



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 #:       | 11-5-23 |
| Local Referring Board:    | Zoning Board of Appeals         | Tax Map #:       |         |
| Applicant:                | Anthony Velita                  | Tax Map #:       |         |
| Project Name:             |                                 | Local File No.:  | 2401-14 |
| Location of Project Site: | 10 Brookside Avenue<br>(Rte 52) | Size of Parcel*: | 60x200  |

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

|                           |                                      |   |     |
|---------------------------|--------------------------------------|---|-----|
| Reason for County Review: | within 500ft <sup>NYS</sup> Route 52 | Current Zoning District (include any overlays): | R-3 |
|---------------------------|--------------------------------------|---|-----|

**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) *increasing degree of non-conformity of one side yard setback + combined side yards setback*

Other

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

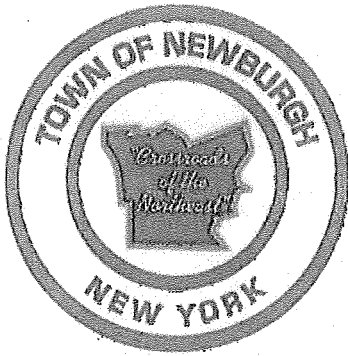
Local board comments or elaboration:

*Shane Cardone* 2/10/15      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: 01/28/2015

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

I (WE) ANTHONY VELTA PRESENTLY  
RESIDING AT NUMBER 10 Brookside Av. Newburgh NY  
TELEPHONE NUMBER 845-5422630 845-5690155

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:

\_\_\_\_\_ (TAX MAP DESIGNATION)   
10 Brookside Av Newburgh (STREET ADDRESS)  
(71-5-23) 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).

185-19-C1  
185-19-C1



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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: 1-28-2015
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 1-28-2015

4. DESCRIPTION OF VARIANCE SOUGHT: shall not increase the degree of non conformity (one side yard) (combined side yard)

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:

is below one side deck  
\_\_\_\_\_  
\_\_\_\_\_

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

is one deck and the increase is for my yard side the portions not alter the property the Neigh Boro Hood  
\_\_\_\_\_  
\_\_\_\_\_



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

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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:

*the increase is one side of my yard*

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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:

*is for deck*

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*is small part to increase*

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

*the deck was construction prior*

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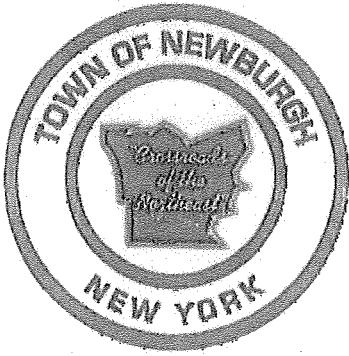
e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

*is small variance*

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# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

The Deck was project for  
desorbhe people

*Anthony Vito*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF January 20 15

*Ernestine N. Picone*  
NOTARY PUBLIC

ERNESTINE N. PICONE  
Notary Public - State of New York  
No. 01-PI8213217  
Qualified in Ulster County  
My Commission Exp. 11/02/2017

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

617.20  
Appendix B  
Short Environmental Assessment Form

**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:<br><i>Anthony Velita</i><br><i>Deck</i>   |  |   |                           |
| Project Location (describe, and attach a location map):<br><i>10 Brookside AV Newburgh NY 12550</i>  |  |   |                           |
| Brief Description of Proposed Action:<br><i>Deck on the Back yard to the side of the house<br/>prior built 6'-8" x 12 side Deck</i>  |  |   |                           |
| Name of Applicant or Sponsor:<br><i>Anthony Velita</i>   |  | Telephone: <i>845 542 2630</i>          |                           |
|  |  | E-Mail: <i>Velita-anthony@yahoo.com</i> |                           |
| Address:<br><i>10 Brookside AV</i>   |  |   |                           |
| City/PO:<br><i>Newburgh NY 1</i>   |  | State:<br><i>NY</i>                     | Zip Code:<br><i>12550</i> |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. |  | NO                                      | YES                       |
|  |  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>  |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  | NO                                      | YES                       |
|  |  | <input checked="" type="checkbox"/>     | <input type="checkbox"/>  |
| 3.a. Total acreage of the site of the proposed action? _____ acres   |  |   |                           |
| b. Total acreage to be physically disturbed? _____ 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 checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)   |  |   |                           |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____  |  |   |                           |
| <input type="checkbox"/> Parkland  |  |   |                           |



|  |    |     |
|--|----|-----|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____<br>_____ | 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?<br>If Yes, describe: _____<br>_____   | 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?<br>If Yes, describe: _____<br>_____   | NO | YES |

