

2703-18(B) Pool + Pool Deck/Replace
Built No Permit
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: 8/21/2018

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

I (WE) Stewart Sandton / Diane Sandton PRESENTLY
RESIDING AT NUMBER 104 Fern Ave, Newburgh, NY 12550
TELEPHONE NUMBER 914-213-8836

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR
THE FOLLOWING:

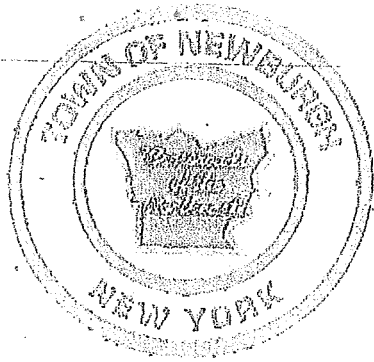
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

67-8-3 (TAX MAP DESIGNATION)
104 Fern Ave (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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
185-19-C-1



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 8/2/2018
- 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: Area Variance
Pool / Pool Deck replacement ^{①, ②, ③} Bulk table schedule #5 of 40-
 185-19-C-1 ^④ (Combined side yard 80') (one side yard min 30')

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 is replacing already existing structures with no change in size

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:

This was storm damaged caused, I will benefit in no way. Just looking for rebuild and replacing Pool & Pool Deck

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Just asking to rebuild what was already there.

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

It is on my property that already has the existing Pool + Pool deck. Replacing them that were storm damaged that have been on the property for 30+ years

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

It was caused by the May 15th 2018 tornado/ Storm damage caused by multiple trees falling on them and crushing them



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

I just want to replace what was already on my property when I bought it. The town has no records of permits for the Pool & Deck even though I bought to property with them here by the previous owner.

[Handwritten Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22nd DAY OF August 2018

[Handwritten Signature]

NOTARY PUBLIC

IOANA G TUTA
Notary Public - State of New York
No. 01TU6333934
Qualified in Ulster
My Commission Exp. 12/07/2019

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:

Area Variance

Project Location (describe, and attach a location map):

104 Fern Ave Newburgh, N.Y. 12550

Brief Description of Proposed Action:

Rebuild and replace already existing
Pool and Pool Deck

Name of Applicant or Sponsor:

Stewart Sancton / Diane Sancton

Telephone:

914-213-8836

E-Mail:

sdcoffruss@aol.com

Address:

104 Fern 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?

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?

25 acres

b. Total acreage to be physically disturbed?

10 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

10 acres

4. Check all land uses that occur on, adjoining and near the proposed action.

- | | | | | |
|-----------------------------------|--|-------------------------------------|---|--|
| <input type="checkbox"/> Urban | <input type="checkbox"/> Rural (non-agriculture) | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Residential (suburban) |
| <input type="checkbox"/> Forest | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Aquatic | <input type="checkbox"/> Other (specify): _____ | |
| <input type="checkbox"/> Parkland | | | | |

5. Is the proposed action, a. A permitted use under the zoning regulations?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input 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"/>	<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"/>	<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: _____	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input 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? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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: Stewart Sanctor / Dione Sanctor Date: 8/21/2018

Signature: [Signature] Dione Sanctor

Agency Use Only [If applicable]

Project:

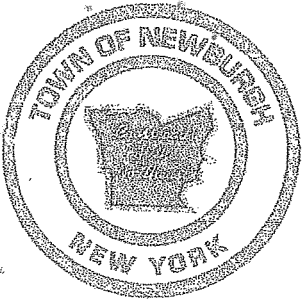
Date:

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"/>



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

2703 -18(B)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/02/2018

Application No. 18-0812

To: ^{Diane} Stewart Sancton
104 Fern Ave
Newburgh, NY 12550


SBL: 67-8-3
ADDRESS: 104 Fern Ave

ZONE: R3

PLEASE TAKE NOTICE that your application dated 07/16/2018 for permit to replace a pool and pool deck that was built without a building permit. on the premises located at 104 Fern Ave is returned herewith and disapproved on the following grounds:

Town of newburgh Municipal Code Sections:

