



# 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: 8/10/15

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

I (WE) Wm. & Patricia Myers PRESENTLY

RESIDING AT NUMBER 8 Fortune Drive

TELEPHONE NUMBER 845-541-9559

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:

17-2-117 (TAX MAP DESIGNATION)

8 Fortune Drive (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BUK Table schedule 2



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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: 6/26/2015
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD. SEE ACCOMPANYING NOTICE DATED: ~~6/26/2015~~

4. DESCRIPTION OF VARIANCE SOUGHT: Rear Property Line

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:

*IT will become an integral part of home*

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

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:

*To Expand Living Room & Bed Room there is no other way to go*

\_\_\_\_\_

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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

*When finished it will be one structure for living*

\_\_\_\_\_

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

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



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7. ADDITIONAL REASONS (IF PERTINENT):

*The Front was originally on North Foster RD - after sub division it now faces Fortune DR. The side of House became the Rear.*

*William Myers*

PETITIONER (S) SIGNATURE

~~STATE OF NEW YORK~~ COUNTY OF ~~ORANGE~~  
*NEW MEXICO OTERO*

SWORN TO THIS 26 DAY OF August 20 15

*Debra Watters Esq*  
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.

<b>Part 1 - Project and Sponsor Information</b>			
Addition To Home			
Name of Action or Project:			
Wm. Myers			
Project Location (describe, and attach a location map):			
8 Fortune Drive - SBL 17-2-117			
Brief Description of Proposed Action:			
10x34 addition to rear of home to enlarge bed room & living room			
Name of Applicant or Sponsor:		Telephone: 845-541-9559	
Wm. Myers		E-Mail: WNMYS@live.com	
Address:			
8 Fortune Dr. Newburgh, N.Y 12550			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 1 acres	
b. Total acreage to be physically disturbed?		_____ 340 sq FT	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" 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	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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 checked="" type="checkbox"/>	<input 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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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 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, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>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: _____                  _____                  _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____                  _____                  _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____                  _____                  _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>W Myers</u></p>		<p>Date: _____</p>
<p>Signature: <u>W Myers</u></p>		

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

**2511 - 15**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 06/26/2015**

**Application No. 15-0440**

**To: William Myers**

**132 Pasa Por Aquiln  
Alamogordo, NM 88310**

*Aqui Lane*

**SBL: 17-2-117**

**ADDRESS: 8 Fortune Dr**

**ZONE: AR**

PLEASE TAKE NOTICE that your application dated 06/08/2015 for permit to construct a 10' x 34' rear addition on the premises located at 8 Fortune Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:

Bulk table schedule 2 Requires a 50' minimum rear yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT**

NO

NAME: WILLIAM MYERS

ADDRESS: 8 FORTUNE DR NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 10' X 34' REAR ADDITION

SBL: 17-2-117      ZONE: A-R

TOWN WATER: NO      TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	50'	49.2'	39.2'	10.8'	21.6%
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 \_\_\_\_\_ YES / NO

