



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	Tax Map #:	34-2-55
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	Moro Properties LLC	Tax Map #:	
Project Name:		Local File No.:	Pl. Bd Refl
Location of Project Site:	286 North Plank Road	Size of Parcel*:	3.6 Acres
Reason for County Review:	ON NYS Route 32	*If more than one parcel, please include sum of all parcels.	
		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) ONE SIDE YARD setback AND

Other      A FRONT YARD setback

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

Local board comments or elaboration:

Signature of local official:  Date: 8/12/16 Chairperson 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:

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](mailto: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: 08/12/16

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

Mozo Properties, LLC

I (WE) Monica and Jose Mozo PRESENTLY

RESIDING AT NUMBER 43 Taft Ave Newburgh NY 12550

TELEPHONE NUMBER 845-234-1033

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:

34-2-55 (TAX MAP DESIGNATION)

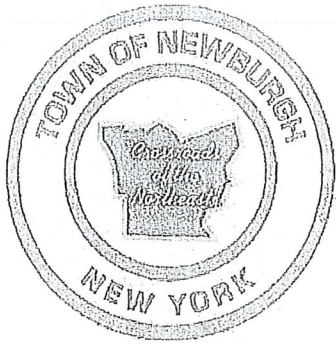
286 North Plank Road (STREET ADDRESS)

B (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





# TOWN OF NEWBURGH

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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: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 07/25/16

4. DESCRIPTION OF VARIANCE SOUGHT: Side yard setback: 1.2'  
Front yard setback: 11.69'

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

*N/A*

- 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:

BUILDING IS EXISTING AND WILL BE IMPROVED  
AS PART OF THE APPLICATION

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:

MOVING THE EXISTING BUILDING IS NOT  
FINANCIALLY JUSTIFIABLE

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

BUILDING IS SMALL AND PARCEL IS  
LARGE

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

BUILDING IS EXISTING AND WILL BE  
IMPROVED

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

BUILDING WAS EXISTING WHEN APPLICANT  
PURCHASED THE PROPERTY





# TOWN OF NEWBURGH

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OLD TOWN HALL  
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7. ADDITIONAL REASONS (IF PERTINENT):

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

*Manica Wago*

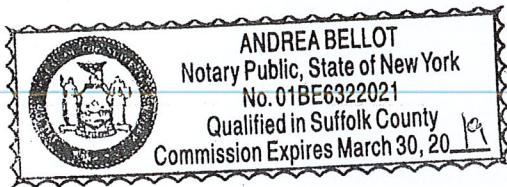
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10 DAY OF August 20 16

*Andrea Bellot*

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)



# TOWN OF NEWBURGH

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308 GARDNERTOWN ROAD  
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## PROXY

Monica Moro (Moro Properties) DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 43 Talt Ave

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 286 North Pland Road  
SBL 34-2-55

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED CHARLES T. BROWN, P.E. AND  
Talcott Engineering Design  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 08/10/16 Monica Moro

OWNER'S SIGNATURE

Robert B. Kern

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10<sup>th</sup> DAY OF August 2016

Andrea Bellet  
NOTARY PUBLIC





# 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.


<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: MOZO PROPERTIES LLC SIE PLAN		TED #16073	
Project Location (describe, and attach a location map): 286 NORTH PLANK ROAD, NEWBURGH, NY			
Brief Description of Proposed Action: ON A RESIDENTIAL PARCEL, A CHANGE OF USE TO BUSINESS. CONVERSION OF AN EXISTING 20' X 25' GARAGE TO AN OFFICE FOR A LANDSCAPING COMPANY. EXISTING GARAGE REQUIRES A FRONT AND SIDE YARD VARIANCE.			
Name of Applicant or Sponsor: MOZO PROPERTIES, LLC ATTN:JOSE MOZO		Telephone: 845-234-2452	
		E-Mail:	
Address: 43 TAFT 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 <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?		3.05 acres	
b. Total acreage to be physically disturbed?		0.79 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.05 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 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,		NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<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	YES	
		<input type="checkbox"/>	<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	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<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	YES	
		<input type="checkbox"/>	<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	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____		NO	YES	
<b>NEW ON SITE SEWERAGE DISPOSAL SYSTEM</b>		<input checked="" type="checkbox"/>	<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	YES	
		<input checked="" type="checkbox"/>	<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	YES	
		<input type="checkbox"/>	<input checked="" 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 checked="" 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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		NO	YES	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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
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
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

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: CHARLES T. BROWN, PE Date: 8/12/2016  
 Signature: 

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.

