

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: 5/31/15

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

I (WE) Daniel Wagner PRESENTLY
RESIDING AT NUMBER 261 Carter Ave. 26-5-1.1
TELEPHONE NUMBER 845 561 9204

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

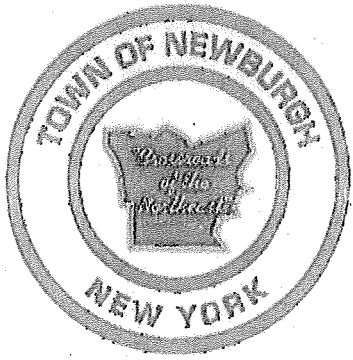
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

26-5-1.1 (TAX MAP DESIGNATION)
261 Carter Ave. (STREET ADDRESS)
R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-43-f



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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: 10-2-14
- 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: No pool shall be located in front yard - corner lot

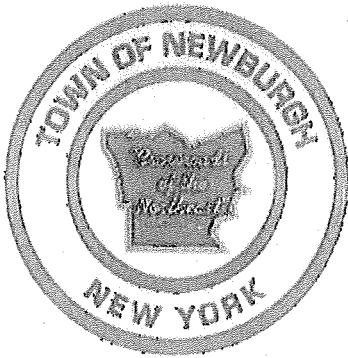
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

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

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

It is an above ground pool with wrap around deck that has been here for 35 years.

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:

of retaining wall and contour of property.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

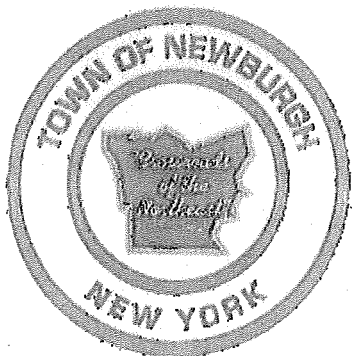
house set back 25 feet and pool set back is on 15 feet,

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 has been here for 35 years and hasn't had any adverse effect to my knowledge.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

I am not aware of any hardships created.



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7. ADDITIONAL REASONS (IF PERTINENT):

When I moved here 42 years ago, Kohl Rd. was a dirt path. I was not aware it was deemed a front yard.

David W. [Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS FIRST DAY OF JUNE 2015

[Signature]
NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 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.

| | | | |
|---|--|---------------------|-----------|
| Part 1 - Project and Sponsor Information | | | |
| EXISTING Pool & Deck | | | |
| Name of Action or Project: | | | |
| 261 CARTER AVE NEWB. | | | |
| Project Location (describe, and attach a location map): | | | |
| VARIANCE 185-43-F NO POOL in FRONT Yd (KOH/AVE) | | | |
| Brief Description of Proposed Action: | | | |
| | | | |
| Name of Applicant or Sponsor: | | Telephone: 561 9204 | |
| DANIEL WAGNER | | 845 | |
| Address: | | E-Mail: | |
| 261 CARTER AVE | | | |
| City/PO: | | State: | Zip Code: |
| NEWBURGH NY 17550 | | NY | 17550 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | | NO YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? | | | NO YES |
| If Yes, list agency(s) name and permit or approval: | | | |
| 3.a. Total acreage of the site of the proposed action? | | | |
| b. Total acreage to be physically disturbed? | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | | |
| 198.5 +/- acres | | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input checked="" 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: DANIEL WARNER Date: 5/31/15
 Signature: *Daniel Warner*

