



A & B
1

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: 5/11/15

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

I (WE) Leonardo Villachica PRESENTLY

RESIDING AT NUMBER 14 Knights crl

TELEPHONE NUMBER 845-542-5330

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:

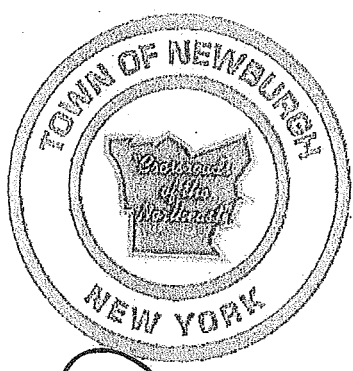
108-4-13 (TAX MAP DESIGNATION)

14 Knights crl (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 3.



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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: Sept. 10 2014

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: 10' variance for rear yard variance and 2746 SF for surface coverage.

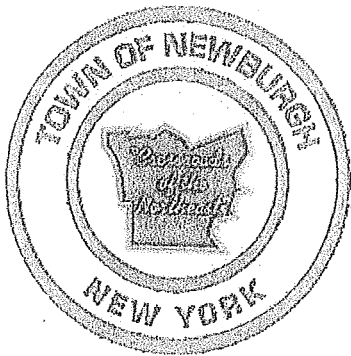
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

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:

On the contrary we had removed old rotten deck and pool to put a new one.

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:

Cause financial hardship to remove part of Deck

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

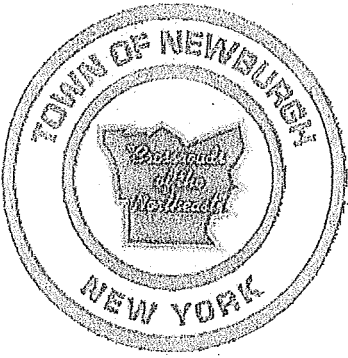
There was an Existing Deck & Pool. This Replacement is encroaching 10 feet in set Back.

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 in the same place where old deck and pool location was.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

it has already been created.



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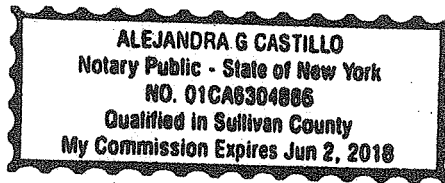
7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

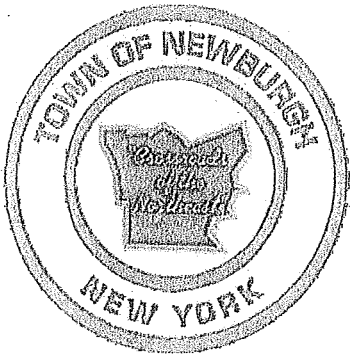
SWORN TO THIS 11TH DAY OF May 20 15

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)



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

PROXY

Leonardo Villachica, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 14 knights circle.

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

14 knights circle newburgh ny 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Edith Rojas

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/11/2015 _____

OWNER'S SIGNATURE

Robin Meade

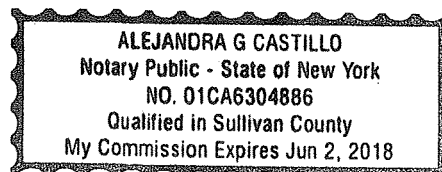
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11TH DAY OF May 20 15

Alejandro Castillo

NOTARY PUBLIC



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.

