

TOWN OF NEWBURGH

Crossroads of the

Northeast

ZONING BOARD OF APPEALS 21 Hudson Valley Professional Plaza Newburgh, NY 12550

OFFICE OF ZONING BOARD DARRIN SCALZO, CHAIRMAN SIOBHAN JABLESNIK, SECRETARY

TELEPHONE **845-566-4901** FAX LINE **845-564-7802**

OCT 0 1 2025
Town of Newburgh

APPLICATION

DATED: 9/30/25

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

I (WE) Paul O'Hare	PRESENTLY
RESIDING AT NUMBER 80 Albany	Post Rd, Newburgh, NY 12550
• TELEPHONE NUMBER _914.	<u>-751-4967</u>
HEREBY MAKE APPLICATION TO	THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:
	USE VARIANCE
X	AREA VARIANCE (S)
1	INTERPRETATION OF THE ORDINANCE
	SPECIAL PERMIT
1. LOCATION OF THE PROPER	TTY:
25-5-3	(TAX MAP DESIGNATION)
80 Albany Post Rd, Newburgh,	NY 12550 (STREET ADDRESS)
В	(ZONING DISTRICT)
	G LAW APPLICABLE, (INDICATE THE SECTION AND SUB- LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

1.	IF VA	RIANCE TO THE ZONING LAW IS REQUESTED:	
	a)	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTIC 09/08/2025	
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TO OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NO	OWN OF NEWBURGH OTICE DATED:
2.	DESC:	RIPTION OF VARIANCE SOUGHT: <u>Keep a 24' x 25' accessory building</u>	g on 80 Albany Post
3.	IF A U	USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZOUCE UNNECESSARY HARDSHIP IN THAT:	ONING LAW WOULD
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QU	
		(ATTACH WITH THIS APPLICATION COMPETENT FINANCIA ESTABLISHING SUCH DEPRIVATION)	L EVIDENCE
	b)	THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTOF THE DISTRICT OR NEIGHBORHOOD BECAUSE:	ANTIAL PORTION
	c)	THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACT NEIGHBORHOOD BECAUSE:	TER OF THE
	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:	

;	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPE BECAUSE: The accessory building is partially fenced in and faces the rear of a commercial building of Route 9W. Many neighboring properties also have accessory buildings.	
1	THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOMI METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN ARE VARIANCE, BECAUSE: The house lacks storage space and I need the space to store my classic cars as well as tools other miscellaneous items that should not be stored indoors (snow shovels, sports equipmentatio furniture, etc.)	A s and
(THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: Every house needs storage and this one was built with minimal space. The accessory build not out of character for the neighborhood, as several of the neighboring properties have accessory buildings. Additionally, this property is closest to Route 9W, not a residential neighborhood.	ing is
(THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT HE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD DISTRICT BECAUSE: The property is located in a B zone and faces busy Route 9W that has mostly commercial businesses. The fence hides it from the residential area located adjacent to the property.	
(THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: The house was built with minimal storage space.	

5. ADDITIONA	L REASON	S (IF PERTINENT):		
		PETITIONER (S) SIG	OM CONATURE	
STATE OF NEW YO		ty of orange: day of <u>October</u>	20 <u>25</u>	
		Strang of NOTARY PI	ADRIANA R MARTINEZ Notary Public - State of New York NO. 01MA6389021	
SWORN TO THIS _	1 ₂₁	Stranglast	UBLIC ADRIANA R MARTINEZ Notary Public - State of New York	7

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 13 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				
Name of Action or Project:				_
Accessory Builidng for Paul O'Hare, 80 Albany Post Road				
Project Location (describe, and attach a location map):				
80 Albany Post Road, Newburgh, NY 12550 SBL: 25-5-3				
Brief Description of Proposed Action:				
Request for area variance for 600 sq foot accessory building, 24' x 25'	•			Ì
Name of Applicant or Sponsor:	Telephon	ne: 914-751-4967	· 7	
Paul O'Hare	E-Mail:	oharecontractingse		com
Address:				
Address: 80 Albany Post Road				
City/PO:	St	tate:	Zip Code 1255	
Newburgh		NY		
1. Does the proposed action only involve the legislative adoption of a plan, le administrative rule, or regulation?	ocal law, o	rdinance,	NO	YES
If Yes, attach a narrative description of the intent of the proposed action and	the environ	nmental resources th	nat 🔽	
may be affected in the municipality and proceed to Part 2. If no, continue to 2. Does the proposed action require a permit, approval or funding from any			NO	YES
If Yes, list agency(s) name and permit or approval:	onioi gove	innomai Agency:	7.0	
3.a. Total acreage of the site of the proposed action?	689 .	acres	<u> </u>	
b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned	9 sq ft - '	acres		
or controlled by the applicant or project sponsor?	89 <u>a</u>	cres		
4. Check all land uses that occur on, adjoining and near the proposed action.	. ,			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Comm		Residential (suburb	an)	
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	(specify): _			
ariana		_		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
-		M	
b. Consistent with the adopted comprehensive plan?		V	
6. 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 Al If Yes, identify:	rea?	NO	YES
		$ \sqrt{} $	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		V	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?	V	Ħ
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
		Ш	V
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
<u> </u>		$ \Delta $	Ш
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		\square	П
			السا
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?		V	
b. Is the proposed action located in an archeological sensitive area?	ŀ		H
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain		NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?	`	N	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	F		井
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		V	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check al Shoreline Forest Agricultural/grasslands Early mid-succession	l that ap	oply:	
☐ Wetland ☐ Urban ☑ Suburban	1141		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	T	NO	YES
by the State or Federal government as threatened or endangered?	-		
16. Is the project site located in the 100 year flood plain?		<u> </u>	VEC.
	-	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes,	ľ	7	\neg
		L Y	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains If Yes, briefly describe:)?		
			}