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? | | |

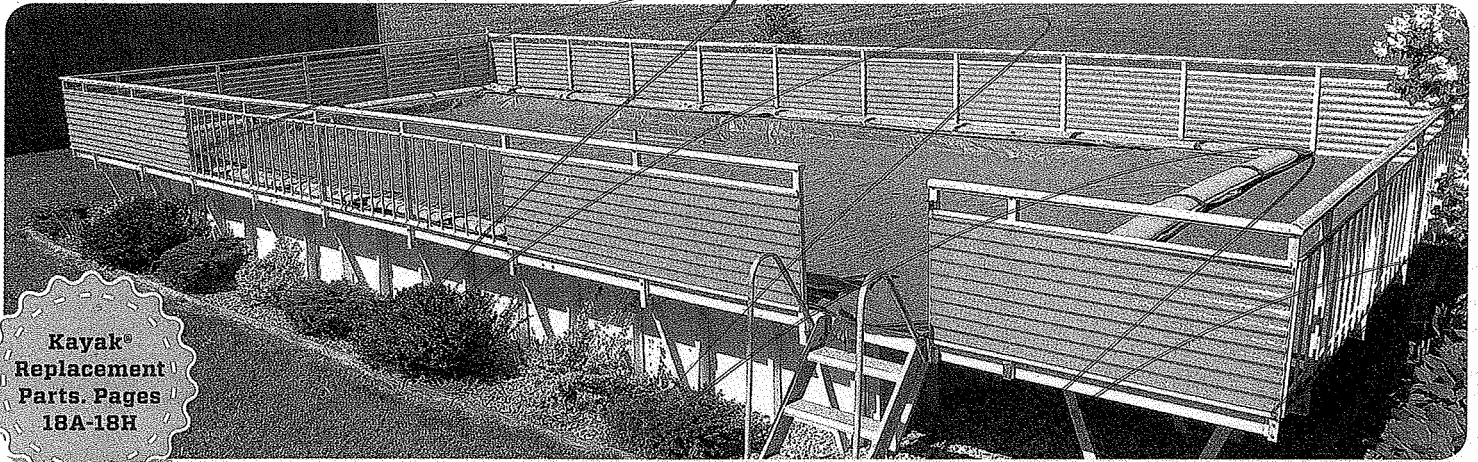
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant 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.

- 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) |

PAGES 18A-18L CONTAIN PARTS SPECIFICALLY DESIGNED FOR YOUR POOL.

If you can't find what you're looking for give us a call at 1-800-356-3025



**Kayak®
Replacement
Parts. Pages
18A-18H**



**Fanta-Sea™
Replacement
Parts. Pages
18I-18L**

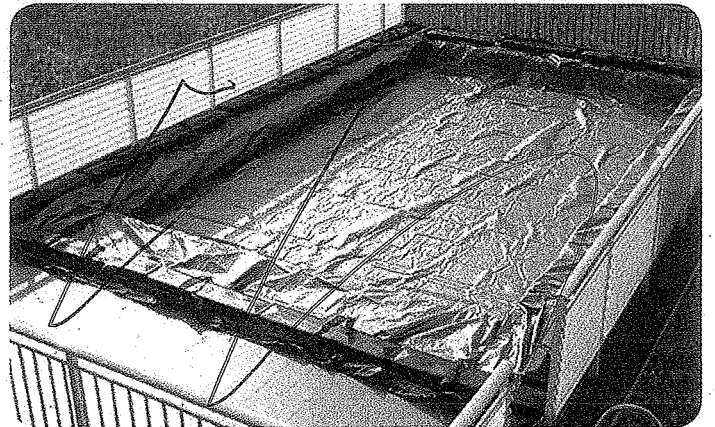
Ultimate 6' Overlap Cover

We have a winter cover with a 6' overlap designed for your Kayak® Pool or Fanta-Sea™ Pool.

The ultimate in a winter cover. Our Top-Of-The-Line Triple-Laminated cover is super tough. Manufactured using the thickest and highest quality woven polyethylene available. Built to withstand the heaviest snow loads and uv ray exposure. The best choice for unsurpassed quality and value. 15 year warranty. Blue on top/ black on bottom.

