



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 #:	80-7-6.2
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	FRANCIS SERRA	Tax Map #:	
Project Name:		Local File No.:	2629-17
Location of Project Site	27 MEADOW ST	Size of Parcel*:	22,234 SF

\*If more than one parcel, please include sum of all parcels.

Reason for County Review:	Within 500 FT NYS Route 32	Current Zoning District (include any overlays):	R3
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**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): \_\_\_\_\_

Subdivision      Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

                            Number of lots proposed: \_\_\_\_\_

Special Use Permit      Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Lot Line Change

Variance      AREA / USE (circle one)      REAR YARD SETBACK

Other

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

Local board comments or elaboration:

	7/24/17	Chairperson Zoning Board of Appeals
Signature of local official	Date	Title

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: 7/13/2017

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

I (WE) FRANCIS SERRA PRESENTLY  
RESIDING AT NUMBER 27 MEADOW ST.  
TELEPHONE NUMBER (914) 805-0543

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:

8-7-6.2 (TAX MAP DESIGNATION)

27 MEADOW ST. (STREET ADDRESS)

R3 (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).

ZONE R3  
BULK TABLE SCHEDULE 5



# TOWN OF NEWBURGH

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NEWBURGH, NEW YORK 12550

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: 6/16/2017
- 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: AN AREA VARIANCE ALLOWING A 9' EXTENSION INTO REAR YD

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:

N/A

(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:

N/A

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

N/A



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

NA

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 A 12' X 12' REAR DECK  
FACING A FAST FOOD PARKING LOT

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:

THE DECK WOULD BE TOO NARROW  
WITHOUT EXTENDING INTO REAR  
YARD

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE ~~MIN~~ EXTENSION IS MERELY 9'

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

NOTHING WILL BE DESTROYED

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

THE REQ'D REAR YD. CREATES  
A PROBLEM BUT NO HARDSHIP.



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308 GARDNERTOWN ROAD  
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OFFICE OF ZONING BOARD  
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

WE WISH TO FINALLY ENJOY THE REAR  
OF THE PROPERTY AS MUCH AS THE  
FRONT.

*Francis Sena*

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14<sup>th</sup> DAY OF July 20 17

*Nancy L. Elgueta*  
\_\_\_\_\_  
NOTARY PUBLIC

NANCY L. ELGUETA  
NOTARY PUBLIC, STATE OF NEW YORK  
LIC. NO. 01EL6215588  
ORANGE COUNTY  
MY COMMISSION EXPIRES 01-04-2018

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.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project:							
Project Location (describe, and attach a location map): <b>27 MEADOW ST.</b>							
Brief Description of Proposed Action: <b>BUILDING A PROPOSED 12' X 12' DECK</b>							
Name of Applicant or Sponsor: <b>FRANCIS SIERRA</b>		Telephone: <b>(914) 805-0543</b>	E-Mail:				
Address: <b>27 MEADOW ST.</b>							
City/PO: <b>NEWBURGH</b>		State: <b>NY</b>	Zip Code: <b>12550</b>				
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.			<table border="1"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:			<table border="1"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<u>5</u> acres					
b. Total acreage to be physically disturbed?		<u>N/A</u> acres					
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 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							

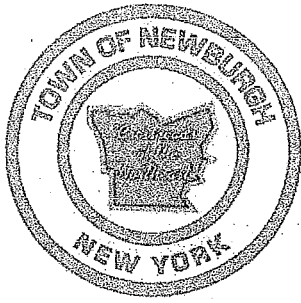
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 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 type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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: <u>N/A</u>	NO	YES	
	<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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<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? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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: _____	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"/>	

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: Francis Serra Date: 7-24-2017  
 Signature: Francis Serra





**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

**2629-17**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 06/16/2017**

**Application No. 17-0461**

**To: Francis Serra  
27 Meadow St  
Newburgh, NY 12550**

**SBL: 80-7-6.2  
ADDRESS: 27 Meadow St**

**ZONE: R3**

PLEASE TAKE NOTICE that your application dated 06/02/2017 for permit to build a 12' x 12' rear deck on the premises located at 27 Meadow St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 5 Requires a 40' minimum rear yard setback

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

NAME: Francis Serra Building Application # 17-0461

ADDRESS: 27 Meadow St. Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: 12 x 12 rear deck

SBL: 80-7-6.2 ZONE: R-3

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

2629-1

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'		31'	9'	22.50%
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: The dwelling was built with the maximum allowed 3 x 3 landing at the door.