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

Applicant/sponsor name: Anthony V. [Signature] Date: 01/28/2017  
 Signature: Anthony V. [Signature]

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** 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?  | No                            |                                    |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | No                            |                                    |
| 3. Will the proposed action impair the character or quality of the existing community?   | No                            |                                    |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | No                            |                                    |
| 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?            | No                            |                                    |
| 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? | No                            |                                    |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies?<br>b. public / private wastewater treatment utilities?                                 | No<br>No                      |                                    |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | No                            |                                    |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | No                            |                                    |

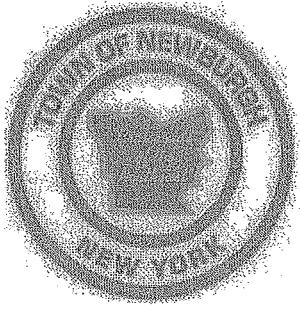


|   | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | NO                            |                                    |
| 11. Will the proposed action create a hazard to environmental resources or human health?                        | NO                            |                                    |

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** 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

**2401-14**

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/21/2014

Application No. ~~14-0028~~

To: Anthony Velita  
10 BROOKSIDE AVENUE  
NEWBURGH, NY 12550

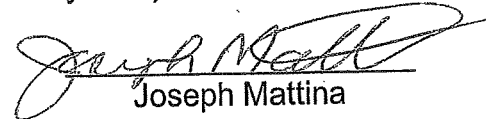
SBL: 71-5-23  
ADDRESS: 10 Brookside Ave

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 01/21/2014 for permit to keep a prior built 6'-8" x 12' side deck on the premises located at 10 Brookside Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 185-19-C-1 Shall not increase the degree of non conformity ( one side yard )
- 185-19-C-1 Shall not increase the degree of non conformity ( combined side yards )

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT**

**YES**

NAME: ANTHONY VELITA

ADDRESS: 10 BROOKSIDE AVE

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 6'-8" X 12' PRIOR BUILT DECK

SBL: 71-5-23      ZONE: R / 3

TOWN WATER:  **YES**

TOWN SEWER:  **NO**

|                     | MINIMUM | EXISTING | PROPOSED                            | VARIANCE | PERCENTAGE |
|---------------------|---------|----------|-------------------------------------|----------|------------|
| LOT AREA            |         |          |                                     |          |            |
| LOT WIDTH           |         |          |                                     |          |            |
| LOT DEPTH           |         |          |                                     |          |            |
| FRONT YARD          |         |          |                                     |          |            |
| REAR YARD           |         |          |                                     |          |            |
| ONE SIDE YARD       | 15'     | 4'-8"    | INCREASING DEGREE OF NON CONFORMITY |          |            |
| COMBINED SIDE YARDS | 30'     | 20'-2"   | INCREASING DEGREE OF NON CONFORMITY |          |            |
| BUILDING COVERAGE   |         |          |                                     |          |            |
| SURFACE COVERAGE    |         |          |                                     |          |            |

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  **YES**  
 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: LEGAL PRE EXISTING NON CONFORMING 10 X 10 SIDE DECK. RAMP IS EXEMPT FROM ZONING (185-18-E) ADDED EXTENSION ON TO A NON CONFORMING DECK**

