



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: 8-21-17

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

I (WE) GEORGE + JOAN L. MESTER PRESENTLY
RESIDING AT NUMBER 7 LEONARD AVE, NEWBURGH, NY
TELEPHONE NUMBER 845-787-5125

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:

334600 100-5-32 (TAX MAP DESIGNATION)
7 LEONARD AVE. (STREET ADDRESS)
R-2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 4



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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: 8/15/2017
- 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 SETBACK

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:

OUR TRUCK IS ALREADY PARKED THERE ON THE BLACKTOP AND THERE ARE TREES ON OUR PROPERTY SHIELDING AREA FROM NEIGHBOR.

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:

AREA ALREADY BLACKTOPPED

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

WE WOULD LIKE TO PROTECT OUR TRUCK FROM THE WINTER SNOW.

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: #5

OUR NEIGHBOR TO OUR RIGHT HAS A 2-CAR GARAGE 5' FROM OUR PROPERTY LINE. SEE ATTACHED PICTURES

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



#7↑

#5↑



#5↑

#7↑



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7. ADDITIONAL REASONS (IF PERTINENT):

George Mester Joan S. Mester
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21st DAY OF AUGUST 2017

Andrew J. Zarutskie
NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 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.
(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		
11' x 22' CARPORT		
Name of Action or Project: SIDE OF EXISTING DWELLING		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action: CARPORT		
Name of Applicant or Sponsor: GEORGE + JOAN L. MESTER	Telephone: 845-787-5125	E-Mail: JMESTERT1@YAHOO.COM
Address: 7 LEONARD AVE.		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	NO	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?	.379 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?	.379 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	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: GEORGE & JOAN L. MESTER

Date: 8-21-17

Signature: George Mester Joan S. Mester

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:		
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]

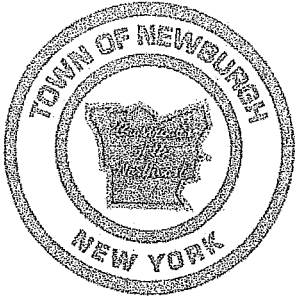
Project:	
Date:	

**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

2642-17

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/15/2017

Application No. 17-0751

430AN

**To: George Mester
7 Leonard Ave
Newburgh, NY 12550**

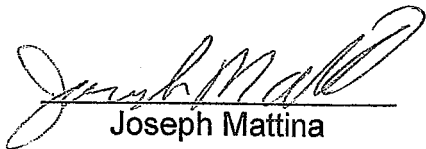
**SBL: 100-5-32
ADDRESS: 7 Leonard Ave**

ZONE: R2

PLEASE TAKE NOTICE that your application dated 08/11/2017 for permit to build a 11' x 22' carport on the side of the existing dwelling on the premises located at 7 Leonard Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 4 Requires a minimum side yard setback of 15'.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

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

SECTION 100 BLOCK 5 LOT 32

GLORIA DESANCTIS and
MARIA A. BARONE

RECORD AND RETURN TO:
(name and address)

TO
GEORGE MESTER and
JOAN L. MESTER

JOHN E. BACH, JR., ESQ.
PO BOX 61
20 SCOTCHTOWN AVENUE
GOSHEN, NEW YORK 10924

Handwritten note: Saw original 8/25/17

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

- 2089 BLOOMING GROVE (TN)
2003 SO. BLOOMING GROVE (VLG)
2001 WASHINGTONVILLE (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)
4600 NEWBURGH (TN)
4800 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 4 CROSS REF.

CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 200,000
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

Handwritten signature of Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Goshen Searchers

RECORDED/FILED
07/30/2010/ 10:01:11
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100073118
DEED R / BK 13036PG 0591
RECORDING FEES 190.00
TTX# 007327 T TAX 800.00
Receipt#1200425 alicev



6012650

Bargain & Sale with Covenant Against Grantor

THIS INDENTURE

MADE the 21th day of July, Two Thousand Ten between GLORIA DESANCTIS and MARIA A. BARONE, as tenants by the entirety, both residing at 61 Stewart Avenue, Unit 203, Town of Newburgh, New York 12550, party of the first part, and GEORGE MESTER and JOAN L. MESTER, husband and wife, both residing at 71 Old Minisink Trail, Goshen, New York 10924, party of the second part:

WITNESSETH:

That the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars 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, its heirs, successors and assigns forever,

ALL that certain parcel of land, together with the buildings and improvements thereon erected, situate in the Town of Newburgh, County of Orange and State of New York, more particularly described as follows:

BEGINNING at a point in the southerly line of a proposed road distant 348 feet on a course of south 61° 51' east from the intersection of the southerly line of said proposed road and the easterly line of another proposed road which runs northeast from said intersection approximately 1,227 feet to the southerly line of Cochection Turnpike, and from said point of beginning as established, running thence south 61° 51' east along the southerly line of the first aforementioned proposed road for 100 feet; running thence south 280 09' west 165 feet; running thence north 61° 51' west 100 feet to a point; running north 28° 09' east 165 feet to the point of beginning.