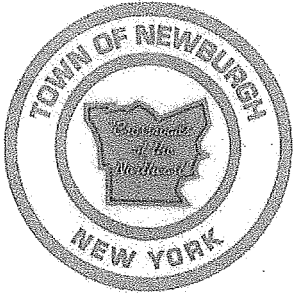
| ITEM # | POOL SIZE | COVER SIZE | YOUR PRICE |
|----------|-----------|------------|------------|
| # 521220 | 12 x 20 | 18 x 26 | \$69.99 |
| # 521224 | 12 x 24 | 18 x 30 | \$79.99 |
| # 521624 | 16 x 24 | 22 x 30 | \$99.99 |
| # 521632 | 16 x 32 | 22 x 38 | \$119.99 |
| # 522040 | 20 x 40 | 26 x 46 | \$149.99 |

*Kayak® and Kayak Pools® are trademarks of Kayak Pool Corporation. Leisure Living® is not affiliated with Kayak Pool Corporation or Kayak Pools®. All parts manufactured for, or purchased from, Leisure Living® are warranted by Leisure Living®.



Free Shipping • Handling as low as \$6.95

18A



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

2462-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/02/2014

Application No. 14-0693

To: Daniel Wagner
261 Carter Ave
Newburgh, NY 12550

SBL: 26-5-1.1
ADDRESS: 261 Carter Ave

ZONE: R-3 Town water

PLEASE TAKE NOTICE that your application dated 09/23/2014 for permit to keep a prior built 16' x 32' above ground pool with a wrap around deck on the premises located at 261 Carter Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
185-43-F : No pool shall be located in a front yard.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

2462-14

Town of Newburgh Code Compliance

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

NAME: DANIEL WAGNER

ADDRESS: 261 CARTER AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 16 X 32 ABGRD POOL & WRAP AROUND DECK

SBL: 26-5-1.1 ZONE: R-3

TOWN WATER: YES TOWN SEWER: NO

| | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|----------|----------|----------|---------------------|
| HOUSE SET BACK | 25' | | | |
| POOL & DECK SET BACK | 15' | | | |
| LOT DEPTH | | | | |
| FRONT YARD | | | | |
| REAR YARD | | | | |
| SIDE YARD | | | | |
| MAX. BUILDING HEIGHT | | | | |
| BUILDING COVERAGE | | | | |
| SURFACE COVERAGE | 30% OK | | | |

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: **CORNER LOT. (2) FRONT YARDS: CARTER AVE & KOHL AVE.**

VARIANCE(S) REQUIRED:

- 1 185-43-F No pool shall be located in a front yard. (Kohl Ave)
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 2-Oct-14

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

DANIEL J. WAGNER &
SANDRA H. WAGNER
TO
DANIEL J. WAGNER,
SANDRA H. WAGNER, &
KRISTEN E. WAGNER

SECTION 26 BLOCK 5 LOT 1.1

RECORD AND RETURN TO:
(Name and Address)

MR. & MRS. DANIEL J. WAGNER
261 CARTER AVE.
NEWBURGH, NEW YORK 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 JT-0-LA2821C

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)
X 4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALKKILL (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

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CERT. COPY ADD'L X-REF
MAP # PGS. /
PAYMENT TYPE: CHECK /
CASH
CHARGE
NO FEE

CONSIDERATION \$ 0
TAX EXEMPT
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: [Signature]

RECORDED/FILED
10/14/2003/ 09:17:53
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030131065
DEED / BK 11226 PG 1099
RECORDING FEES 92.00
TTX# 002736 TRANS TAX 0.00
Receipt#171942 dab

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 October 14, 2003 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 June 21, 2015
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS;
ORANGE COUNTY



JTD-LA2821C

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTORS ACTS

DEED

THIS INDENTURE, made the 26th day of September, 2003, BETWEEN

**Daniel J. Wagner and Sandra H. Wagner, husband and wife, residing at
261 Carter Avenue, Newburgh, NY 12550,
as party of the first part, and**