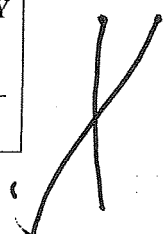
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Pool Deck and above ground pool</i>			
Project Location (describe, and attach a location map): <i>14 knights circle newburgh ny</i>			
Brief Description of Proposed Action: <i>None - at this time</i> <i>[Signature]</i>			
Name of Applicant or Sponsor: <i>Edith Rojas</i>		Telephone: <i>845-542-9277</i>	
		E-Mail:	
Address: <i>801 south st</i>			
City/PO: <i>newburgh ny</i>		State: <i>ny</i>	Zip Code: <i>12550</i>
# 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
# 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <i>Town of newburgh</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
* 3.a. Total acreage of the site of the proposed action? _____ acres		<i>1.38</i>	
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 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			

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: Edith Rojas Date: 5/11/15

Signature: [Signature] Edith M. Rojas



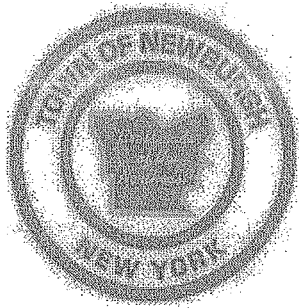
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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.

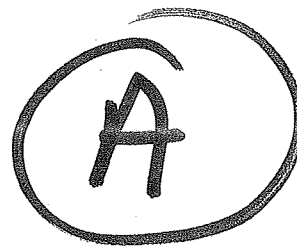
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



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

2456-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/08/2014

Application No. 14-0634

**To: Leonardo Villachica
14 Knights Cir
Newburgh, NY 12550**

**SBL: 108-4-13
ADDRESS: 14 Knights Cir**

ZONE: R-1

PLEASE TAKE NOTICE that your application dated 09/08/2014 for permit to keep a prior built 33' x 18' above ground pool on the premises located at 14 Knights Cir is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 3 requires a rear yard setback of 40' minimum.
- 2) Bulk table schedule 3 allows a maximum lot surface coverage of 20%


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

2456-14

NAME: LEONARDO VILLACHICA

ADDRESS: 14 KNIGHTS CIRCLE NEWBURGH NY 12550

PROJECT INFORMATION:

(A)

(A)

TYPE OF STRUCTURE: 18 X 33 POOL & 30 X 24 ATTACHED DECK

SBL: 108-4-13 ZONE: R-1

TOWN WATER: **YES** TOWN SEWER: **YES**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'	30'		10'	25.0%
SIDE YARD	38 / 43 =81	OK			
MAX. BUILDING HEIGHT					
BUILDING COVERAGE	OK				
SURFACE COVERAGE	20%=3040	5786 SF		2746 SF	90.3%

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: PRIOR BUILT POOL AND POOL DECK ALL CONNECTED TO THE DWELLING UNIT.

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 3 REQUIRES A REAR YARD SETBACK OF 40' MINIMUM
- 2 BULK TABLE SCHEDULE 3 ALLOWS A MAXIMUM OF 20% LOT SURFACE COVERAGE
- 3 _____
- 4 _____

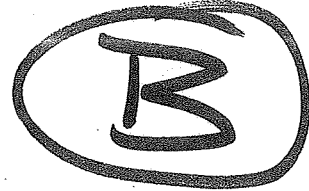
REVIEWED BY: JOSEPH MATTINA DATE: 30-May-14



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

2457-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/08/2014

Application No. 14-0635

**To: Leonardo Villachica
14 Knights Cir
Newburgh, NY 12550**

**SBL: 108-4-13
ADDRESS: 14 Knights Cir**

ZONE: R-1

PLEASE TAKE NOTICE that your application dated 09/08/2014 for permit to keep a prior built 30' x 24' pool deck on the premises located at 14 Knights Cir is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 3 requires a rear yard setback of 40' minimum.
- 2) Bulk table schedule 3 allows a maximum lot surface coverage of 20%.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: LEONARDO VILLACHICA

2457-14

ADDRESS: 14 KNIGHTS CIRCLE NEWBURGH NY 12550

PROJECT INFORMATION:

B

B

TYPE OF STRUCTURE: 18 X 33 POOL & 30 X 24 ATTACHED DECK

SBL: 108-4-13 ZONE: R-1

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'	30'		10'	25.0%
SIDE YARD	38 / 43 =81	OK			
MAX. BUILDING HEIGHT					
BUILDING COVERAGE	OK				
SURFACE COVERAGE	20%=3040	5786 SF		2746 SF	90.3%

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: PRIOR BUILT POOL AND POOL DECK ALL CONNECTED TO THE DWELLING UNIT.