2 OR MORE FRONT YARDS FOR THIS PROPERTY \_\_\_\_\_ YES / NO

CORNER LOT - 185-17-A \_\_\_\_\_ YES / NO

**ACCESSORY STRUCTURE:**

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 \_\_\_\_\_ YES / NO

FRONT YARD - 185-15-A \_\_\_\_\_ YES / NO

STORAGE OF MORE THEN 4 VEHICLES \_\_\_\_\_ YES / NO

HEIGHT MAX. 15 FEET - 185-15-A-1 \_\_\_\_\_ YES / NO

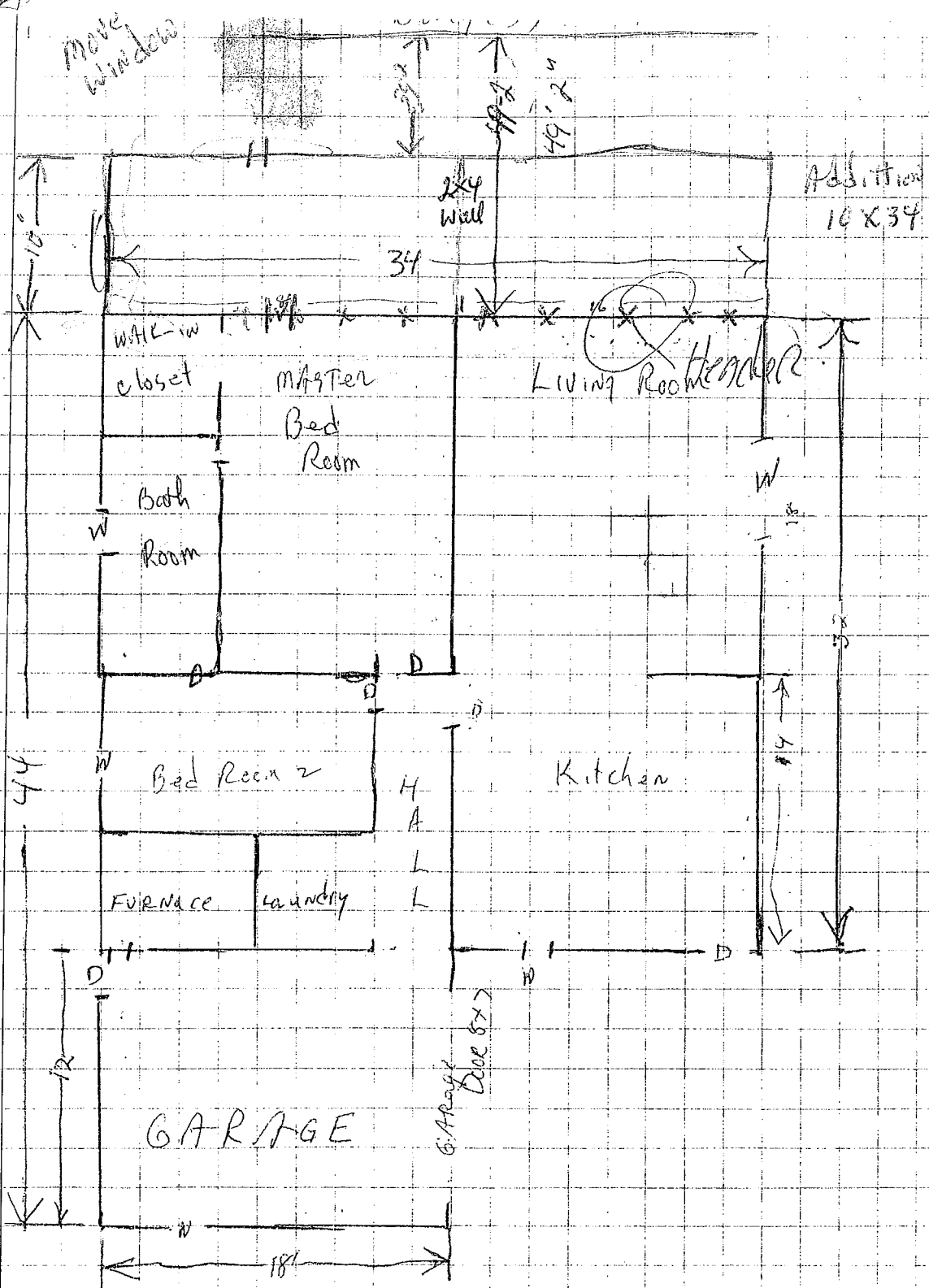
10% MAXIMUM YARD COVERAGE - 185-15-A-3 \_\_\_\_\_ YES / NO

NOTES: 
**ADDING A 10 X 34 ADDITION TO THE REAR OF THE DWELLING. THE DWELLING IS EXISTING NON-CONFORMING.**

**VARIANCE(S) REQUIRED:**

- 1 Bulk table schedule 2 Requires a rear yard setback of 50' minimum.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA      DATE: 26-Jun-15



~~EXISTING STRUCTURE~~  
 Per Permit # 18217 Dated 05/2006

With Add-on

Wm & Pat Myers  
 8 Fortune Drive - Nbg 12553

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

PRINT OR TYPE: BLACK INK ONLY

William N. Myers  
 TO  
 William N. Myers and Patricia  
 Myers, Husband and Wife

*Just signed 12/15/92*  
 SECTION 17 BLOCK 2 LOT 23.2

RECORD AND RETURN TO:  
 (Name and Address)

Emilio D. Gironda JT  
 252 North Plank Road  
 Newburgh NY 12550

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 59288 DATE 8/5/92 AFFIDAVIT FILED \_\_\_\_\_ 19\_\_\_\_