**Daniel J. Wagner and Sandra H. Wagner and Kristen E. Wagner, as joint tenants with
rights of survivorship, residing at
261 Carter Avenue, Newburgh, NY 12550,
as 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, the receipt and adequacy
of which is hereby acknowledged, 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, more particularly bounded and described as is set forth on Schedule "A" annexed
hereto.**

**BEING AND INTENDED TO BE the same premises conveyed to Daniel J. Wagner and
Sandra H. Wagner, from Angelo J. Stellitano, Jr., dated February 8, 1990 and recorded in the
Orange County Clerk's Office on April 25, 1990 in Liber 3283 at page 240 and also conveyed
to Daniel J. Wagner and Sandra H. Wagner by deed from Joseph Comeyea, Jr., dated March
27, 1981 and recorded April 14, 1981 in the Orange County Clerk's Office in Liber 2191 at
page 226.**

SAID PREMISES DO NOT LIE WITHIN AN AGRICULTURAL DISTRICT.

**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 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 reads "parties" whenever the sense of the indenture so requires.**

Schedule A

Title Number JT-O-LA2821C

Page 1

ALL that certain plot, piece or parcel of land situate lying and being in the Town of Newburgh, Orange County, New York, known as Lot #25 and a part of Lot #26 on a map of lands of Kohl and Vandermark made by Blake & Woodhull, engineers, dated June 2, 1927, filed in the office of the Clerk of Orange County, being more particularly bounded and described as follows:

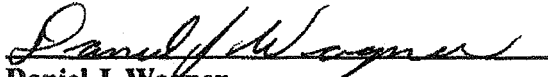
BEGINNING in the center of Ridge Road at a point where the southerly line of a street or road known as Kohl Avenue intersects the same and runs thence westerly along the said Kohl Avenue, 203.5 feet to lands now or formerly of Kohl and Vandermark, thence in a southerly direction for a distance of 70 feet to a point, thence in an easterly direction through lands of Giametta for a distance of 204 feet more or less to a point in the center line of said Ridge Road which point is 70 feet southerly from the intersection of the center line of said Ridge Road with the southerly line of Kohl Avenue, thence northerly along the center line of said Ridge Road 70 feet to the point or place of BEGINNING.

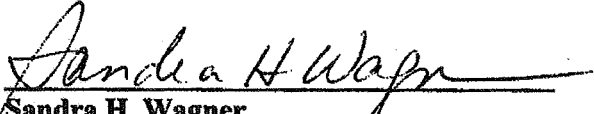
ALL that certain plot, piece or parcel of land situate lying and being in the Town of Newburgh, County of Orange, State of New York and being more particularly described as follows:

BEGINNING at an iron pipe set in the southerly line of Kohl Avenue, said point also being North 65° 35' 00" West, 198.50 feet from an iron pipe set in the westerly line of Carter Avenue; thence along the lands now or formerly of Stellitano South 24° 25' 00" West, 70 feet to an iron pipe set; thence South 65° 35' 00" East 20.0 feet; thence along the lands now or formerly of Wagner, North 24° 25' 00" East, 70.0 feet to a point in the southerly line of Kohl Avenue; thence along the southerly line of Kohl Avenue, North 65° 35' 00" West, 20.0 feet to the point and place of BEGINNING.

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

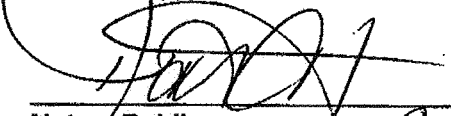
IN THE PRESENCE OF:


Daniel J. Wagner


Sandra H. Wagner

STATE OF NEW YORK, COUNTY OF ORANGE) ss:

On the 26th day of September, in the year 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **Daniel J. Wagner and Sandra H. Wagner**, 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 *Orange Co. N.Y.*
Exp 8/31/06

Tax Identification number: 26-5-1.1
Town of Newburgh
County of Orange
State of New York

Record and Return to:
Mr. & Mrs. Daniel J. Wagner
261 Carter Avenue
Newburgh, NY 12550

