

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: 1/-27-17

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

I (WE) Miltont MONTEZ BUX TON PRESENTLY RESIDING AT NUMBER 8 DENE ROAd, Newburgh. N.Y. 12550 TELEPHONE NUMBER 845-564-6156

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

A USE VARIANCE Need AN AREA VARIANCE INTERPRETATION OF THE ORDINANCE SPECIAL PERMIT 1. LOCATION OF THE PROPERTY: 93-1-28 1. (TAX MAP DESIGNATION) & Deve Ropd, Newb. N.Y. (STREET ADDRESS) _____ (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW), Bulk TAble Schedule



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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: Oct. 17, 2017
 - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: DCT. 17, 2017
- 4. DESCRIPTION OF VARIANCE SOUGHT: EXISTING REAR YARD 24'-6", Need 40', (Need VARIANCE for 15'-6")
- 5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHP 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: The building freq is behind My home. There is A Small wooded frea 5 Trip between My Neighbor And I.



- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: OF A REASON VARIANCE CHANGE, The VARIANCE WENT from 20' to 40',
- 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:

2e Requested deck IS IAL house, out of Eighbors.

- 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: <u>TROPERTY IN THE BACK OF OUR LOME IS</u> OLON by OUR NEIGHBOR (WE CAN
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: <u>IT will NOT Effect ANYONE IN The</u> <u>Neighborhood</u>
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: <u>The Requested deck is ONLY 2' LONGER</u> <u>AND 2'-06" Wider THAN THE ORIGINAL</u> deck when the house was buy It

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: <u>The VARIANCE WAS CHANGE FROM</u> 20', TO NOW: 40' FOR back YARds.



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7. ADDITIONAL REASONS (IF PERTINENT):

ETITIONER (S) SIGNATU

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27th DAY OF NOVEMBER 2017 DTARYPUBLIC

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. (ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information ilton & MONTEZ BUXTON, & DENERd. Newb. N.Y. L Name of Action or Project: Project Location (describe, and attach a location map): 28 Brief Description of Proposed Action: Replace old deak / update To Code Name of Applicant or Sponsor: Telephone: STON/MONTEZ BUXTON E-Mail ,Com Address: ROAD City/PO: State: Zip Code: 550 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, NO YES administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that X 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: $|\mathcal{M}|$ 3.a. Total acreage of the site of the proposed action? acre 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? acreg 4. Check all land uses that occur on, adjoining and near the proposed action. Commercial Residential (suburban) Urban Rural (non-agriculture) **X**Forest Agriculture Aquatic Other (specify): Parkland