<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)

**Dickover, Donnelly & Donovan, LLP**  
**Attorneys and Counselors at Law**

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

**28 Bruen Place**  
**P.O. Box 610**  
**Goshen, NY 10924**  
**Phone (845) 294-9447**  
mail@ddbblaw.com  
**Fax (845) 294-6553**  
(Not for Service of Process)

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

July 25, 2016

Town of Newburgh  
Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, New York 12550

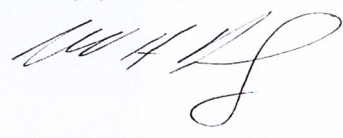
RE: Mozo Properties, LLC  
34-2-55 (Zone B)  
286 North Plank Road (16.11)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of July 21, 2016 requesting site plan approval to convert an existing framed garage on the premises into an office. There is also an existing single family dwelling, another framed garage, a frame shed and a steel storage contained on the premises. The framed garage that is proposed to be converted into an office does not meet the required side yard setback of the code for an office. Additionally, the existing dwelling fails to meet the front yard setback of the code. Variances are therefore required.

The planning board has no particular matters to bring to your attention. Your review of this matter appears to be a Type II action under the New York State Environmental Quality Review Act.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Talcott Engineering Design, PLLC



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

Lester Mestyanek TO Mozo Properties, LLC

SECTION 34 BLOCK 2 LOT 55



RECORD AND RETURN TO: (name and address)

Todd Kelson, Esq. 542 Union Ave. New Windsor, NY 12553

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) 4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG) 4201 MAYBROOK (VLG)
2003 SO. BLOOMING GROVE (VLG) 4203 MONTGOMERY (VLG)
2289 CHESTER (TN) 4205 WALDEN (VLG)
2201 CHESTER (VLG) 4489 MOUNT HOPE (TN)
2489 CORNWALL (TN) 4401 OTISVILLE (VLG)
2401 CORNWALL (VLG) 4600 NEWBURGH (TN)
2600 CRAWFORD (TN) 4800 NEW WINDSOR (TN)
2800 DEERPARK (TN) 5089 TUXEDO (TN)
3089 GOSHEN (TN) 5001 TUXEDO PARK (VLG)
3001 GOSHEN (VLG) 5200 WALLKILL (TN)
3003 FLORIDA (VLG) 5489 WARWICK (TN)
3005 CHESTER (VLG) 5401 FLORIDA (VLG)
3200 GREENVILLE (TN) 5403 GREENWOOD LAKE (VLG)
3489 HAMPTONBURGH (TN) 5405 WARWICK (VLG)
3401 MAYBROOK (VLG) 5600 WAWAYANDA (TN)
3689 HIGHLANDS (TN) 5889 WOODBURY (TN)
3601 HIGHLAND FALLS (VLG) 5801 HARRIMAN (VLG)
3889 MINISINK (TN) 5809 WOODBURY (VLG)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)
9999 HOLD

NO. PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.
PAYMENT TYPE: CHECK [X]
CASH
CHARGE
NO FEE
Taxable CONSIDERATION \$ 65,000
TAX EXEMPT
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

ANN G. RABBITT ORANGE COUNTY CLERK

Received From Todd Kelson

RECORDED/FILED 08/12/2014/ 14:52:57 ANN G. RABBITT County Clerk ORANGE COUNTY, NY FILE#20140068346 DEED R / BK 13783PG 0076 RECORDING FEES 190.00 TTX# 000269 T TAX 260.00 Receipt#1798988 jbm