**VARIANCE(S) REQUIRED:**

- 1 Bulk table schedule 5 requires a rear yard setback of 40' minimum.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 15-Jun-17

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

Orange County Real Estate and Land  
Development, LLC  
  
TO  
  
Francis Serra

SECTION 80 BLOCK 7 LOT 6.2



RECORD AND RETURN TO:  
(name and address)

Christopher Shust, Esq.  
210 Main Street  
Goshen, NY 10924

*How original  
7/24/17  
CS*

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 ✓ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)	NO PAGES <u>3</u>	CROSS REF. _____
2003 SO. BLOOMING GROVE (VLG)		CERT. COPY _____	ADD'L X-REF. _____
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)	MAP# _____	PGS. _____
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>	
2201 CHESTER (VLG)	4205 WALDEN (VLG)	CASH _____	
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)	CHARGE _____	
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)	NO FEE _____	
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)	Taxable	
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)	CONSIDERATION \$ <u>97,000</u>	
3089 GOSHEN (TN)	5089 TUXEDO (TN)	TAX EXEMPT _____	
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)	Taxable	
3003 FLORIDA (VLG)	5200 WALLKILL (TN)	MORTGAGE AMT. \$ _____	
3005 CHESTER (VLG)	5489 WARWICK (TN)	MORTGAGE TAX TYPE:	
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)	____ (A) COMMERCIAL/FULL 1%	
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)	____ (B) 1 OR 2 FAMILY	
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)	____ (C) UNDER \$10,000	
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)	____ (E) EXEMPT	
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)	____ (F) 3 TO 6 UNITS	
3889 MINISINK (TN)	5801 HARRIMAN (VLG)	____ (I) NAT.PERSON/CR. UNION	
3801 UNIONVILLE (VLG)	5809 WOODBURY (VLG)	____ (J) NAT.PER-CR.UN/1 OR 2	
4089 MONROE (TN)	CITIES	____ (K) CONDO	
4001 MONROE (VLG)	0900 MIDDLETOWN		
4003 HARRIMAN (VLG)	1100 NEWBURGH		
4005 KIRYAS JOEL (VLG)	1300 PORT JERVIS		
	9999 HOLD		

*Donna L. Benson*

DONNA L. BENSON  
ORANGE COUNTY CLERK

Received From Mid-Hudson

RECORDED/FILED  
12/03/2008/ 15:35:41  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE#20080117325  
DEED C / BK 12758PG 0955  
RECORDING FEES 225.00  
TTX# 002765 T TAX 388.00  
Receipt#960204 joanned

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. HABBITT, 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 Dec 3, 2008 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Habbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY

July 3, 2017



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

**THIS INDENTURE**, made the 25<sup>th</sup> day of November, Two Thousand Eight

**BETWEEN**

**ORANGE COUNTY REAL ESTATE AND LAND DEVELOPMENT, LLC**, with offices located at 583 Route 32, P.O. Box 449, Highland Mills, NY 10930

party of the first part, and **FRANCIS SERRA**, residing at 344 N. Fostertown Drive, Newburgh, NY 12550

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN Dollars and 00/100 ~~(\$10.00)~~ dollars, lawful money of the United States, 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, being known and designated as Lot 1, Block A, "Plan of Subdivision of Powelton Farms, Inc." prepared by Arthur E. Eustance, Engineer, and filed in the Orange County Clerk's Office on March 23, 1956 which is also known as 27 Meadow Street, Newburgh, NY, S/B/L 80-7-6.2. Excepting and reserving that portion of the lands described in a deed given to On the Pond Properties Inc. dated 6/20/08 and recorded 8/1/08 in L. 12709 cp. 1323. This conveyance is of premises which do not constitute all or substantially all of the assets of the party of the first part, and further, this conveyance is made in the regular course of business actually conducted by the party of the first part.

The premises ~~are~~ (are not) in an agricultural district.