a. A permitted use under the zoning regulations? NO YES NO b. Consistent with the adopted comprehensive plan? Image: Consistent with the adopted comprehensive plan? Image: Consistent with the proposed action consistent with the predominant character of the existing builtor natural indices plan? NO YES 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical lis/ironmental Area? NO YE 8. a. Will the proposed action result in a substantial increase in traffic above present leels? NO YE b. Are public transportation service(s) available at or near site of the proposed action? NO YE c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? NO YE 9. Does the proposed action miset or exceed the site energy code requirements? NO YE 10. Will the proposed action connect to an existing public/private water supply? NO YES 11. Will the proposed action connect to existing wastewater utilities? NO YES 12. a. Does the site contain a structure that is listed on either the State or National Register of Tilstoric NO YES 13. a. Does any portion of the site of the proposed action is query feet or ances: NO YES 14. Identify the vypioal habitat types that occur on, or are likely to be fo	a. A permitted use under the zoning regulations? NO YES b. Consistent with the adopted comprehensive plan? NO YES c. Is the proposed action consistent with the predominant character of the existing built or natural landscape? NO YES 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Aren? NO YE 8. a. Will the proposed action result in a substantial increase in traffic above present leels? NO YE b. Are public transportation service(s) available at or near the site of the proposed action? NO YE c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? NO YE c. Are any pedestrian accommodations or bicycle routes available at or near site of the proposed action? NO YE if the proposed action connect to an existing public/private water supply? NO YES If No, describe method for providing potable water: NO YES If No, describe method for providing wastewater treatment: NO YES If No, describe method for providing wastewater treatment: NO YES If No, describe method for providing wastewater treatment: NO YES If No, describe method for providing wastewater treatment:	5. Is the proposed action,		· · · · · · · · · · · · · · · · · · ·	
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Wetland Urban Suburban 5. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? 6. Is the project site located in the 100 year flood plain? NO YES 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	Image: Approximation	4. Identify the typical babitat types that occur an arrest in the typical		-	
Wetland Urban Suburban 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed NO YES by the State or Federal government as threatened or endangered? NO YES 16. Is the project site located in the 100 year flood plain? NO YES 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES 17. Will storm water discharges flow to adjacent properties? NO YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? I	Wetland Urban Suburban 5. Does the site of the proposed action contain any species of animal, or associated habitats, listed NO YES by the State or Federal government as threatened or endangered? NO YES 6. Is the project site located in the 100 year flood plain? NO YES 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES f Yes, a. Will storm water discharges flow to adjacent properties? NO YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? I	Shoreline Forest Agricultural/grassland	ls DEarly mid-successions	hat apply:	
by the State of Federal government as threatened or endangered?	by the State of Federal government as threatened or endangered? 6. Is the project site located in the 100 year flood plain? 7. Will the proposed action create storm water discharge, either from point or non-point sources? a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐ Wetland ☐ Urban ⊠ Suburban			
by the State of Federal government as threatened or endangered?	by the State of Federal government as threatened or endangered? 6. Is the project site located in the 100 year flood plain? 7. Will the proposed action create storm water discharge, either from point or non-point sources? a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	5. Does the site of the proposed action contain any species of animal,	or associated habitats, listed		VFS
 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	 7. Will the proposed action create storm water discharge, either from point or non-point sources? a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	by the State or Federal government as threatened or endangered?			
 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	 7. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	6. Is the project site located in the 100 year flood plain?			VEC
 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	77 111111			
 a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	 a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 	1. Will the proposed action create storm water discharge, either from f Yes.	point or non-point sources?		YES
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		X NO YES	X	
		b. Will storm water discharges be directed to established conveyance f Yes, briefly describe:	e systems (runoff and storm drains)?	1	

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 Ver, explain a superior of the proposed action of the proposed action of the proposed action pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	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
	\boxtimes	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE E	EST O	F MY
Applicant/sponsor name: Milton H. BUX TON Date: 11-27-1 Signature: Milton H. BUXTON	7	

Agency Use Only	[If	applicable]
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Project: ______
Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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?"

1.		No, or small impact may occur	Moderate to large impact may occur
	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
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?	\square	
·4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	· 🔲
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?	X	
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?	Ň	
7.	Will the proposed action impact existing: a. public / private water supplies?	\square	Ĺ.
	b. public / private wastewater treatment utilities?		
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	\boxtimes	
11.	Will the proposed action create a hazard to environmental resources or human health?	X	

Agency	Hee	Only	If applicable]
rigency	Use	Omy	I applicable

10

Project: Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

environmental impact statement is required.	
Check this box if you have determined, based on the info	rmation 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

Permit No. 17-0342

File Date: 07/26/2017 SEPTIC PERMIT

SEC-BLK-LOT: 93-1-28

Fee:50.00

THE UNDERSIGNED IS HEREBY APPROVED FOR THE FOLLOWING:

PERMIT FOR (NEW/REPAIR): Repair

TYPE (SEPTIC/AEROBIC/SEEPAGE/LEACH): TANK & PUMP

Contractor's Name: US SEAMLESS Address: 14 FULLERTON NEWBURGH, NY 12550 Owner's Name: Milton Buxton Address: 8 Dene Rd Newburgh, NY 12550

Location of Property: 8 Dene Rd Newburgh, New York 12550

Subdivision:

Extra Showers:

Occupants: Bedrooms:

Garbage Disposal:

Sub/Lot:

Trench Lin (Ft):

Lot Size:

Baths:

Automatic Laundry Washer:

Trench Width:

Tank Cap (Gal): 1,000

Description of Work : REPLACE SEPTIC PUMP

Receipt(s): 9019

INSPECTOR Joseph Mattina. SANITARY

Prior to issuance of a Certificate of Occupancy for a dwelling unit on a lot within a realty subdivision not subject to review by the Orange County Department of Health, the Town of Newburgh Building Inspector must receive an 'as built' plan of such system bearing the following certification of a professional engineer or other authorized design professional.

