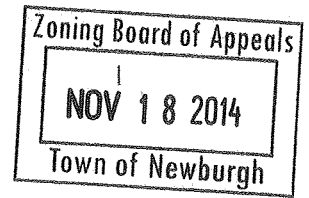




# TOWN OF NEWBURGH

*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: 11/12/14

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

I (WE) DAVID A. VOLKOWITZ PRESENTLY  
RESIDING AT NUMBER 53 EAST ROAD, WALLKILL, NY  
TELEPHONE NUMBER 845-542-3949

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

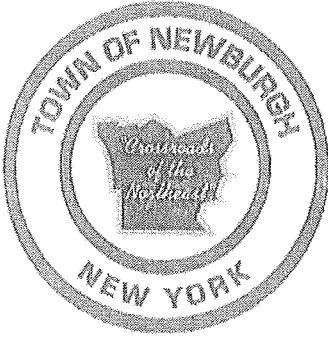
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

2-2-30 (TAX MAP DESIGNATION)  
53 EAST ROAD (STREET ADDRESS)  
RR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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-C-1 necessary degree of non-conformity



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
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: 10/17/14
- 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: \_\_\_\_\_

Allowing an increased degree of non-conformity

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

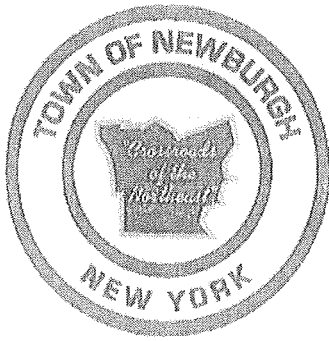
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- 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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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

N/A

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:

THIS VARIANCE WILL ALLOW A ROOF ON AN EXISTING DECK WITH THE SAME CHARACTER OF THE RESIDENCE. THE DECK IS AT THE BACK OF THE HOUSE, NOT FACING THE ROAD, AND SCREENED FROM NEIGHBORS BY TREES.

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 EXISTING HOUSE/DECK IS WITHIN 50 FEET OF THE PROPERTY LINE AS IS. ANY PROPERTY WORK REQUIRES A VARIANCE (CONSTRUCTION)

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

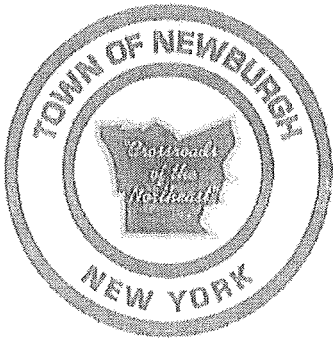
THE FOOTPRINT OF THE EXISTING DECK REMAINS THE SAME, THE AREA IS SCREENED BY FOLIAGE, THE VARIANCE IS ONLY FOR A ROOF AND NOT A COMPLETE ENCLOSURE.

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 ROOF WILL MATCH THE EXISTING HOUSE CHARACTER AND NOT EXCEED THE FOOTPRINT OF THE EXISTING DECK. IT IS HIDDEN FROM THE ROAD & SCREENED BY TREES/FOLIAGE.

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

THE HOUSE AND DECK ARE ON A 1 ACRE PLOT, ALREADY BUILT OUT OF CONFORMITY ON THE LAND WHEN PURCHASED. ANY WORK DONE ON THE HOME/DECK IS ALREADY OUT OF CONFORMITY AS PURCHASED. (LOT IS IN RR ZONE REQUIRING 2 ACRES BUT IS ONLY 1 ACRE)



# 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):

A ROOF & SCREENING WILL GIVE US GREATER ABILITY TO ENJOY THIS AREA/COMMUNITY AND STILL MAINTAIN THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOODS WITHOUT TAKING AWAY ANYONE'S ELSE'S RIGHTS OR VIEW OR ENJOYMENT.