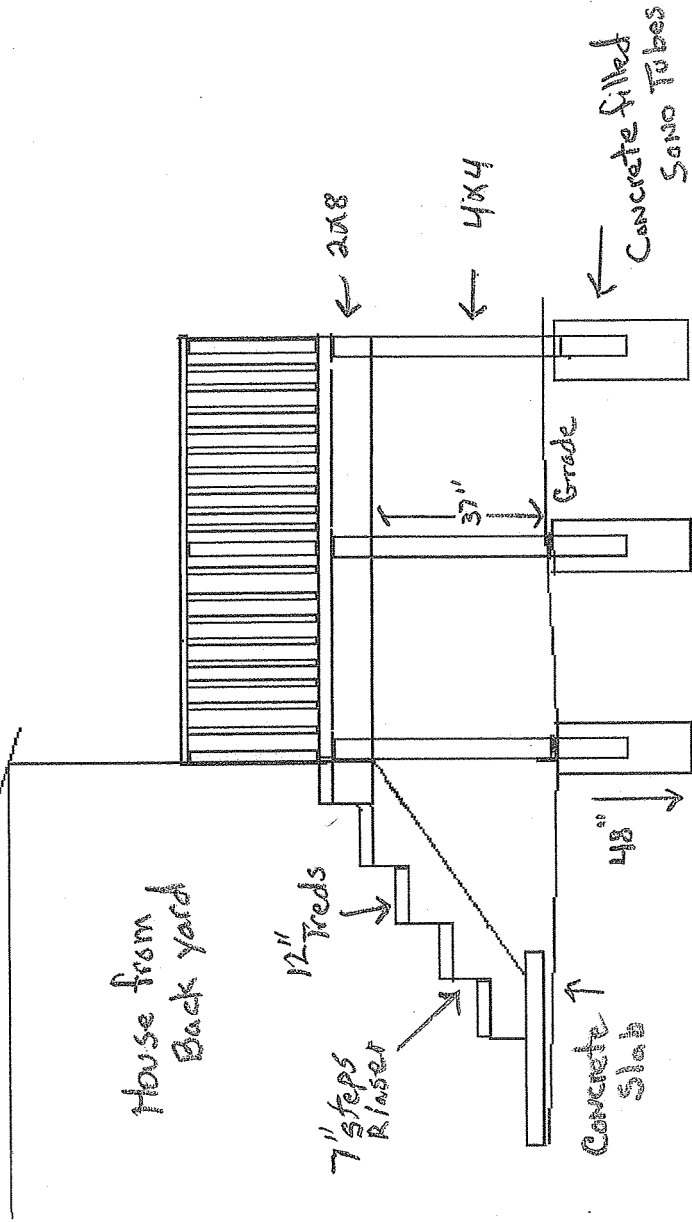
**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA

DATE: 26-Apr-12

WILFREDO'S GENERAL CONTRACTING  
P.O. BOX 209  
PLATEKILL, N.Y. 12568  
845-592-0389



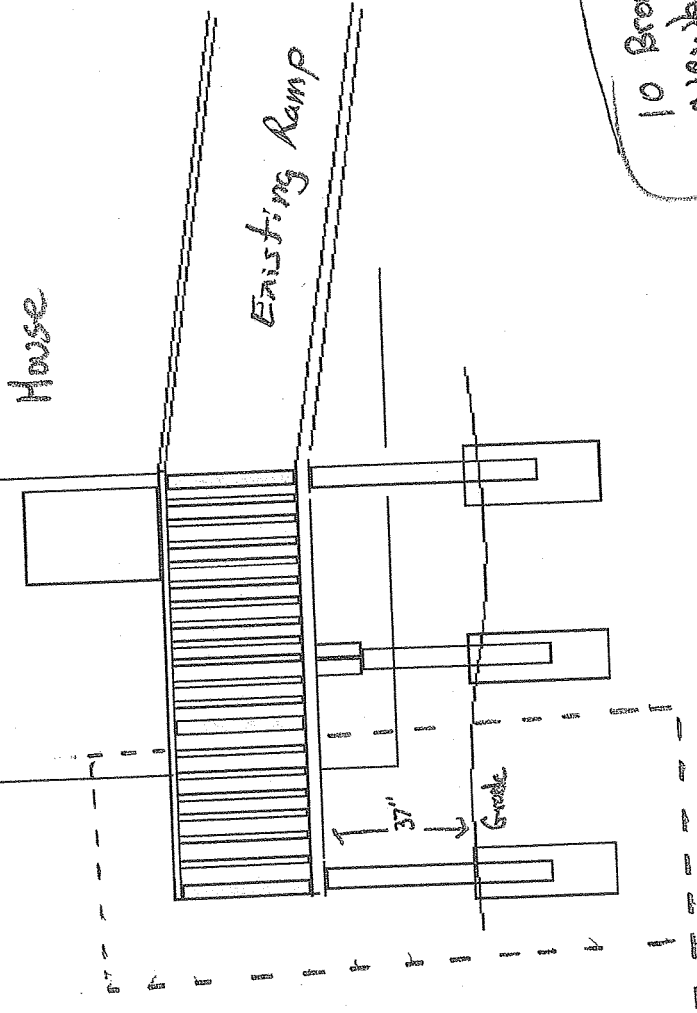
Back view

10 Brookside Ave  
Newburgh, N.Y.  
12550

Steps Has  
rails and spindles  
This draft  
Appears in compliance.