SUBJECT to the following restrictions:

1. That no dwelling shall be erected on said premises which shall cost less than \$5,000.00
2. That no junk, refuse or other unsightly materials shall be stored or accumulated said premises

TOGETHER with and subject to a right of way in common with all others given the same to use for purpose of ingress and egress a certain proposed road 50 feet in width lying adjacent to the northerly boundary of the premises hereinabove described and which said road now runs from lands of D'Alfonso north 610 51' west to its intersection with another proposed road 50 feet in width running northeasterly to the south side of Cochection Turnpike and over which said second mentioned proposed road the grantees herein are likewise given and take subject to the rights of way of ingress and egress in common with all others given similar rights; together also with such rights as grantees now have or may hereafter acquire to use and have a right of way in a proposed 50 foot road which is a continuation of the proposed road adjacent to the northerly line of the lands hereby conveyed and runs south-easterly over and through lands of D'Alfonso to the public road known as D'Alfonso Road.

BEING and intended to be Lot #4, Block #4 as shown on a certain map entitled flap of Subdivision of Property of Fred W. Herrmann, in the Town of Newburgh, Orange County, New York" dated August 21, 1948 prepared by C. J. Wilkin, Surveyor.

BEING same premises conveyed to parties of the first part by deed dated August 28, 1970 and recorded in the Office of the Clerk of Orange County in Liber 1854 of Deeds page 534 on September 1, 1970. BEING MORE ACCURATELY DESCRIBED ACCORDING TO A RECENT SURVEY

DEVIATION ATTACHED

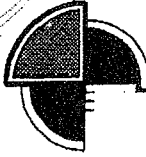
TOGETHER with all right, title and interest, if any, of the party of the first part in an to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the said premises,

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

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

GOSHEN SEARCHERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581



ROBERT S. MURRAY L.L.S., P.C.

LAND SURVEYING - SUBDIVISION DESIGN - CONSTRUCTION STAKEOUT
GLOBAL POSITIONING CONTROL

*70 Airport Road
New Hampton, New York 10958
Telephone 845-291-0944*

GEORGE AND JOAN MESTER

July 22, 2010

RE: LEGAL DESCRIPTION:

**TAX MAP: Section 100 - Block 5 - Lot 32
TOWN OF NEWBURGH - ORANGE COUNTY - NEW YORK**

All that parcel of land situate in the Town of Newburgh - County of Orange - State of New York being more particularly bounded and described as follows,

Beginning at A point marked by an iron pin set on the southwesterly right-of-way line of LEONARD AVENUE. Said point further referenced as being the most easterly corner of the parcel herein described,

Thence from said point of beginning SOUTH 28 degrees - 09 minutes - 00 seconds WEST along the common line of lands now or formerly of BOSACK / PULLAR (Liber 12645 - Page 1542), 165.00 feet to an iron pin set.

Thence NORTH 61 degrees - 51 minutes - 00 seconds WEST along the common line of lands now or formerly of COLANDREA (Liber 11070 - Page 1009) and JOHNSON (Liber 5732 - Page 240), 100.00 feet to an iron pin set.

Thence NORTH 28 degrees - 09 minutes - 00 seconds EAST along the common line of lands now or formerly of PARRINO (Liber 11289 - Page 1356), 165.00 feet to an iron pin set on the southwesterly right-of-way line of LEONARD AVENUE.

Thence SOUTH 61 degrees - 51 minutes - 00 seconds EAST along the the southwesterly right-of-way line of LEONARD AVENUE, 100.00 feet to the point And place of beginning.

CONTAINING 16,500 +/- sq.ft. or 0.379 +/- acres

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 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 party of the first part has hereunto set hand and seal the day and year first above written.

Gloria De Sanctis
GLORIA DESANCTIS

Maria A. Barone
MARIA A. BARONE

STATE OF NEW YORK)

SS:

COUNTY OF ORANGE)

On the 27th day of July, in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared GLORIA DESANCTIS AND MARIA A. BARONE personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Diane K. Halstead
Notary Public

DIANE K. HALSTEAD
Notary Public, State of New York
No. 4856289
Qualified in Orange County
Commission Expires March 31, 2014

Mester
 7 LEONARD AVE
 (100-5-32)