PETITIONER(S) SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

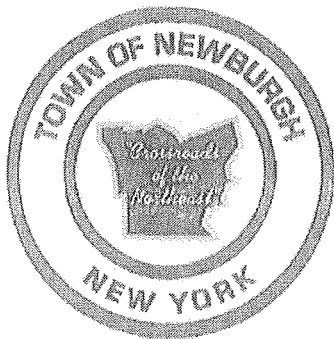
SWORN TO THIS 13<sup>th</sup> DAY OF Nov 20 14

*Florrie Lynne Yannitty*  
NOTARY PUBLIC

FLORRIE LYNNE YANNITTY  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 01YA4601262  
Commission Expires January 31, 20 15

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)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

N/A

\_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT \_\_\_\_\_

IN THE COUNTY OF \_\_\_\_\_ AND STATE OF \_\_\_\_\_

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED \_\_\_\_\_

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: \_\_\_\_\_

OWNER'S SIGNATURE

\_\_\_\_\_

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: DAVID VIOLANTE Place Roof on Deck (existing)			
Project Location (describe, and attach a location map): 53 East Road			
Brief Description of Proposed Action: Place Roof on existing deck (Co. # 12191-2005) to enclose with screening.			
Name of Applicant or Sponsor: DAVID VIOLANTE		Telephone: 845-566-4730	E-Mail: david.violante@gmail.com
Address: 53 East Road			
City/PO: Wallkill		State: NY	Zip Code: 12589
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 X	YES
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:		NO X	YES
3.a. Total acreage of the site of the proposed action?		1	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1	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
	X	
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
	X	
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
	X	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>DARY VOLANTE</u>	Date: <u>11/3/14</u>	
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?		
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

**2466-14**

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 10/17/2014**

**Application No. 14-0782**

**To: David Violante  
53 East Rd  
Wallkill, NY 12589**

**SBL: 2-2-30  
ADDRESS: 53 East Rd**

**ZONE: RR**

PLEASE TAKE NOTICE that your application dated 10/10/2014 for permit to enclose an existing rear deck on the premises located at 53 East Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section:  
185-19-C-1 Shall not increase the degree of non-conformity.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*

**NO**

2466-14

**NAME:**      DAVID VIOLANTE

**ADDRESS:**      53 EAST RD WALLKILL NY 12589

**PROJECT INFORMATION:**

**TYPE OF STRUCTURE:**      20' X 16' ENCLOSED REAR DECK

**SBL:**      2-2-30      **ZONE:**      RR

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	OK				
ONE SIDE YARD	50'	38.5'	INCREASING THE DEGREE OF NONCONFORMITY		
COMBINED SIDE YARDS	OK				
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:**      **DECK HAS A C/O # 12191-2005**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 Shall not increase the degree of non-conformity
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:**      JOSEPH MATTINA

**DATE:**      17-Oct-14

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

---

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.  
TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

**53 East Rd**

**Application # 14-0782**

**Name:** David Violante Wallkill NY 12589  
**Mailing Address:**  
**Phone Number:** 566-4730  
**Project:** enclosed porch  
**Contractor:** self  
**SBL:** 2-2-30  
**Date:** 10-17-2014