INSTRUMENT TYPE: DEED  MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

BG20 Blooming Grove _____	SERIAL NO. _____	CHECK <input checked="" type="checkbox"/> CASH _____ CHARGE _____
CH22 Chester _____	Mortgage Amount \$ _____	MORTGAGE TAX \$ _____
CO24 Cornwall _____	Exempt Yes _____ No _____	TRANSFER TAX \$ <u>2</u>
CR26 Crawford _____	3-6 Cooking Units Yes _____ No _____	ED. FUND \$ <u>5.00</u>
DP28 Deerpark _____	Received Tax on above Mortgage	RECORD. FEE \$ <u>11.00</u>
GO30 Goshen _____	Basic \$ _____	REPORT FORMS \$ <u>30.00</u>
GR32 Greenville _____	MTA \$ _____	CERT. COPIES \$ _____
HA34 Hamptonburgh _____	Spec. Add. \$ _____	<i>E. Gironda</i>
HI36 Highlands _____	TOTAL \$ _____	
MK38 Minisink _____	MARION S. MURPHY	
ME40 Monroe _____	Orange County Clerk	
MY42 Montgomery _____	by: _____	
MH44 Mount Hope _____		
NT46 Newburgh (T) <input checked="" type="checkbox"/>		
NW48 New Windsor _____		
TU50 Tuxedo _____		
WL52 Walkill _____		
WK54 Warwick _____		
WA56 Wawayanda _____		
WO58 Woodbury _____		
MN09 Middletown _____		
NC11 Newburgh _____		
PJ13 Port Jervis _____		
9999 Hold _____		

ORANGE COUNTY CLERK'S OFFICE S.S.  
 Recorded on AUG 13 1992  
 at 10:24 O'Clock a M.  
 in Liber/Film 3649 deeds  
 at page 13 and examined.  
*Marion S. Murphy*  
 County Clerk

RECEIVED  
 \$ Exempt  
 REAL ESTATE  
 TRANSFER TAX  
 AUG 14 1992  
 ORANGE COUNTY  
*mp*

LIBER 3649 PAGE 13

ORG 08/13/92 10:24:45 38678 41.00  
 \*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
 DEED CONTROL NO: 58288 .00 \*  
 \*\*\*\*\* SERIAL NUMBER: 000261 \*\*\*\*\*

(Bargain and Sale Deed, with Covenants against Grantors Acts)

**THIS INDENTURE,**

made the 5<sup>th</sup> day of August, nineteen hundred and ninety two

BETWEEN WILLIAM N. MYERS, residing at 5 Mountain Road,  
Marlboro, County of Ulster, State of New York

party of the first part, and

WILLIAM N. MYERS and PATRICIA MYERS, husband and  
wife, both residing at 5 Mountain Road, Marlboro,  
County of Ulster, State of New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of \$10.00 (ten) 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, the heirs or successors and assigns of the party of the second part forever,

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 Lot No. 3 on a map entitled "Survey and Subdivision for William N. Myers", filed in the Orange County Clerk's Office on May 13, 1992 as Map No. 103-92, and being more particularly described on Schedule A attached hereto and made a part hereof.

BEING, and intended to be a part of the premises conveyed by Pierre L. Myers and Marguerite M. Myers, husband and wife to the grantor herein by deed dated April 21, 1966 and recorded in the Orange County Clerk's Office on April 26, 1966 in Liber 1741 of Deeds at page 875.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatsoever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

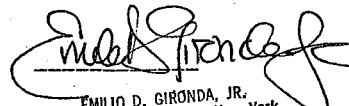
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of

  
WILLIAM N. MYERS

STATE OF NEW YORK  
COUNTY OF ORANGE ss.:

On the 5<sup>th</sup> day of August 1992, before me personally came William N. Myers to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged that he executed the same.

  
EMILIO D. GIRONDE, JR.  
Notary Public, State of New York  
No. 4834230  
Qualified in Orange County  
Term Expires ~~March~~ June 30, 1993

## Schedule A

BEGINNING AT a point on the westerly line of lands now or formerly of Knoerzer, Deed Liber 3090 Page 296, said point being N 20° 10' 00" E 30.03' from the intersection of said westerly line of Knoerzer with the northerly line of lands now or formerly of Emory (said intersection point being N 70° 36' 00" W 167.76' from the centerline of North Fostertown Road) running thence:

1. Along a northerly line of Lot 2 and through the Private Road as shown on said map, N 72° 33' 06" W 31.42';
2. Still along the line of Lot 2 and along a westerly line of said Private Road, N 17° 26' 54" E 30.00';
3. Still along the line of Lot 2, N 19° 38' 08" W 136.70';
4. Still along the line of Lot 2, N 74° 09' 00" W 185.00' to the intersection of said line with an easterly line of Lot 1;
5. Along said easterly line of Lot 1, N 1° 45' 19" E 100.79' to the intersection of said line with lands now or formerly of Burgess, Liber 3179 Page 84;
6. Along the southerly line of Burgess, S 74° 09' 00" E 337.58' to the intersection of said line with lands now or formerly of Rooney, Liber 1755, Page 629;
7. Along the westerly line of Rooney and of Knoerzer, S 20° 10' 00" W 210.58' to the point or place of BEGINNING.