- 1) Bulk table schedule #5 requires a rear yard setback of 40'
- 2) Bulk table schedule #5 requires one side yard of 30' minimum.
- 3) Bulk table schedule #5 requires a combined side yard of 80'
- 4) 185-19-C-1: Shall not increase the degree of non-conformity. (front yard of 50' with the pool)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT / **NO**

NAME: Stewart Sancton Building Application # 18-0812-0813

ADDRESS: 104 Fern Ave Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: pool / pool deck

SBL: 67-8-3 ZONE: R-3 ZBA Application # 2703-18 (B)

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'	40.1'	Increasing the degree of non-conformity		
REAR YARD	40'		28'	12'	30.00%
ONE SIDE YARD	30'		0.00	30'	100.00%
COMBINED SIDE YARDS	80'		10.10	69.90	87.37%
BUILDING COVERAGE	OK				
SURFACE COVERAGE	OK				

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

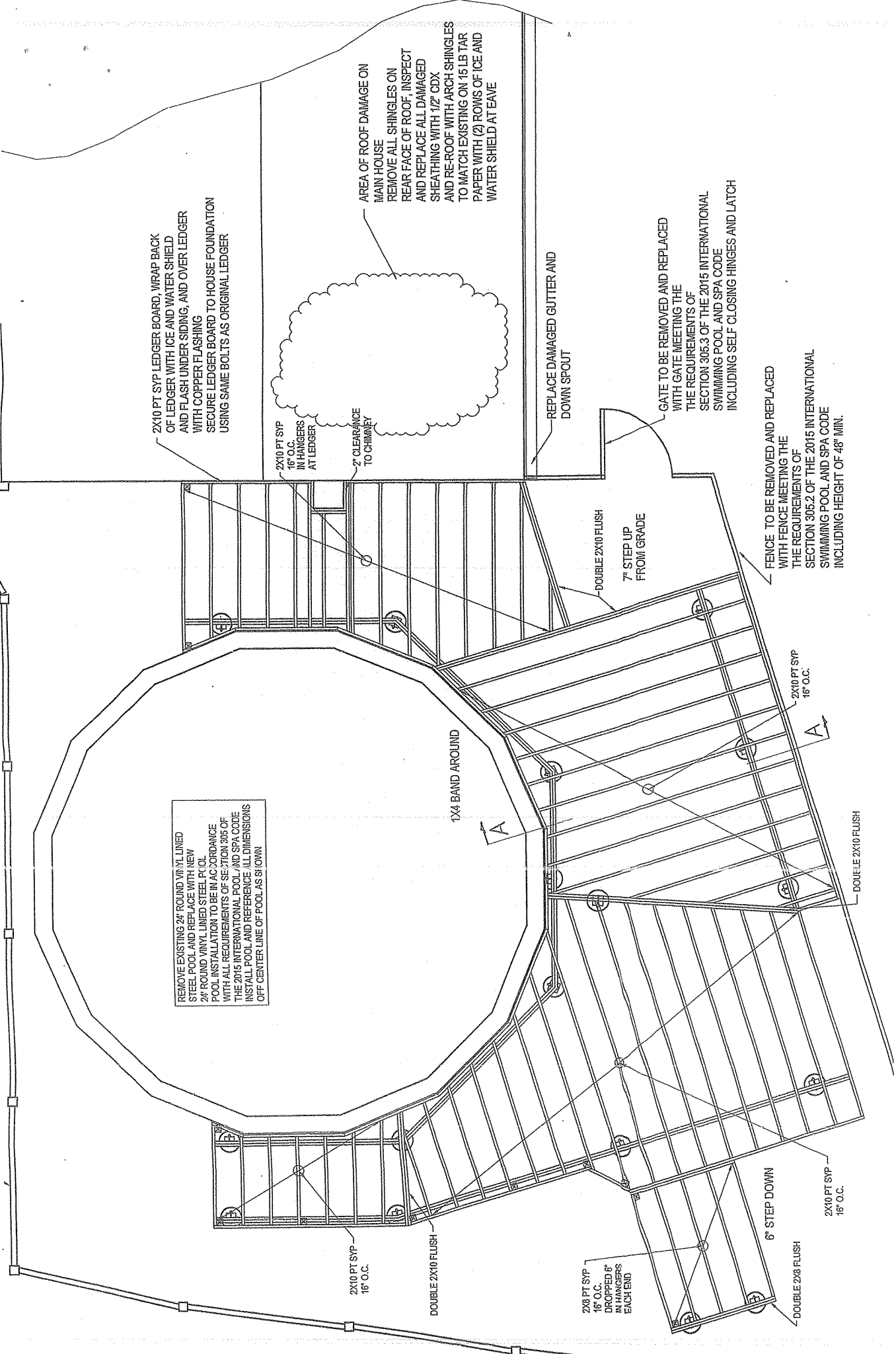
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Built without permits. No building code review conducted.