**SUBMIT ALL ITEMS @ THE SAME TIME**

**WHEN INTERIOR ALTERATIONS OCCUR ALL SMOKE & CO DETECTORS MUST BE UPGRADED.**

***ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED***

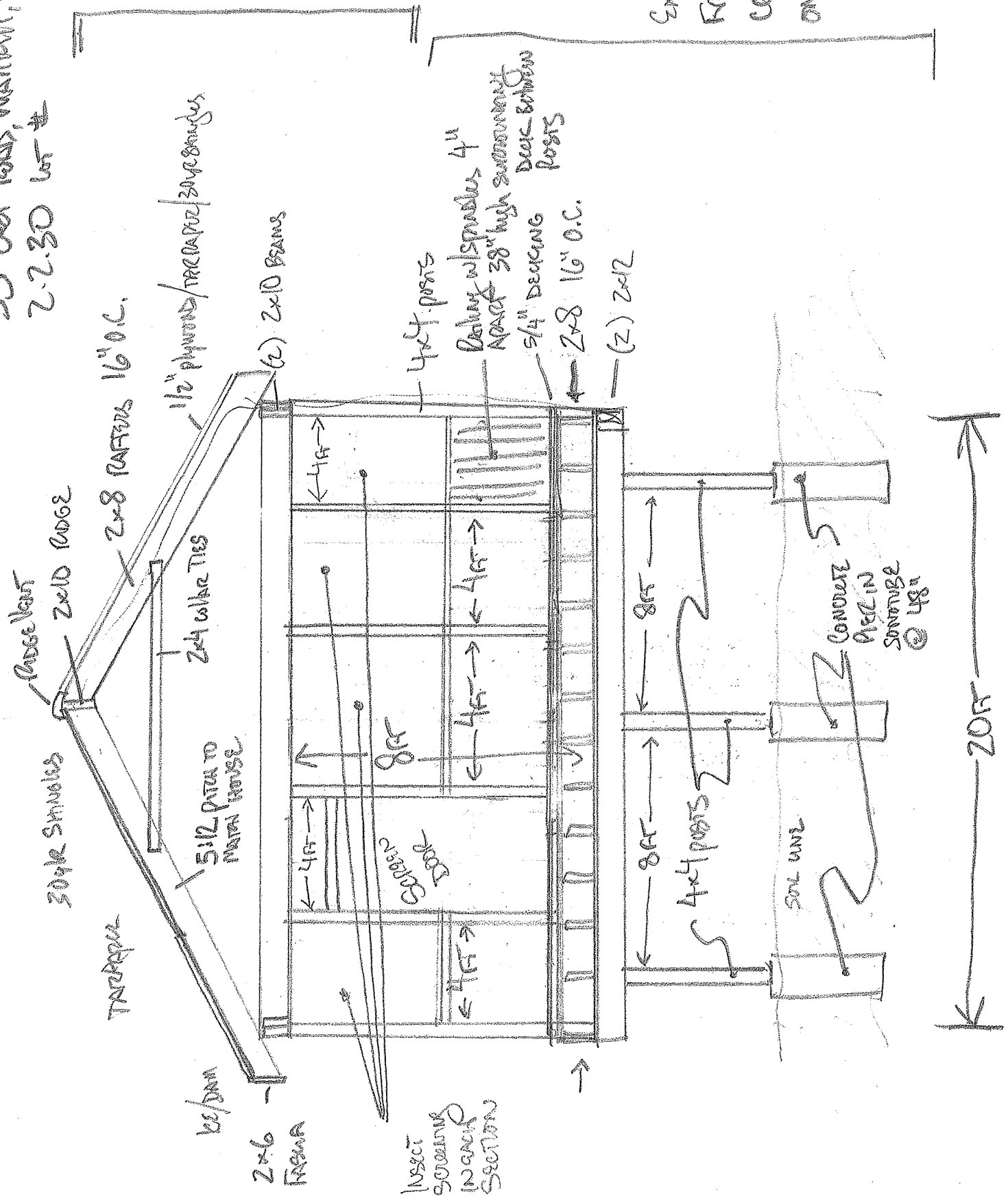
- 1) A variance will be required from the Zoning Board of Appeals before the permit can be issued.
- 2) Show the decks location on the survey.
- 3) If a variance is granted, a set of plans from a licensed design professional will be required. He would have to address the load transfer of the new addition and girder design of the existing structure.