CONTAINING, including the land lying within the Private Road, 40,965 square feet of land, or 0.940 acres of land, more or less.

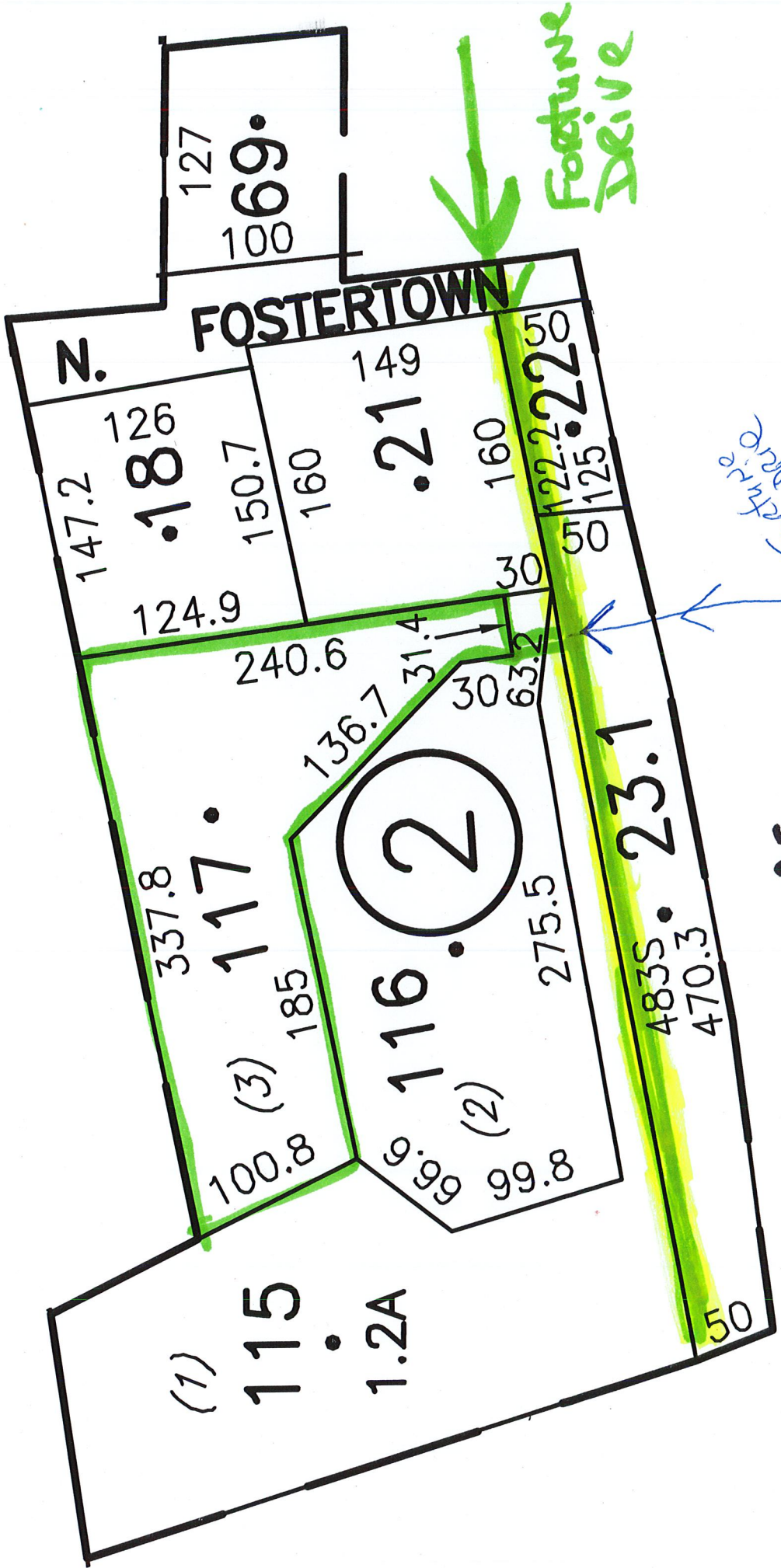
SUBJECT TO the Private Road Maintenance Agreement referred to on the above-mentioned map.