'I hereby certify to the Town of Newburgh that the sewerage system depicted on this plan has been designed and installed in accordance with the New York State Public Health Law and all regulations promulgated there under.'

(Signature of Applicant)



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

2652-17

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/17/2017

Application No. 17-0341

ط Mowtez Baxtav To: Milton Buxton 8 Dene Rd Newburgh, NY 12550

SBL: 93-1-28 ADDRESS:8 Dene Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 05/08/2017 for permit to Replace the rear 8'-6" x 26' rear deck that was originally built without a permit on the premises located at 8 Dene Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3 requires a rear yard setback of 40' minimum.

Joseph Mattina

Cc: Town Clerk & Assessor (500') File

Town of OWNER INFORMATION	BUIL	T WITH OUT	A PERMIT	r VES	/ NO -	157-
NAME:	Milton Buxte	on & Monte	2 Buxton	Building App	lication #	17-0341
ADDRESS:						
PROJECT INFORMATIO					SE VARIANCE	
TYPE OF STRUCTURE:		8'-				
SBL: 93-1-28	ZONE:				on #	annonen ander ander and
TOWN WATER: YES /		TOWN				
Γ	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE	
LOT AREA	an a			VARIANCE	PERCENTAGE	
LOT WIDTH						
LOT DEPTH		· ·				
FRONT YARD						
REAR YARD	40'	24'-6"		15'-6"	38.75%	
SIDE YARD				10 0	00.7070	
MAX. BUILDING HEIGHT						
BUILDING COVERAGE						
SURFACE COVERAGE						
NCREASING DEGREE OF NO 2 OR MORE FRONT YARDS F CORNER LOT - 185-17-A ACCESSORY STRUCTUF GREATER THEN 1000 S.F. OR FRONT YARD - 185-15-A STORAGE OF MORE THEN 4 HEIGHT MAX. 15 FEET - 185-1 10% MAXIMUM YARD COVER	RE: BY FORMU VEHICLES 5-A-1	ULA - 185-15-A			YES	S / NO S / NO S / NO S / NO S / NO S / NO S / NO
NOTES: Replac	cing a rear	deck that wa	s originally	built withou	it a permit.	
VARIANCE(S) REQUIRED):					
1 Bulk table schedule 3 requre	s a minimum	40' rear vard	sethack			-
2					1979 - 1974 - 1977 - 1978 - 1978 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 - 1979 -	
3	ana ana amin'ny faritana amin'ny faritana amin'ny faritana					
						tarra Danta School S
4		na da cara da se				
REVIEWED BY:	Joseph Mat	tina	DA	TE:	17-Oct-17	



Pro Deck Design™



3D View



Warning and Important Instructions: This is not a final design plan or estimate. EDGENET, INC. assumes no responsibility for the correct use or output of this program. All information contained on this page is subject to the terms in the disclaimer located at the end of this document.

Advertencia e instruciones importantes: Esto no es un plan ni una estimación final del diseño. EDGENET, INC. no asume ninguna responsibilidad del uso o de la salida correcto de este programa. Toda la información contenida en esta página está conforme a los términos en la negación, situada en el extremo de este documento.

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FORM 581X N. Y. DEED-Full Covenant with Lien Covenant

TUTBLANX REGISTERED U.S.PAT OFFICE Tuttle Law Print, Publishers, Rufland VI.



D A.

Made the 6th day of September Nineteen Hundred and Sixty-Six.

Yow original 10/22/1 RD

Beimeen HYMEN KNOPF, residing at M. D. #25, Ashley Drive, Newburgh, Orange County, New York,

party of the first part, and

MILTON H. BUXTON and MONTEZ BUXTON, his wife, both residing at

63 Ann Street, Newburgh, Orange County, New York,

partles of the second part, **Witnesses** that the part y of the first part, in consideration of

Ten and no/100 - - - - - - - - Dollars (\$ 10.00) lawful money of the United States, and other good and valuable consideration paid by the part ies of the second part, do es hereby grant and release unto the part ies of the second part, their heirs and assigns forever, all THAT PIECE OR PARCEL OF LAND situate, lying and being on the North side of Dene Road in the Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

Lots numbered 17, 19 and 21, Section II, Block F, as laid out and shown upon a map entitled "Cascade Gardens, owned by Fletcher House and Homes, Inc., Town of Newburgh, Orange County, New York," dated July 3, 1928, made by Charles A. Gridley, C.E., filed in the Orange County Clerk's Office July 6, 1928. Subject to building and zoning ordinances, and restrictions and easements of record.