*Joseph Mattina*  
Joseph Mattina  
Code Compliance

53 EAST ROAD, WALLKILL, NY  
 2-2-30 lot #

NEW  
 CONSTRUCTION

Existing Deck  
 Room  
 CO # 12191  
 ON 4/27/05

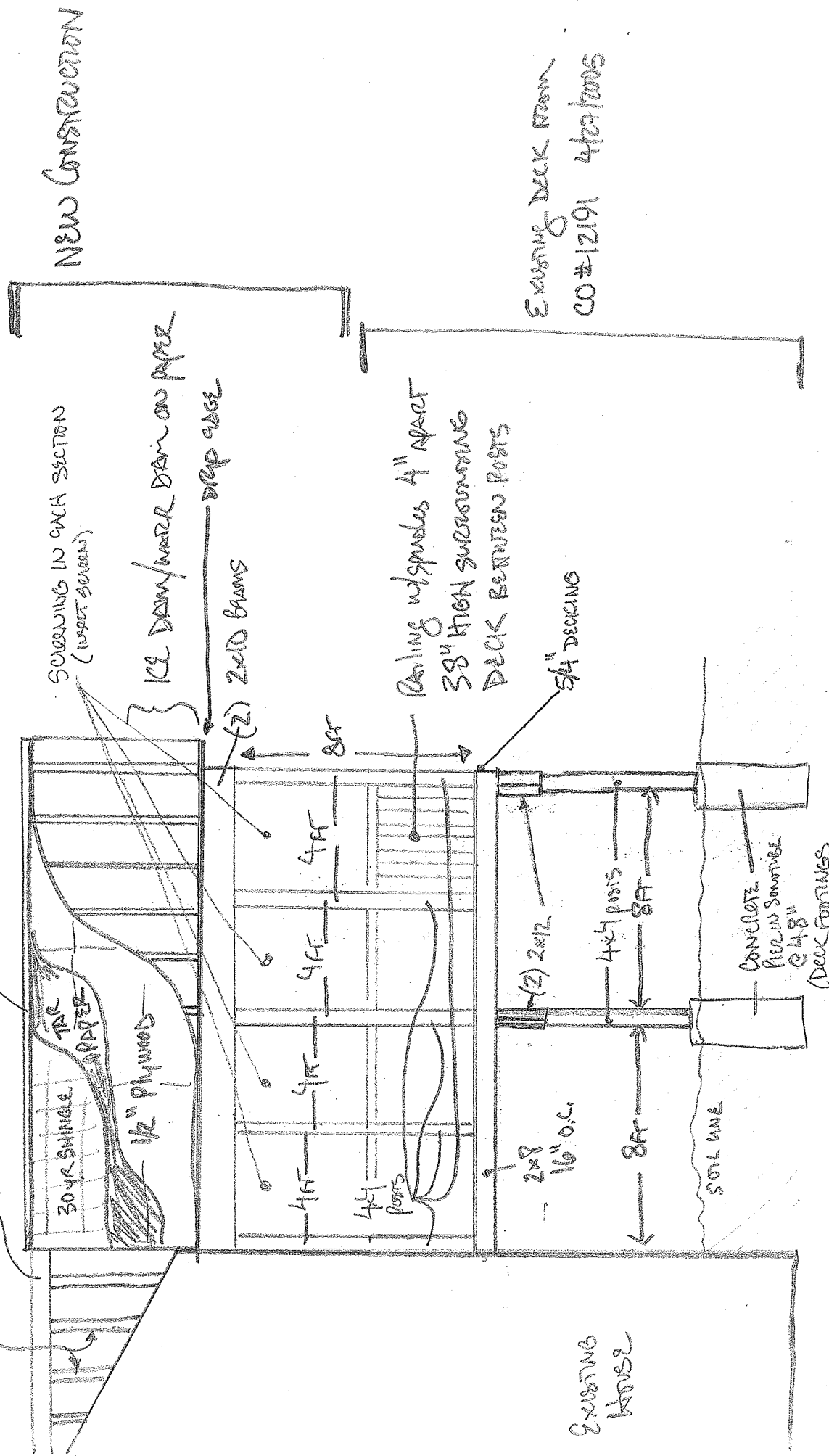


INSECT  
 SCREENING  
 IN GROUND  
 SECTION

CONCRETE  
 PIECE IN  
 SCHEDULE  
 484



53 EAST ROAD, WALLINGHAM NY  
Z-2-30 LOT #



NEW CONSTRUCTION

EXISTING DECK FROM  
CO #12191 4/2/2005

SOILING IN EACH SECTION  
(INSERT SHOWN)