SUBJECT TO any easements and/or restrictions of record.

LIBER 3649 PAGE 15

ORG 08/13/92 10:24:45 38678 41.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 58288 .00 \*  
\*\*\*\*\* SERIAL NUMBER: 000261 \*\*\*\*\*



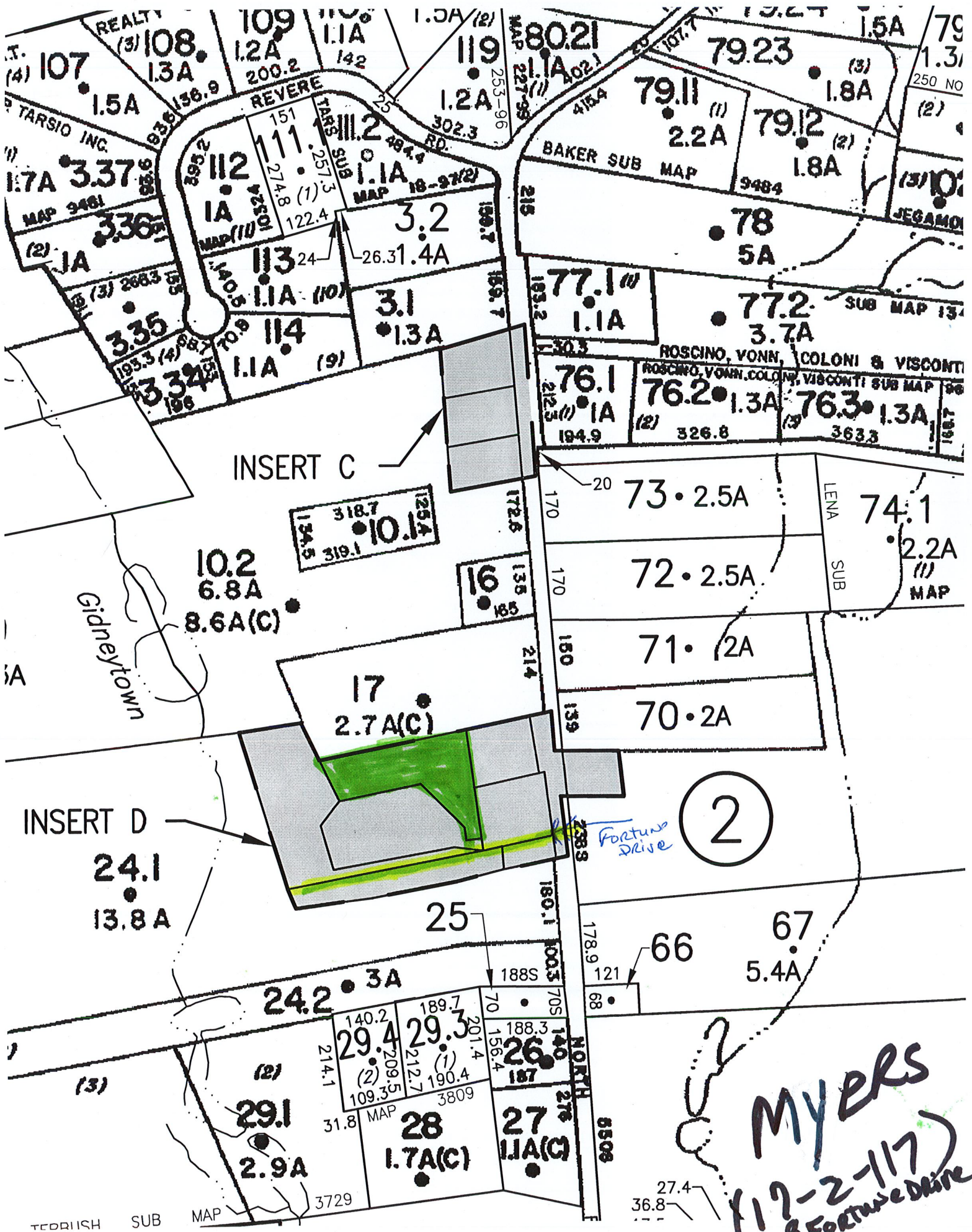


Myer's Drive  
& Fortune Drive  
(17-2-117)

Fortune Drive

Fortune Drive & Fortune Drive





MYERS  
 (12-2-17)  
 Fortune Drive