAVY	6	Yes	1986 Local	5750



PROPOSED 1ST FLOOR PLAN

DATE: 10/26/2016

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

CAROL SERRAO

TO
LAWRENCE C. LUBKERT
AND
HEATHER M. LUBKERT

SECTION 90 BLOCK 6 LOT 14



RECORD AND RETURN TO:
(name and address)

RICHARD J. GUERTIN
6 NORTH ST.
MIDDLETOWN, NY 10940

*Law Original
8/24/15*

THIS IS PAGE ONE OF THE RECORDING

Omega Title Services Tel: 845-355-2121
PO Box 172 Fax: 845-355-2124
Slate Hill, NY 10973
MGD6093

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED X MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2003 SO. BLOOMING GROVE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)
- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- X4600 NEWBURGH (TN)
- X4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 5809 WOODBURY (VLG)
- CITIES
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO. PAGES 3 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK X
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 175,000.00
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 Omega Title

RECORDED/FILED
06/06/2013/ 11:44:57
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130057863
DEED R / BK 13578PG 0918
RECORDING FEES 185.00
TTX# 006169 T TAX 700.00
Receipt#1615152 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON June 06, 2013 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

SECTION 90 BLOCK 6 LOT 14

THIS INDENTURE, made the 3rd day of June in the year two thousand and thirteen

BETWEEN Carol Serrao, residing at 98 Westwood Drive, Newburgh, New York 12550, party of the first part, and

Lawrence C. Lubkert and Heather M. Lubkert, husband and wife, residing at 13 Windwood Drive, Newburgh, New York 12550, party of the second part.

WITNESSETH, that the party of the first part, in consideration of one and no/100 dollar (\$1.00), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, successors and assigns of the party of the second part forever, as tenants by the entirety,

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

Beginning at a point South 28 degrees 10' West 516 feet from the most easterly corner of the lands conveyed by Joseph and Mary Masaracchia to D. Bruce Schoonmaker and Harvey B. Schoonmaker by deed dated January 24, 1956 and recorded January 25, 1956 in Liber 1375 of Deeds at Page 251, and from said point of beginning running thence North 61 degrees 50' West 125 feet to the easterly side of a proposed road to be known as Circle Drive (now known as Windwood Drive); thence along the same South 28 degrees 10' West 105 feet; thence South 61 degrees 50' East 125 feet to the easterly line of the aforesaid Schoonmaker parcel; thence along the same North 28 degrees 10' East 105 feet to the place of beginning.

Being and intended to be the same premises described in a deed dated February 17, 2012 from Ricky Serrao and Carol Serrao to the party of the first part and recorded in the Orange County Clerk's Office on March 29, 2012 in Book 13319 of Deeds at Page 1141.

The premises is also shown on the tax map of the Town of Newburgh as Section 90 Block 6 Lot 14, with a street address of 13 Windwood Drive, Newburgh, New York 12550.

SUBJECT to Covenants, Restrictions, Rights and Easements in Liber 1399 Page 358 and Liber 5683 Page 222 and any other easements, notes on filed map, covenants, restrictions, rights of way and conditions of record, if any.

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.

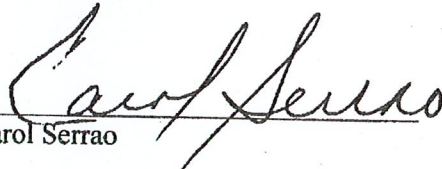
TO HAVE AND TO HOLD the premises herein granted unto the part of the second party, the heirs, successors and assigns of the part of the second part forever as tenants by the entirety.

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 of 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 as of the day and year first above written.



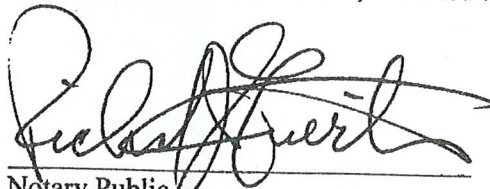
Carol Serrao

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

On the 3rd day of June, 2013, before me, the undersigned, a notary public in and for said state, personally appeared Carol Serrao, 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 she acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

RICHARD J. GUERTIN
NOTARY PUBLIC
STATE OF NEW YORK
RESIDING IN ORANGE COUNTY
COMMISSION EXPIRES JUNE 30, 2015

LUBKERT
13 WINDWOOD DR.
(90-6-14)

SECTION 89