ICE DAM/WATER DAM ON PAPER  
DRAIN EDGE

(2) 2x12 JOISTS

Railing w/ spindles 4" apart  
38" HIGH SURROUNDING  
DECK BETWEEN POSTS

5/4 DECKING

2x8 RAFTERS @ 16" O.C.  
2x10 RIDGE  
30 YR SHINGLE  
PAPER  
1/2" PLYWOOD

(2) 2x12

4x4 POSTS

CONCRETE  
PIER IN SMOOTHIE  
@ 48"  
(DECK FOOTINGS)

SOIL LINE

EXISTING  
HOUSE

8FT

4FT

4FT

4FT

8FT

8FT

8FT

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

PRINT OR TYPE IN BLACK INK ONLY.  
MICHAEL GIUSTA &  
TRACY F. GIUSTA  
TO  
DAVID A. VIOLANTE &  
ANITA A. VIOLANTE

SECTION 2 BLOCK 2 LOT 30

RECORD AND RETURN TO:  
(Name and Address)

STEWART TITLE INSURANCE CO.  
1 WATER STREET  
WHITE PLAINS N.Y. 10601

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

DO NOT WRITE BELOW THIS LINE  
CONTROL NO. 61358 DATE 9/2/94 AFFIDAVIT FILED \_\_\_\_\_ 18 \_\_\_\_\_  
INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER \_\_\_\_\_

BO20 Bleeding Grove	_____	SERIAL NO. _____		
CI22 Chester	_____	Mortgage Amount \$ _____	CHECK <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHARGE _____	
CO24 Cornwall	_____	Exempt Yes _____ No _____		
CR20 Crowland	_____	0-0 Cooking Units Yes _____ No _____		
DP20 Deepark	_____	Received Tax on above Mortgage	MORTGAGE TAX \$ _____	
GO30 Goshan	_____	Bonds \$ _____	TRANSFER TAX \$ <u>516.00</u>	
GR32 Greenville	_____	MTA \$ _____	ED. FUND \$ <u>0.00</u>	
HA34 Hamptonburgh	_____	Spec. Add. \$ _____	RECORD. FEE \$ <u>11.00</u>	
HI36 Highlands	_____	TOTAL \$ _____	REPORT FORMS \$ <u>30.00</u>	
MK38 Minerva	_____		CERT. COPIES \$ _____	
ME40 Monroe	_____			
MY42 Montgomery	_____			
MI44 Mount Hope	_____			
NT46 Newburgh (T)	_____			
NW48 New Windsor	<input checked="" type="checkbox"/>			
TU60 Tuxedo	_____			
WL62 Walkkill	_____			
WK64 Warwick	_____			
WA66 Wawayanda	_____			
WO68 Woodbury	_____			
MNOB Middletown	_____			
NO11 Newburgh	_____			
PJ13 Port Jarvis	_____			
BB69 Hold	_____			

MARION B. MURPHY  
Orange County Clerk

ORANGE COUNTY CLERK'S OFFICE N.Y.  
Recorded on 9-04 at SEP 2 3 1994  
in 4113 Lib/Film Deeds M.  
at page 047 and examined.  
*Ann G. Rabbitt*  
County Clerk

*Stewart Title*  
RECEIVED  
\$ 516.00  
REAL ESTATE  
SEP 23 1994  
TRANSFER TAX  
ORANGE COUNTY

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 09-23-1994 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 11-13-2014*