Subject to restrictions attached hereto and made a part hereof.

LIBER 1752 PG 737

LIBER 1752 PG 738

The above described premises are subject to the following restrictions which shall attach to and run with the title to said lands forever.

1. No building of any kind shall be erected upon any single lot or plot except one dwelling house for the use and occupancy of not may than one family and one private garage. 经推进 医尿道法

2. Any dwelling erected on said premises shall cost not less then \$10,000.00 and any garage arected thereon shall cost not less than \$800.00.

3. No part of any building erected upon sold premises shall be within 25 feet of any side street nor within 10 feet of th side or rear lines of the lot upon which it is erected, except that steps may project a reasonable distance from such structure.

4. No signs of any nature except street signs shall be erected or maintained upon said premises except with the consent of the grantor berein or his essigns.

S. No business of any kind shall ever be conducted upon said premises.

That no public or private misance shall be main-6. tained on said premises, and a mulsance shall be construed to cover any premises which are unsightly, which are not in keeping with, and which are a detriment to the general appearance of the neighborhood. In this connection, the storage of objects or material on the premises shall be considered a muisance.

7. That neither the party of the second part (Purchaser) nor his heirs or assigns shall keep or permit any animals or birds, excepting an ordinary and reasonable number of household pete upon the property hereby conveyed.

8. No trailer, basement, tent, garage, or other outbuildings erected on said premises shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be erected or used as a residence.

9. Invalidation ofteny one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

The coverents are to run with the land, except however, it is mutually understood and agreed that the above covenants and restrictions or any of them may be eltered or ensulled at any time by written agreement by and between the party of the first part, his heirs, distributees, administrators or assigns, and the owner for the time being of any percel upon while it is mutually agreed to alter or annul said covenants or restrictions, and such agreement shall be effectual to alter or annul said covenants and restrictions as to said premises without the consent of the owner, or owners, of any adjacent premises. Nothing herein contained shall be construed nor shall there be any obligation upon the party of the first part, his heirs, distributees, administrators or assigns, to restrict in any manner any other premises now or hareafter owned by the party of the first part, his beirs, distributees, administrators, or essigns.

LIBER 1752 PG 739

Together with the appurtenances and all the estate and rights of the part yof the first part in and to said premises, To Have and to Hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as tenants by the entirety. And said HYMEN KNOPF covenants as follows: First, That said HYMEN KNOPF is seized of said premises in fee simple, and has good right to convey the same; Second, That the part ies of the second part shall quietly enjoy the said premises: Chird, That the said premises are free from incumbrances; except as above stated; Jourth, That the part y of the first part will execute or procure any further necessary assurance of the title to said premises; Fifth, That said HYMEN KNOPF will forever **Warrant** the title to said premises. Sixth. That, in Compliance with Sec. 13 of the Lien Law, the grantor receive the consideration for this conveyance and will hold the right to receive such will 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. In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written. In Presence of State of New York On this 6th day of September ss. County of ORANGE Nineteen Hundred and Sixty-six before me. the subscriber, personally appeared HYMEN KNOPF, to me personally known and known to me to be the same person described in and who executed the within Instrument, and he duly acknowledged executed the same. to me that heNotary Public JANET R. ROTH Notary Fublic, State of New York Qualified in Orange County My Communication expires Mar. 30, 194 % LIBER 1752 PG 739

Orange County Clerk's Office, s.s. and Examined. o'clock :. Dated Vecov Reco Judde Sandar and San Clerk d & Return to -MILTÓN H. BUXTON and MONTEZ BUXTON KNOPF & TAMSEN counselors at LAW 70 second street NEWBURGH, N.Y. ew burgh, Nix Loredar at page ?? HYMEN KNOPF Hin St September 6th, 1966 on the . TO 196.0. at / ?: VENANT 5 0 017 28 292 18891