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 3 REQUIRES A REAR YARD SETBACK OF 40' MINIMUM
- 2 BULK TABLE SCHEDULE 3 ALLOWS A MAXIMUM OF 20% LOT SURFACE COVERAGE
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 30-May-14

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

LINDA C. ARIAS
n/k/a LINDA C. PERRAN
TO
LEONARDO VILLACHICA

SECTION 108 BLOCK 4 LOT 13

RECORD AND RETURN TO:
(name and address)

JEFFREY OTTO, ESQ.
710 BROADWAY
Newburgh, NY 12550



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

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

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 325,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____
DATE _____

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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: J.T. abstract

RECORDED/FILED
08/08/2005/ 11:14:15
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050085239
DEED R / BK 11913 PG 0893
RECORDING FEES 117.00
TTX# 000275 T TAX 1,300.00
Receipt#457399 maryp

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 August 08, 2005 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 May 11, 2015

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



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

THIS INDENTURE, made the 3rd day of August, 2005

BETWEEN

LINDA C. ARIAS, n/k/a LINDA C. PERRAN, residing at 14 Knight's Circle, Newburgh, New York 12550

party of the first part, and

HWJ

LEONARDO VILLACHIA, residing at 14 Bridge Street, Newburgh, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

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, Ten Dollars and other valuable consideration dollars

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

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" when ever 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:

Linda C. Arias n/k/a Linda C. Perran

Linda C. Arias, n/k/a Linda C. Perran

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Orange, ss:

On the 3rd day of August in the year 2005, before me, the undersigned, personally appeared Linda C. Perran

, 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.

**Notary Public, State of New York
No. 02SP4941918
Qualified in Orange County
Commission Expires September 6, 2006**

Bonnie Spillers
NOTARY PUBLIC

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of _____, ss:
On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

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

, 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.

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK
STATE**

*State of _____, County of _____, ss:
*(Or insert District of Columbia, Territory, Possession or Foreign County)

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

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 make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

**Bargain and Sale Deed
with Covenants**

Title No. *JT-0-LA3323*

TO

SECTION: 108

BLOCK: 4

LOT: 13

COUNTY OR TOWN: Newburgh

RETURN BY MAIL TO:

Jeffrey Otto, Esq.
710 Broadway
Newburgh, NY 12550

DISTRIBUTED BY

YOUR TITLE EXPERTS
The Judicial Title Insurance Agency LLC
800-281-TITLE (8486) FAX: 800-FAX-9396

J.T. ABSTRACT CO., INC.
717 Broadway
Newburgh, NY 12550
JT-0-LA3323

Schedule A Description

Title Number JT-O-LA3323

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 and being Lot 13 in Block "A" on a map entitled "Meadow Hill West", said map filed in the Orange County Clerk's Office on November 3, 1971 as map number 2712 and being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Knights Circle, said point being the northwesterly most corner of Lot 12, the lands reputedly of Sughrim and also being 84.85 feet westerly from an iron pin found;