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

LIBER 4113 PAGE 247

ORG 09/23/94 09:04:41 44631 41.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 61358 516.00 \*  
\*\*\*\*\* SERIAL NUMBER: 001720 \*\*\*\*\*

*Law  
Gregory  
11/18/14  
[Signature]*

94A3463-0

DEED

THIS INDENTURE, made the 8th day of September, 1994, between MICHAEL GIONTA and TRACEY F. GIONTA, f/k/a TRACEY A. FITZGERALD, residing at 117 East Road, Wallkill, New York, party of the first part, and DAVID A. VIOLANTE and DORINDA A. VIOLANTE, his wife, residing at 1 King Street, Box 373, Marlboro, New York, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second 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, known and designated as Lot No. 2 on a certain map entitled "Subdivision Plan of Lands of Richard G. Barger" filed in the Office of the Orange County Clerk as map no. 8781 on March 24, 1988, and more particularly bounded and described as follows:

BEGINNING at a point on the northeasterly line of East Road, said point being the intersection of the northeasterly line of said East Road with the easterly line of lands now or formerly of Donohue, Liber 2020, Page 953; running thence along the easterly line of lands now or formerly of Donohue, North 14° 07' 15" East 275.00 feet to a point; thence leaving said line and running along the southwesterly line of lands of lot no. 5 and along the northwesterly line of lands of lot no. 1 as shown on a certain map entitled "Subdivision Plan of Lands of Richard G. Barger" and recorded in the Orange County Clerk's Office as Map No. 8781, the following: South 58° 01' 56" East 171.85 feet to a point; thence south 18° 40' 00" West 275.00 feet to a point on the northeasterly line of said East Road, North 55° 48' 35" West 150.95 feet to the point of beginning.

SUBJECT to the rights of public utilities of record.

SUBJECT to a 15 foot wide drainage easement running along the westerly boundary of the above herein described parcel, said drainage easement runs from East Road over and through the above herein described parcel to the southerly line of lands of Lot No. 5 as shown on aforesaid map no. 8781.

The premises are not in an agricultural district and the parcel is entirely owned by the transferors.

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 part 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 payments 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:

*Michael Gionta*  
MICHAEL GIONTA  
*Tracey F. Gionta*  
TRACEY F. GIONTA, f/k/a  
TRACEY A. FITZGERALD

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the 8th day of September, 1994 before me personally came MICHAEL GIONTA and TRACEY F. GIONTA, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged that they executed the same.

*Michael G. Gartland*  
Notary Public

RECORD & RETURN:

RANDALL LAWRENCE, ESQ.  
73 Old Deer Park Road  
Katonah, New York 10536

MICHAEL G. GARTLAND  
NOTARY PUBLIC, State of New York  
No. 4517015  
Qualified in Dutchess County  
Commission Expires Feb. 28, 1996

LIBER 4113 PAGE 249

J: 2  
B: 2  
C: 10

*Thomas Newbury*

COBBALLY, GARTLAND AND RAPPLEVEA • ATTORNEYS AND COUNSELORS AT LAW  
35 MARKET STREET • POUGHKEEPSIE, NEW YORK 12601 • (914) 454-1110

Ulster  
Plattekill

Violante  
53 EAST ROAD  
WALK:U  
2-2-30



3

34  
54.3A

14  
10A

2.9A(C)

7.7A(C)

1.8A(C)

2A

2-02

30

7A

17.25

7.1

22.1

40

1.9A

1.7A

41

43.1

2.4A

38

26.51

2.3A

25

24

10.1

1.4A

9

10.2

30

35

38.1

38.3

26A

33.3

26

25

24

26.4

2.1A

26.3

2A

26.2

2A

26.1

29

46

33.4

33.1

32

33.2

33.1

33.1

33.1

33.1

4255

364.1

200.1

408S

49

48

47

46

45

44

43

42

41

40

39

38

37

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1

364.1