Side View

WILFREDO'S GENERAL CONTRACTING  
P.O. BOX 209  
PLATTEKILL, N.Y. 12568  
845-542-0339

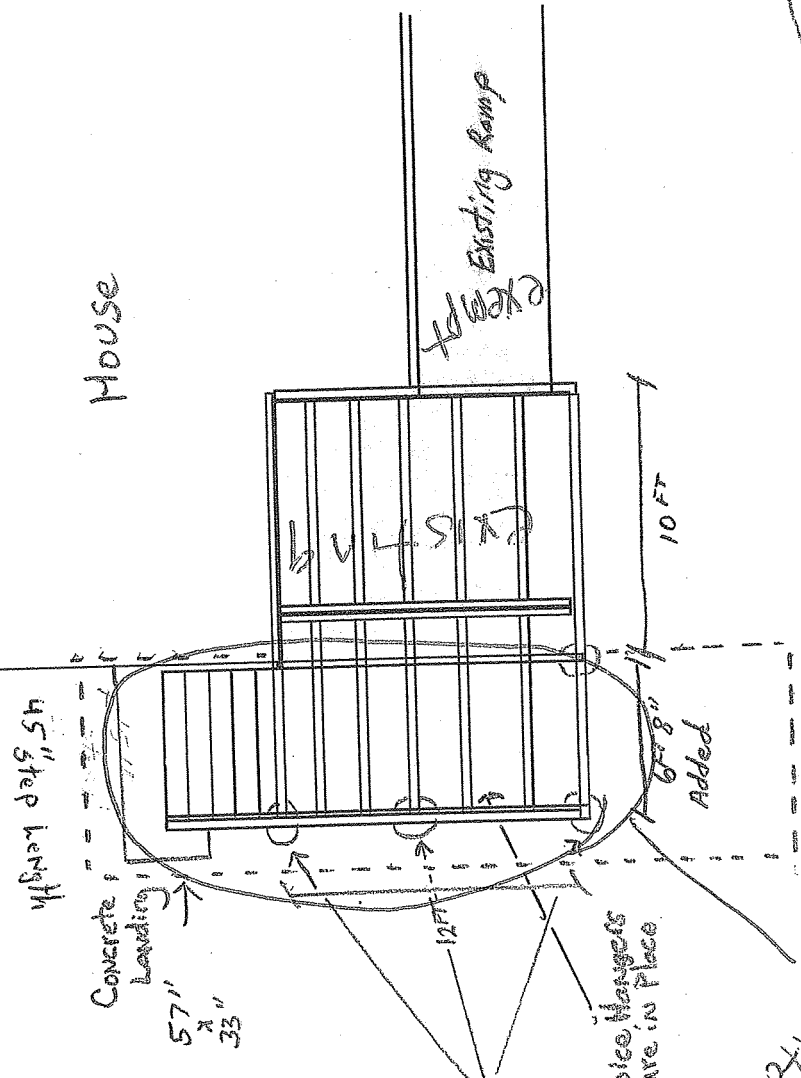
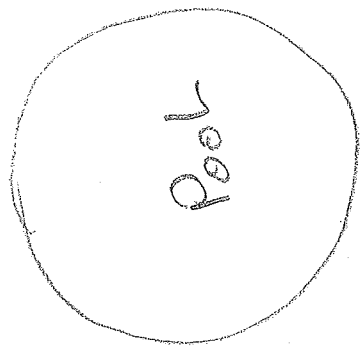


Pool

10 Brookside Ave  
Newburgh, NY  
12550

WILFREDO'S GENERAL CONTRACTING  
 P.O. BOX 200  
 PLATEKILL, N.Y. 12562  
 (845) 542-0337

Back yard



Front of House  
 Road

10 Bookside Ave  
 Newburgh, NY  
 12550

Top View

Built with permit  
 Increased deck size  
 conformity degree new  
 yard

**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

US BANK NATIONAL ASSOCIATION  
 AS TRUSTEE FOR CREDIT SUISSE  
 FIRST BOSTON BRANCH 2004-4  
 TO  
 ANTHONY VELITA

SECTION 71 BLOCK 5 LOT 23



RECORD AND RETURN TO:  
 (name and address)

JEREMY OTTO, ESQ  
 710 BROADWAY  
 NEWBURGH, NY 12550

*Handwritten signature and date:*  
 2/10/15

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 R MORTGAGE ✓ SATISFACTION     ASSIGNMENT     OTHER    

**PROPERTY LOCATION**

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)

NO PAGES 4 CROSS REF.      
 CERT. COPY     ADD'L X-REF.      
 MAP#     PGS.    