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 Aug. 12, 2014 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

ANN G. RABBITT COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY August 11, 2016



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S  
ACTS (INDIVIDUAL OR CORPORATION)**

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made the 8<sup>th</sup> day of August, 2014,

**BETWEEN**

Lester Mestyaneck, of 249 South Road, #19, Newburgh, New York 12550,  
party of the first part, and

Mozo Properties, LLC of PO Box 2699, Newburgh, New York 12550,  
party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) and other valuable consideration 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 being more particularly bound and described in Schedule 'A' attached hereto and made a part hereof;

**BEING AND INTENDED** to be the same premises conveyed to LESTER MESTYANEK who acquired title by deed from US BANK NATIONAL ASSOCIATION AS TRUSTEE OF THE HOLSERS OF BANK OF AMERICAN FUNDING CORPORATION MARGGAGE PASS THROUGH CERTIFICATES SERIES 2006-H dated October 16, 2013 and recorded in the Orange County Clerk's Office on October 24, 2013 in Liber 13667 page 0317.

**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.

**Section: 34**  
**Block: 2**  
**Lot: 55**



TITLE NO.: WC-4964  
SCHEDULE A

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, being bounded and described as follows:

BEGINNING at a point in the center of the Newburgh and Shawangunk Plank road, thence along the lands n/f of Otto Gauer, (formerly the Baxter Hotel Property), and the lands of the parties of the first part and an old wall North 43 degrees 35' East (as the magnetic needle pointed November 1923), 449 feet to corner of wall; thence along lands of the party of the first part and the southerly wall of a lane South 23 degrees 26' East 189 feet to corner of wall; thence along a wall South 41 degrees 15' West 384 feet to the center of said Plank Road; thence through the center of said Plank Road as given in old deed North 44 degrees West 189 1/2 feet to the place of BEGINNING.

ALSO, 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, being bounded and described as follows:

BEGINNING at a point in the line of lands conveyed to John Jockers, Jr. and Edna E. Jockers by Gustav Tubandt and Mary Elizabeth Tubandt, by deed dated 11/23/1923, and recorded 11/26/1923, Liber 638 page 574, said point of beginning being North 41 degrees 30' East 1 chain and 80 links from the center of the North Plank Road and being also the northeast corner of lands formerly owned by one Shirkey and running thence along said Shirkey lands, North 50 degrees 15' West 1 chain and 32 (31) links; thence North 34 degrees 30' East 1 chain and 58 links; thence North 54 degrees West 65 links; thence North 10 degrees 30' East 3 chains and 29 links; thence along lands n/f of J.H. McKinney, South 82 degrees 45' East 3 chains and 13 links; thence along lands formerly of Wyatt, South 19 degrees 45' East 4 chains and 40 links more or less to a point in line with the easterly line of the said lands conveyed to Jockers by Tubandt, said point being the northwest corner of lands conveyed to Smith by Tubandt; thence approximately South 39 degrees 8' West along said Smith lands to the northeast corner of the said lands conveyed to Jockers by Tubandt; thence along said lands so conveyed to Jockers by Tubandt, North 23 degrees 26' West 189 feet more or less to the northwest corner of lands so conveyed to Jockers by Tubandt; and thence South 41 degrees 30' West along said lands so conveyed to Jockers by Tubandt, 330.2 feet, more or less 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.

*Lester MestyaneK*

LESTER MESTYANEK

**Acknowledgment by a Person Within New York State (RPL § 309-a)**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ORANGE )

On the 8<sup>th</sup> day of August in the year 2014, before me, the undersigned, personally appeared Lester MestyaneK, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*Christine S. Gabrynowicz*

(signature and office of individual taking acknowledgment)

**CHRISTINE S. GABRYNOWICZ**  
Notary Public, State of New York  
No. 01GA6090651  
Qualified in Orange County  
Commission Expires April 21, 2015