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule #5: Requires a rear yard setback of 40' minimum
- 2 Bulk table schedule #5: Requires one side yard of 30' minimum
- 3 Bulk table schedule #5: Requires a combined side yard setback of 80'
- 4 185-19-C-1: Front yard minimum setback of 50' minimum. The pool was placed within the setback.

REVIEWED BY: Joseph Mattina DATE: 2-Aug-18



REMOVE EXISTING 24" ROUND VINYL LINED STEEL POOL AND REPLACE WITH NEW 24" ROUND VINYL LINED STEEL POOL. POOL INSTALLATION TO BE IN ACCORDANCE WITH ALL REQUIREMENTS OF SECTION 305 OF THE 2015 INTERNATIONAL POOL AND SPA CODE. INSTALL POOL AND REFERENCE ALL DIMENSIONS OFF CENTER LINE OF POOL AS SHOWN.

2X10 PT SYP LEDGER BOARD, WRAP BACK OF LEDGER WITH ICE AND WATER SHIELD AND FLASH UNDER SIDING, AND OVER LEDGER WITH COPPER FLASHING. SECURE LEDGER BOARD TO HOUSE FOUNDATION USING SAME BOLTS AS ORIGINAL LEDGER.

AREA OF ROOF DAMAGE ON MAIN HOUSE. REMOVE ALL SHINGLES ON REAR FACE OF ROOF, INSPECT AND REPLACE ALL DAMAGED SHEATHING WITH 1/2" CDX AND RE-ROOF WITH ARCH SHINGLES TO MATCH EXISTING ON 15 LB TAR PAPER WITH (2) ROWS OF ICE AND WATER SHIELD AT EAVE.

2X10 PT SYP 16" O.C. IN HANGERS AT LEDGER

2' CLEARANCE TO CHIMNEY

REPLACE DAMAGED GUTTER AND DOWN SPOUT

GATE TO BE REMOVED AND REPLACED WITH GATE MEETING THE REQUIREMENTS OF SECTION 306.3 OF THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE INCLUDING SELF CLOSING HINGES AND LATCH

FENCE TO BE REMOVED AND REPLACED WITH FENCE MEETING THE REQUIREMENTS OF SECTION 306.2 OF THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE INCLUDING HEIGHT OF 48" MIN.

DOUBLE 2X10 FLUSH 7" STEP UP FROM GRADE

2X10 PT SYP 16" O.C.

1X4 BAND AROUND

DOUBLE 2X10 FLUSH

2X10 PT SYP 16" O.C.

DOUBLE 2X10 FLUSH

2X8 PT SYP 16" O.C. DROPPED 6" IN 12" SPANS EACH END

6" STEP DOWN

DOUBLE 2X8 FLUSH

2X10 PT SYP 16" O.C.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
(This Page is Part of the Instrument)

SECTION 67 BLOCK 8 LOT 3

PRINT OR TYPE: BLACK INK ONLY

Thomas J. Diamond
TO
Stewart M. Sancton
Diane L. Sancton

RECORD AND RETURN TO:
(Name and Address)

Andrew L. Cohen, Esq.
150 Airport Executive Park
Suite B
Spring Valley NY 10977

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62719 DATE 11-16-92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