PAYMENT TYPE: CHECK ✓  
 CASH      
 CHARGE      
 NO FEE    

Taxable  
 CONSIDERATION \$ 259,000  
 TAX EXEMPT    

Taxable  
 MORTGAGE AMT. \$    

**MORTGAGE TAX TYPE:**

- (A) COMMERCIAL/FULL 1%
- (B) 1 OR 2 FAMILY
- (C) UNDER \$10,000
- (E) EXEMPT
- (F) 3 TO 6 UNITS
- (I) NAT.PERSON/CR. UNION
- (J) NAT.PER-CR.UN/1 OR 2
- (K) CONDO

**CITIES**

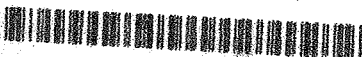
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

*Donna L. Benson*  
 DONNA L. BENSON  
 ORANGE COUNTY CLERK

RECEIVED FROM: Tier Abstract

RECORDED/FILED  
 10/24/2006/ 15:52:42  
 DONNA L. BENSON  
 County Clerk  
 ORANGE COUNTY, NY

FILE # 20060114786  
 DEED R / BK 12287 PG 1259  
 RECORDING FEES 117.00  
 TTX# 002770 T TAX 1,036.00  
 Receipt#647961 ffk



NY902 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the 19 day of September, in the year 2006  
BETWEEN US BANK NATIONAL ASSOCIATION as Trustee for Credit Suisse  
First Boston Heat 2004-4  
7495 New Horizon Way  
Frederick, MD 21703

party of the first part, and Anthony Velita  
25 Hawthorne Ave.  
Newburgh, NY

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 See Schedule A attached hereto  
for the property known as: 10 Brookside Ave.  
Newburgh, NY

Tax Map  
Designation

Dist.

Sec. 71

Blk. 5

Lot(s) 23

The within sale does not constitute all or substantially all of the assets of  
the corporation and is in its normal course of business. The use for which the  
premises is intended is residential purposes.

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 incumbered 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.

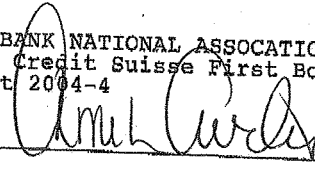
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

US BANK NATIONAL ASSOCIATION as Trustee  
for Credit Suisse First Boston  
Heat 2004-4

By:



Ami Curtis  
Assistant Vice President



**Schedule A Description**

Title Number 793-O-00001

Page 1

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, known as Lots No. 22 and 23 on a map entitled, "Section D, Winona Lake Development Co.", said map filed in the Orange County Clerk's Office on November 9, 1925 as Map Number 968 and being more particularly bounded and described as follows:

**BEGINNING** at an iron pipe found on the northeasterly side of Brookside Avenue, said pipe being the Southerly most corner of the lands reputedly of Knapp;

**RUNNING THENCE** from said point or place of beginning and along the lands reputedly of said Knapp, North 52 degrees 45 minutes 00 seconds East, a distance of 200.00 feet to an iron bar found;

**THENCE** along the lands reputedly of Hassdenteuffel, South 37 degrees 15 minutes 00 seconds East, a distance of 60.00 feet;

**THENCE** along the lands reputedly of Van Buren Living Trust, South 52 degrees 45 minutes 00 seconds West, a distance of 200.00 feet being North 37 degrees 15 minutes 00 seconds West, a distance of 60.99 feet from an iron found;

**THENCE** along the northeasterly side of said Brookside Avenue, North 37 degrees 15 minutes 00 second West, a distance of 60.00 feet to the point or place of **BEGINNING**.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of ) ss.:

On the day of before me, the undersigned, personally appeared in the year

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY: (New York Subscribing Witness Acknowledgment Certificate)

State of New York, County of ) ss.:

On the day of before me, the undersigned, personally appeared in the year

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(If the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of ) ss.:

On the day of before me, the undersigned, personally appeared in the year

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY: (Out of State or Foreign General Acknowledgment Certificate)

STATE OF MARYLAND; COUNTY OF FREDERICK ) ss.:

On the 19 day of September before me, the undersigned, personally appeared in the year 2006

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/ their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the STATE OF MARYLAND; COUNTY OF FREDERICK

(Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).