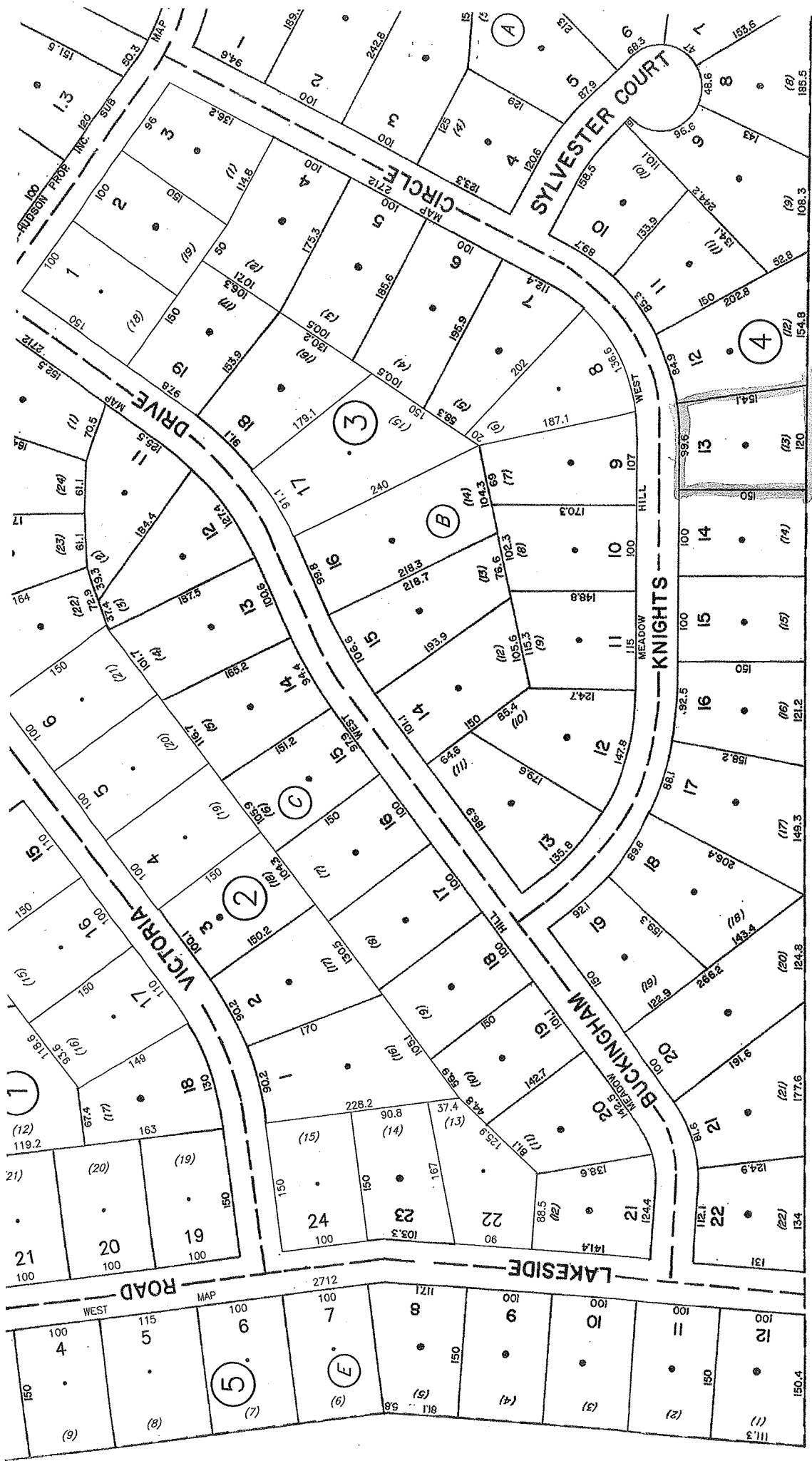
THENCE from said point or place of beginning and along said Lot 12, the lands reputedly of Sughrim, South 19 degrees 54 minutes 09 seconds West a distance of 154.10 feet to an iron pine found;

THENCE along the lands reputedly of Patlake and being along the general line of an old stone wall, North 62 degrees 26 minutes 50 seconds West a distance of 120.00 feet to an iron pine found;

THENCE along Lot 14, the lands reputedly of Best, North 27 degrees 33 minutes 10 seconds East a distance of 150.00 feet;

THENCE the following two courses and distances along the southerly side of said Knights Circle (1) South 62 degrees 26 minutes 50 seconds East a distance of 62.62 feet; (2) on a curve concave to the northeast having a radius of 250.00 feet and an arc length of 37.00 feet to the point or place of beginning.

As described according to a survey made by Howard W. Weeden, PLS dated June 30, 2005.



Villachica
 14 Knights Circle

3 600.5'

SECTION 47

(108-4-13)