The parcel is entirely (or part of the premises is) owned by the transferor.

**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 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.

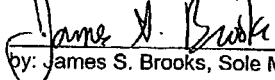
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**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:

ORANGE COUNTY REAL ESTATE AND LAND DEVELOPMENT, LLC

  
by: James S. Brooks, Sole Managing Member

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

On the 25<sup>th</sup> day of November, 2008, before me, the undersigned, a notary public in and for said state, personally appeared JAMES S. BROOKS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her capacity and that by his/her signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

O. Wayne Smith  
NOTARY PUBLIC

**O. WAYNE SMITH**  
Notary Public, State of New York  
Qualified in Orange County  
Term Expires 11/30/10

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS

Section 80  
Block 7  
Lot 6.2  
Town of Newburgh

Title No.  
\_\_\_\_\_

Orange County Real Estate and  
Land Development, LLC

**RECORD AND RETURN TO:**

TO

Francis Serra  
\_\_\_\_\_



**LOCATION PLAN**  
1" = 2000 FEET

**TABLE OF ZONING REQUIREMENTS**  
TOWN OF NEWBURGH - R3 DISTRICT  
(RESIDENTIAL-SINGLE FAMILY WITH PUBLIC WATER ONLY)

	REQUIRED	ALLOWED
MINIMUM LOT AREA	15,000 SQ. FT.	15,000
LOT WIDTH	125 FT.	125
FRONT DEPTH	40 FT.	40
REAR YARD	40 FT.	15
LEFT SIDE YARD	15 FT.	15
RIGHT SIDE YARD	30 FT.	30
MAXIMUM LOT BUILDING COVERAGE	35%	35%
BUILDING HEIGHT	35 FT.	35
LOT SURFACE COVERAGE	30%	30%

**RECORD OWNER:**  
ON THE POND PROPERTIES, INC.  
RTE 32  
HIGHLAND HILLS, NY 10930  
L 11328 P. 231  
80-7-9

**RECORD OWNER:**  
RED FALCON PROPERTIES, INC.  
RTE 32  
HIGHLAND HILLS, NY 10930  
L 11328 P. 231  
80-7-9

**AREAS:**  
EXISTING AREA  
TAX PARCEL 80-7-9 0.2898 AC. 11,717.50 SQ. FT.  
PROPOSED 80-7-8 0.5028 AC. 20,408.50 SQ. FT.  
TOTAL 0.7926 AC. 32,126.00 SQ. FT.

**NEW AREA**  
0.4132 AC. 17,600.50 SQ. FT.  
0.5028 AC. 20,408.50 SQ. FT.  
TOTAL 0.9160 AC. 38,009.00 SQ. FT.

**FM # 1658**

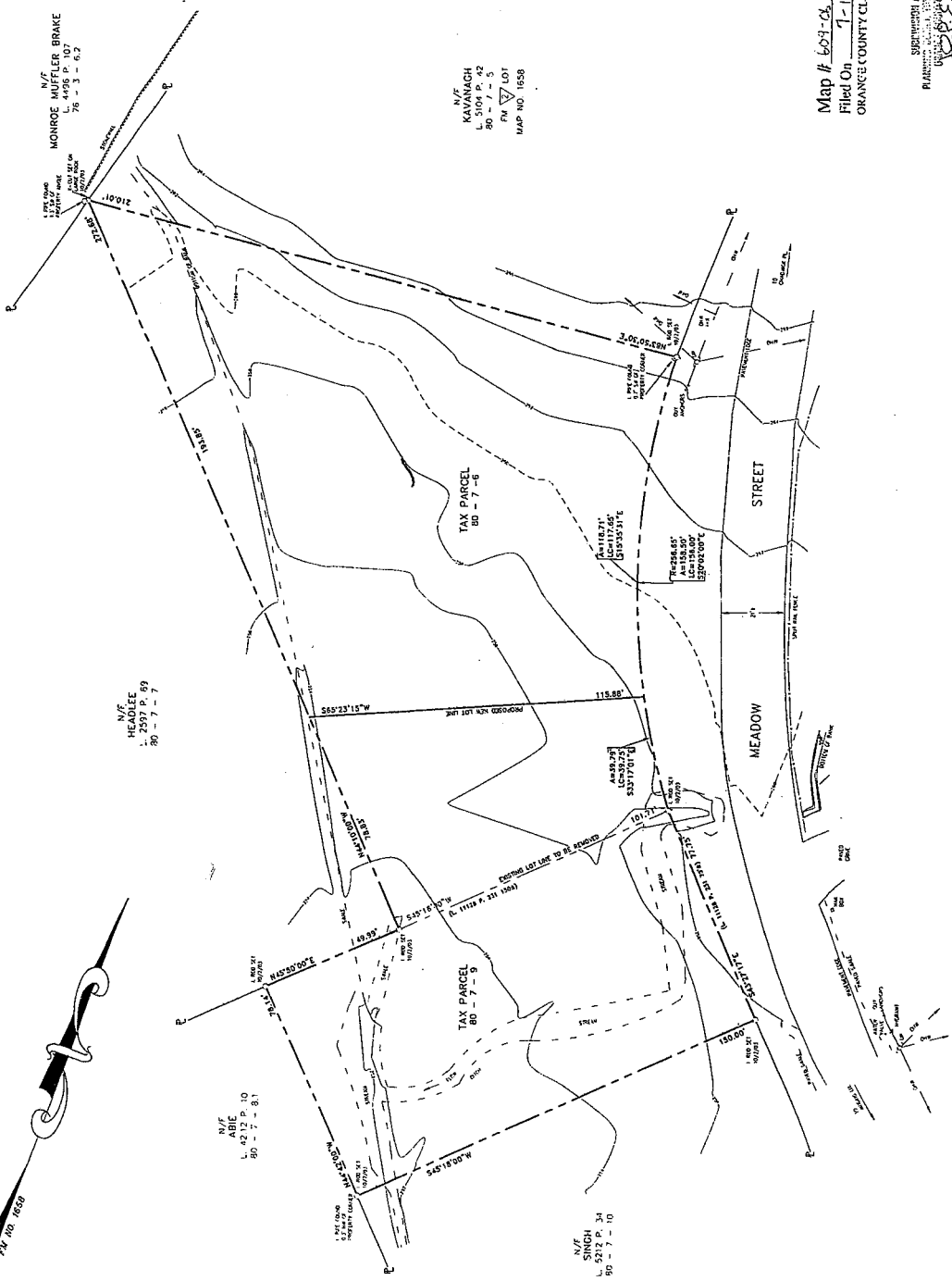


**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.  
100 N. STATE ST., SUITE 200  
NEWBURGH, NY 10993  
(845) 264-3900

**LOT LINE CHANGE PREPARED FOR**

**ON THE POND PROPERTIES, INC. AND RED FALCON PROPERTIES, INC.**  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

DATE: MARCH 23, 2006	SCALE: 1" = 20'	PROJECT NO.: 80-7-9-88	SHEET NO.: 1 OF 1
OWNER: ON THE POND PROPERTIES, INC. AND RED FALCON PROPERTIES, INC.	PROJECT: LOT LINE CHANGE	LOCATION: TOWN OF NEWBURGH, ORANGE COUNTY, NY	DATE: MARCH 23, 2006



Map # 603-04 Sheet 1  
Filed On 1-18-06  
ORANGE COUNTY CLERK'S OFFICE

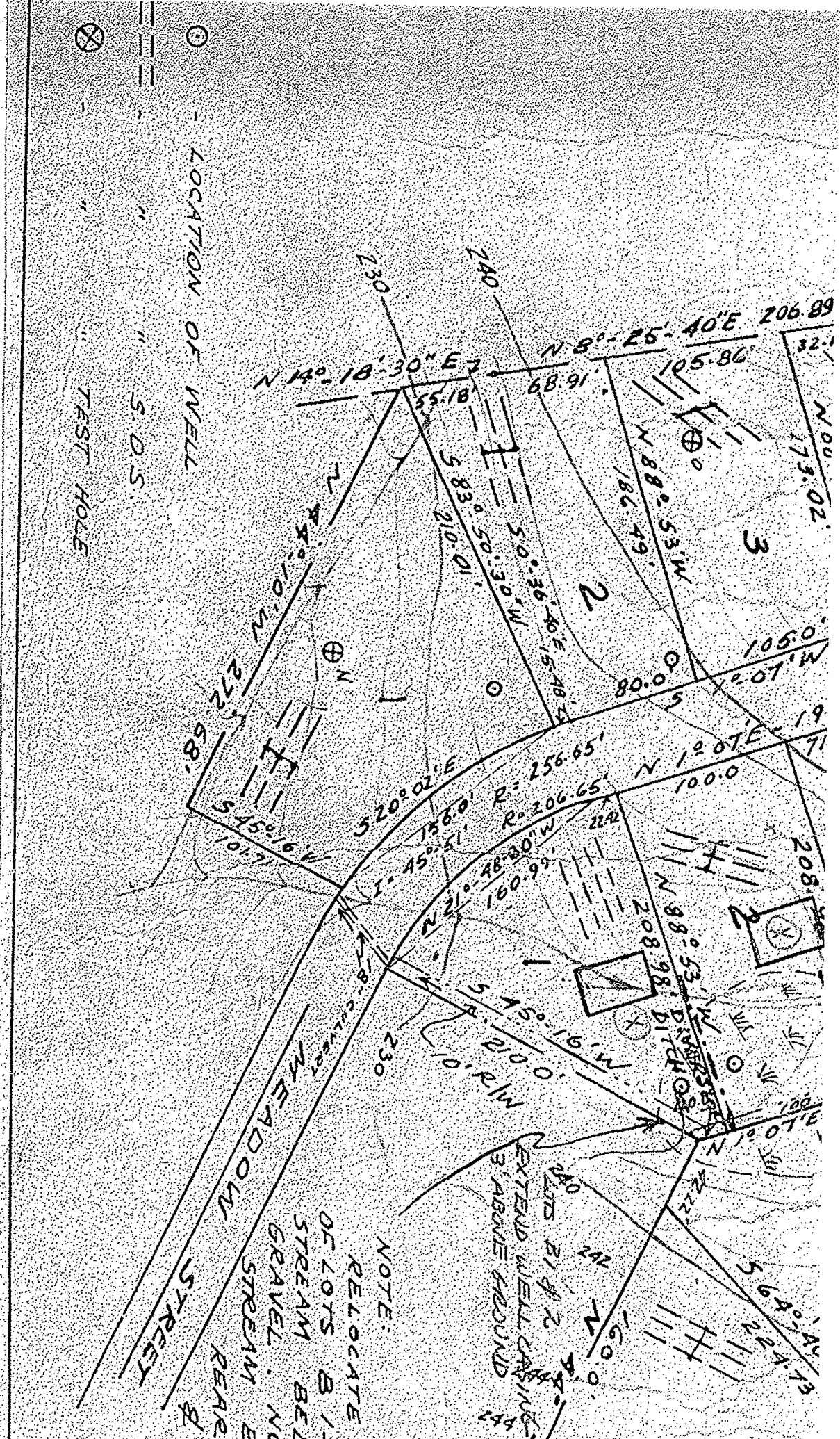
**SUBDIVISION APPROVED**  
PLANNING BOARD, TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK  
DATE: 1/18/06

**CERTIFICATION:**  
I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED THAT THIS IS AN ACTUAL FIELD SURVEY COMPLETED ON SEPTEMBER 8, 2005.



- NOTES:**
1. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
  2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
  3. REFERENCES:
    - MAP ENTITLED "TOWN OF SUBDIVISION FOR DEVELOPMENT OF TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK," DATED MARCH 10, 1965, AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON MARCH 23, 1965, AS FILED MAP NO. 1658.
    - THE PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY LANC & TULLY, P.C. CONTOURS ARE BASED ON APPROXIMATE GROUND DATA.

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UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT OR ANY PART THEREOF IS PROHIBITED BY SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW.



⊙ - LOCATION OF WELL

⊙ - S.D.S.

⊗ - TEST HOLE

NOTE:

RELOCATE  
 OF LOTS B /  
 STREAM BED  
 GRAVEL. NO  
 STREAM REAR  
 STREET

WELLS BY PLZ  
 EXTEND WELL CASING  
 3' ABOVE GROUND