DAPHNE K. HASSELL Notary

DAPHNE K. HASSELL Notary Public - Maryland Frederick County My Commission Expires January 01, 2010

DISTRICT SECTION 71 BLOCK 5 LOT 23

COUNTY OR TOWN Orange County 10 Brookside Ave. Town of Newburgh

RECORDED AT REQUEST OF Fidelity National Title Insurance Company of New York RETURN BY MAIL TO

BARGAIN & SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE NO.

US BANK NATIONAL ASSOCIATION as Trustee for Credit Suisse First Boston Heat 2004-4

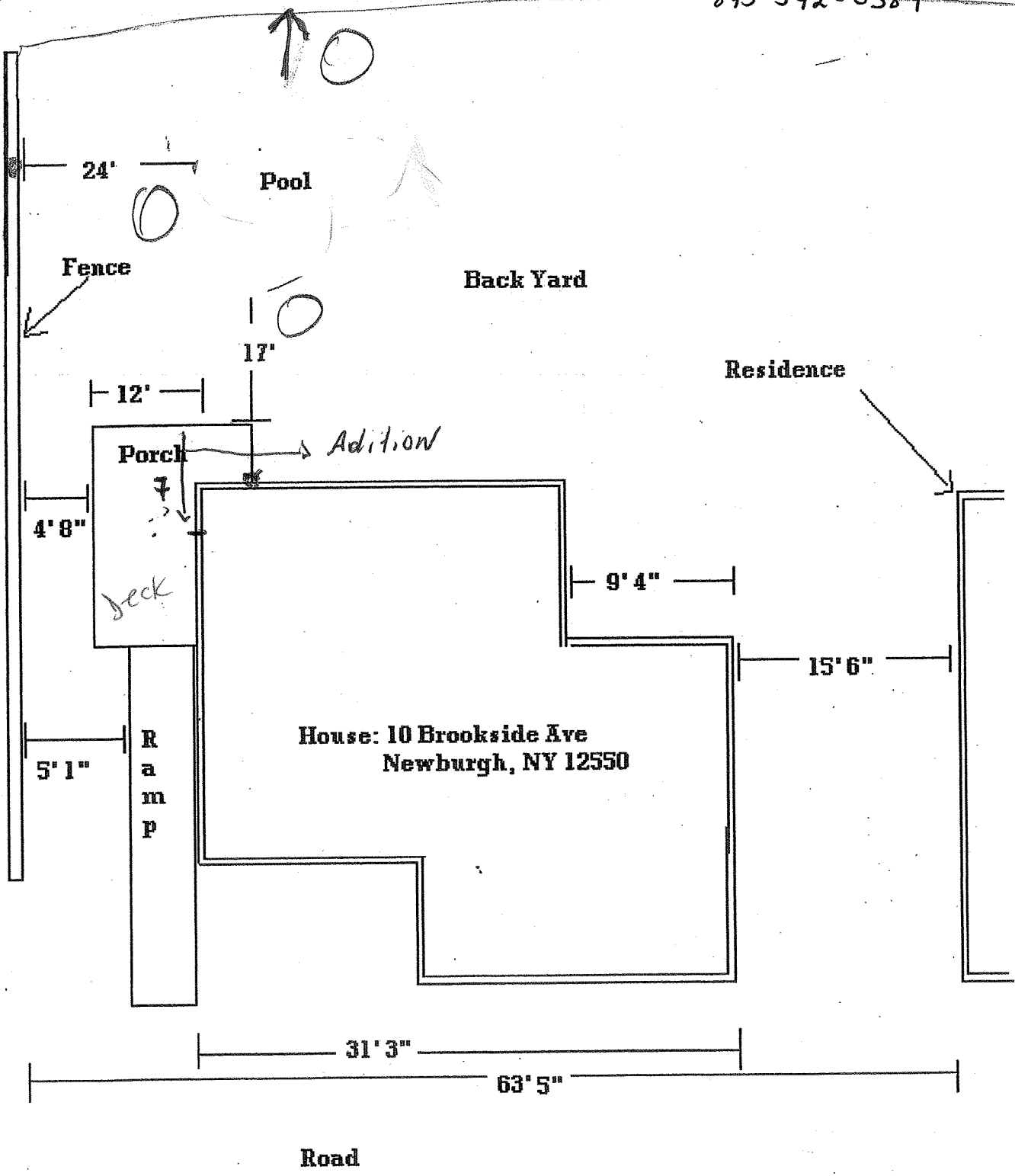
TO

Anthony Velita

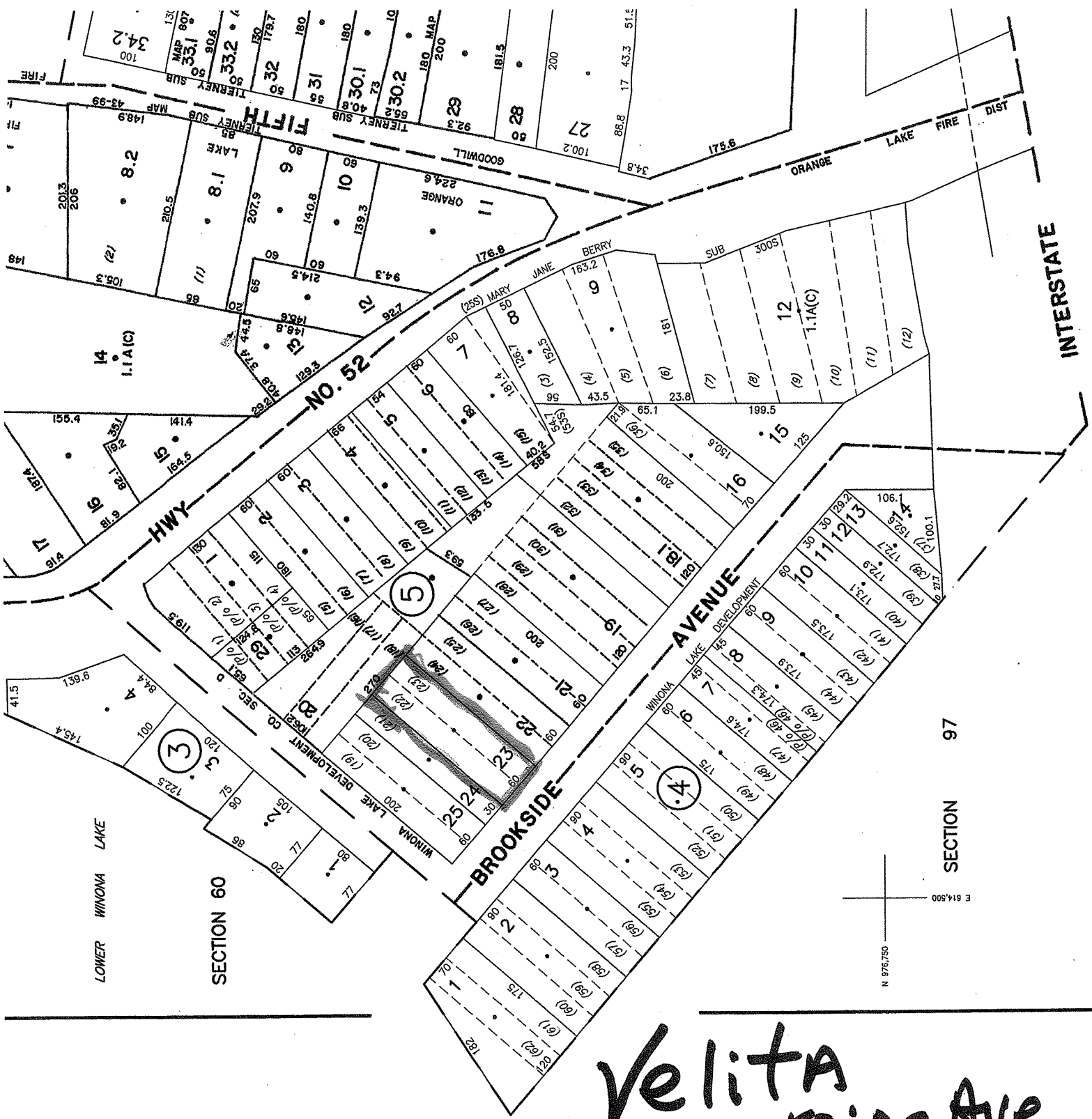


RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

WILFREDO'S GENERAL CONTRACTING  
P.O. BOX 209  
PLATTEKILL, N.Y. 12568  
845-542-0389



~~Brackets of pool~~



Velita  
 10 Brookside Ave  
 71-5-23