- BG20 Blooming Grove
- CH22 Chester
- CO24 Cornwall
- CR28 Crawford
- DP28 Deerpark
- GO30 Goshen
- GR32 Greenville
- HA34 Hamptonburgh
- HIS8 Highland
- MK38 Minerva
- ME40 Monroe
- MY42 Montgomery
- MH44 Mount Hope
- NT48 Newburgh (T)
- NW48 New Windsor
- TU50 Tuxedo
- WL52 Wallkill
- WK54 Warwick
- WA56 Wawayanda
- WO58 Woodbury
- MN09 Middletown
- NC11 Newburgh
- PJ13 Port Jervis
- 9999 Hold

SERIAL NO. _____
 Mortgage Amount \$ _____ CHECK CASH CHARGE
 Exempt Yes No
 3-6 Cooking Units Yes No
 Received Tax on above Mortgage
 Basic \$ _____ MORTGAGE TAX \$ _____
 MTA \$ _____ TRANSFER TAX \$ 456
 Spec. Add. \$ _____ RECORD. FEE \$ 14
 TOTAL \$ _____ REPORT FORMS \$ 5
 CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____
ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 25th day of
Nov 1992 at 4:27
O'clock P. M. in Liber/Film 3710
at page 55 and examined.

Marion S. Murphy
County Clerk

RECEIVED
\$ 456
REAL ESTATE
NOV 25 1992
TRANSFER TAX
ORANGE COUNTY

181R 3710 PAGE 55

Law original
8/23/18
BS

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 November 25, 1992 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY August 21, 2018

ORC 11/25/92 04:27:27 56039 44.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 62719 456.00 *
***** SERIAL NUMBER: 002860 *****

98-92-00443

Standard N.Y.S.T.U. Form 8002-2-73--Bargain and Sale Deed with Covenant against Grantor's Acts--Individual or Corporation (single sheet)

456.00
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 16th day of November nineteen hundred and ninety-two

BETWEEN THOMAS J. DIAMOND, residing at 104 Bern Avenue, Newburgh, New York 12550

party of the first part, and

STEWART M. SANCTON & DIANE L. SANCTON, husband and wife, residing at 43 Garrison Drive, Spring Valley, New York

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars 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 and State of New York and bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

PREMISES ARE NOT SUBJECT TO A CREDIT LINE MORTGAGE.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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.

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

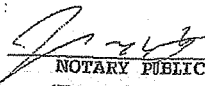
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Thomas J. Diamond
Thomas J. Diamond

STATE OF NEW YORK)
)SS:
COUNTY OF Orange)

On the 16th day of November , nineteen hundred and ninety-two before me personally came Thomas J. Diamond to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same.


NOTARY PUBLIC
JERARD S. HANNUN
NOTARY PUBLIC, State of New York
Qualified in Dutchess Co. No. 6757425
Commission Expires January 31, 1993

STATE OF NEW YORK)
)SS:
COUNTY OF)

On this day of , nineteen hundred and before me personally came to me known, who being by me duly sworn, did depose and say that he resides in and that he is the of the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by like order.

NOTARY PUBLIC

LIBER 3710 PAGE 57

RECORD AND RETURN TO:

ANDREW L. COHEN, ESQ.
150 Airport Executive Park
Suite 8
Spring Valley, N.Y. 10977

RECORDED

Title Number: 98-92-00443

SCHEDULE A

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

BEGINNING in the west line of Fern Avenue 50 feet wide at a point which is distant 73.7 feet on a course of south 5 degrees, 04 minutes east from the most westerly corner of Lot No. 7 on a map of lots of the Winona Lake Development Company - Section F. made by C.A. Gridley, C.E. June, 1940 and filed in the Orange County Clerk's office said point of beginning also being distant 50.84 feet on a course of north 40 degrees, 47 minutes east from the northeast corner of the concrete block foundation of the house located on the lot herein described and runs THENCE south 88 degrees, 06 minutes west, passing 37.55 feet north of the northeast corner of said foundation and 39.70 feet north of the northwest corner of the same for a distance of 107 feet, THENCE south 14 degrees, 27 minutes east for 108.25 feet; THENCE north 84 degrees, 07 minutes east for 100 feet to the west line of Fern Avenue; THENCE along the west line of Fern Avenue north 11 degrees, 16 minutes west 100 feet to the place of beginning.

For Conveyancing Only

Together with all right, title and interest of, in and to any streets and roads abutting the above described premises. Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein.