



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: 08/08/18

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

I (WE) Rosaura Martinez PRESENTLY
RESIDING AT NUMBER 4 Helene Terrace
TELEPHONE NUMBER 845-926-0071

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:

76-3-3 (TAX MAP DESIGNATION)
4 Helene Terrace (STREET ADDRESS)
R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 5 column D #16



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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: 07/05/18
- 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: Side yard: 6.1' Variance
25' required - 18.9' provided

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

THE ADDITION IS EXISTING AND AT THE
REAR OF THE HOUSE AND WELL SCREENED
BY HEDGES AND STOCKADE FENCE

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:

LOT IS SMALL. SETBACKS ARE OVER 80%
OF LOT AREA. PREEXISTING HOUSE IS
OVER SOME SETBACK LINE.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

IT IS FOR 2 SIDE YARD ONLY AND
FOR 6.1'

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

ADDITION IS EXISTING AND CONSISTENT
WITH SEVERAL OTHER HOUSES ON THE SAME
STREET.

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

DUO TO LOWGAGE BARRIER QUINSE.
WAS NOT AWARE OF ZONING



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Rorana Mante

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF August 2018

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

Joseph P. PEDI

NOTARY PUBLIC
James L. Lee

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.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Short Environmental Assessment Form

Part 1 - Project Information

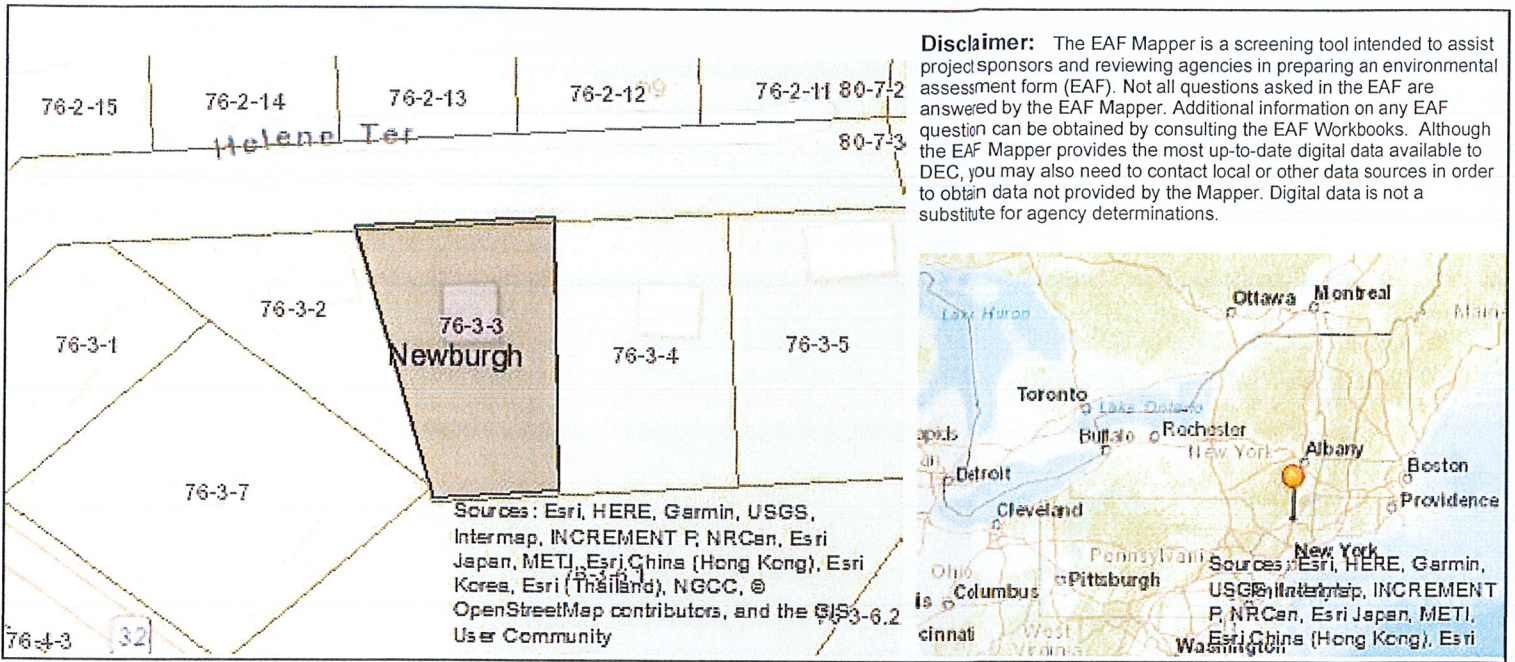
Instructions for Completing

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: MARTINEZ VARIANCE		JOB # 18191	
Project Location (describe, and attach a location map): 4 HELENE TERRACE, NEWBURGH, NY			
Brief Description of Proposed Action: SIDE YARD VARIANCE FOR A PRIOR BUILT REAR PORCH AND ADDITION. 18.9 ' WHERE 25' IS REQUIRED.			
Name of Applicant or Sponsor: MOISES MARTINEZ		Telephone: 845-926-0071	
		E-Mail:	
Address: 4 HELENE TERRACE			
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 <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: BUILDING PERMIT FROM TOWN BUILDING DEPARTMENT		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.32 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.32 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			

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 type="checkbox"/>	YES <input checked="" type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: CHARLES T BROWN, PE Date: 8-8-2018</p> <p>Signature: _____</p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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:		
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)



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PROXY

Rosaura Martinez, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 4 Helene Terrace Newburgh NY 12550
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 4 Helene Terrace

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Charles T Brown, PE
Talcott Engineering PLLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: AUG 08 2018 Rosaura Martinez

OWNER'S SIGNATURE

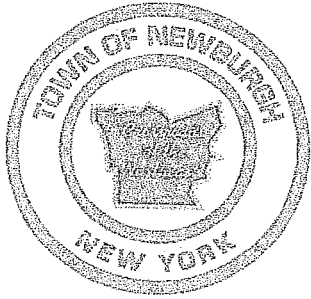
[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF August 2018

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

[Signature]
NOTARY PUBLIC



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CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2696-18

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/05/2018

Application No. 17-0681

ROSaura

To: Moises Martinez

4 Helene Ter

Newburgh, NY 12550

SBL: 76-3-3

ADDRESS: 4 Helene Ter

ZONE: R3

PLEASE TAKE NOTICE that your application dated 07/26/2017 for permit to keep a 8' x 32' rear addition and enclosed deck built without a permit on the premises located at 4 Helene Ter is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 5 column D #16 : Requires a minimum side yard setback of 25'


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION ***BUILT WITH OUT A PERMIT*** **YES** / **NO**

NAME: Moises Martinez **Building Application #** 17-0681

ADDRESS: 4 Helene Terrace Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: Rear addition and enclosed rear deck

SBL: 76-3-3 **ZONE:** R-3 **ZBA Application #** 2696-18

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD	25'		18.9'	6.1'	24.20%
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: 2 family: rear addition and enclosed porch all done without permits

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 5 column D #16 Requires a 25' minimum side yard setback.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 5-Jul-18

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

Moises Martinez
Rosaura Martinez &
Noe Martinez TO
Moises Martinez &
Rosaura Martinez

SECTION 7b BLOCK 3 LOT 3



RECORD AND RETURN TO: (name and address)

Moises & Rosaura Martinez
4 Helene Terrace
Newburgh, NY 12550

Law original
8/9/18
[Signature]

THIS IS PAGE ONE OF THE RECORDING

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

Table with columns for ZIP codes, town names (e.g., BLOOMING GROVE, WASHINGTONVILLE, CHESTER, etc.), and checkboxes for recording options like 'MORTGAGE' and 'PAYMENT TYPE'.

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: American Land

RECORDED/FILED
01/31/2005/ 11:18:56
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050010815
DEED R / BK 11737 PG 0856
RECORDING FEES 117.00
TTX# 007029 T TAX 80.00
Receipt#372367 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBIT, 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 January 31, 2005 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbit
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY August 8, 2018



AL-20091

A 291 - Standard N.Y. B.T.U. F.. 8007
Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp., 11-98.

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

THIS INDENTURE, made on December 28, 2004

BETWEEN

Moises Martinez and Rosaura Martinez residing at 4 Helene Terrace, Newburgh, New York 12550 and Noe Martinez residing at 4 Helene Terrace, Newburgh, NY 12550 party of the first part, and

Moises Martinez and Rosaura Martinez, residing at 4 Helene Terrace, Newburgh, New York 12550, party of the second part, Husband + wife

WITNESSETH, that the party of the first part, in consideration of

TEN AND XX/XX----- dollars, good and lawful consideration of the United States, 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 in the Schedule A attached hereto and made a part thereof:

Being and intended to be the same premises conveyed by deed dated April 30, 2001, from Assie Perkowski to the party of the first part and recorded on May 4, 2001 in Liber 5514, at page 134 in the Office of the Orange County Clerk.

Being same premises commonly known as 4 Helene Terrace, Newburgh, New York.

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.

SCHEDULE A

DESCRIPTION

Title Number: **AL-22291**

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, bound and described as follows:

BEGINNING at a point in the southerly line of a proposed road 50 feet wide, the said road being hereinafter described, the said point of beginning being a distance of 294.23 feet measured along said line of proposed street or road from the northerly line of North Plank Road; and

RUNS THENCE from said point of beginning South 4 degrees 37 minutes East 148.59 feet to a point;

THENCE South 14 degrees 19 minutes East 7.53 feet to a point;

THENCE South 82 degrees 07 minutes East 72.23 feet to a point;

THENCE North 7 degrees 53 minutes East 150 feet to a point in the southerly line of said proposed road;

THENCE along said line North 82 degrees 07 minutes West 110.0 feet to the point or place of BEGINNING.

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:

Moises Martinez
MOISES MARTINEZ

Rosaura Martinez
ROSAURA MARTINEZ

Noe Martinez
NOE MARTINEZ

State of New York, County of Orange ss.:

On December 28, 2004, before me personally came ~~Moises Martinez and Rosaura Martinez~~ ^{and Noe Martinez} 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 this instrument.

[Signature]
Notary Public
MARC KERSHMAN
Notary Public
Orange County
New York

State of New York, County of Orange ss.:

On December 28, 2004, before me personally came Noe Martinez, 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 this instrument.

[Signature]
Notary Public
MARC KERSHMAN
Notary Public
Orange County
New York

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. AL-22291

Section 76
Block 3
Lot 3
COUNTY/TOWN
Orange/Newburgh

MOISES MARTINEZ & ROSAURA MARTINEZ & NOE MARTINEZ

TO

MOISES MARTINEZ & ROSAURA MARTINEZ

RETURN BY MAIL TO:

Moises Martinez
Rosaura Martinez
4 Helene Terrace
Newburgh, New York 12550

SECTION 75



MARTINEZ
4 Helene Terrace
(76-3-3)

SECTION 75