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? 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:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE		

Ag	gency Use Only [II applicable]
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?"

No, or small impact may occur	<u> </u>			
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:			No, or	Moderate
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problems?	9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
11. Will the proposed action create a hazard to environmental resources or human health?	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?		

Agen	cy Use Only [If applicable]
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.

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)					

BARGAIN AND SALE DEED

THIS INDENTURE, dated as of April 28, 2016

Effective as of April 28, 2016

BETWEEN

Fannie Mae A/K/A Federal National Mortgage Association Having an address at: PO Box 650043, Dallas, TX 75265

party of the first part,

Paul Óhare

residing at: 16 South First Avenue, Mount Vernon, NY 10550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of \$ 46,000.00 (Forty-Six Thousand and 00/100 Dollars) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the County of Orange, State of New York, bounded and described as follows:

See Attached Schedule A, annexed hereto and made a part hereof, said property being commonly 80 ALBANY POST RD, NEWBURGH, NY 12550 known as:

Being and intended to be the same as in deed dated October 9, 2015 from Mavis A. Ronayne, Esq. as Referee to Fannie Mae A/K/A Federal National Mortgage Association recorded on October 28, 2015 in the Orange County Clerk's Office in Book: 13963 at Page: 1080.

This transaction is made in the regular course of grantors business.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part.

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.

Title Number: 09-128668

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, lying and being on the East side of Old Post Road leading from Balmville to Mariboro, in the Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

PARCELI:

BEGINNING in the Easterly line of the Old Post Road leading from Balmville to Mariboro at a point, 35 feet South of the Northwest corner of lands of Lenora C. Churlo and;

RUNNING THENCE Easterly South 62 degrees 51 minutes East, 200 feet;

RUNNING THENCE Southerly along other lands of Lenora C. Churlo, South 35 degrees 48 minutes West, 75 feet;

RUNNING THENCE Westerly North 62 degrees 51 minutes West, parallel with the first course herein described, 200 feet to the Easterly line of the aforesaid Oki Post Road; and

RUNNING THENCE Northerly along the Easterly side of the taid road, North 35 degrees 48 minutes.

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, lying and being on the East side of Old Newburgh Mariboro Road in the Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

PARCEL II:

BEGINNING at a point in the Easterly line of the Old Newburgh Mariboro Road, said point of beginning being 118 feet South of the Northwest corner of the lands of Lenors C. Churio; and

RUNNING THENCE Easterly along lands beretofore deeded to Roy Freer and Mary Freer, husband and wife, South 62 degrees 51 minutes East, 100 feet:

RUNNING THENCE Southwardly along other lands of Lenora C. Churlo, South 35 degrees 48 minutes West, 75 feet;

RUNNING THENCE Westerly North 62 degrees 51 minutes West, parallel with the first course herein described, 200 feet to the Easterly line of the Old Newburgh - Mariboro Road;

RUNNING THENCE along the Easterly side of the said road, North 35 degrees 48 minutes 75 feet to the point or place of BEGINNING.

Section: 25 Block: 5 Lot: 3

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Osta.

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" whenever the sense of this indenture so requires.

GRANTEE HEREIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY FOR A SALES PRICE OF GREATER THAN \$ 55,200.00 FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THE RECORDING OF THIS DEED. GRANTEE SHALL ALSO BE PROHIBITED FROM ENCUMBERING SUBJECT PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT OF GREATER THAN \$55,200.00 FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THE RECORDING OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO GRANTEE.

This restriction shall terminate immediately upon conveyance at any foreclosure sale related to a mortgage or deed of trust.

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

By:	Fannie Mae A/K/A Federal National Mortgage Association By: Rosicki, Rosicki & Associates, PC as Attorney in Fact Name: George Schoenwaelder, Esq.						
	Title: Attorney	oenwaeic by	ier, Esq. $\rho_{\mathcal{O}} \mathbb{A}$	recorded	Liber	15877	Pg 1803
STATE OF NEW YORK)	·					
COUNTY OF NASSAU) ss.)						
A							

On the 215' in the year 2016 before me, the undersigned, personally Day of April appeared George Schoenwaelder, Esq. of Rosicki, Rosicki & Associates, P.C. as Attorney in Fact for Fannie Mae A/K/A Federal National Mortgage Association, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) described in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Plainview, State of New York

Notary Public CHRIS ALBRECHT NOTARY PUBLIC, STATE OF NEW YORK NO. 01AL6316403 QUALIFIED IN NASSAU COUNTY COMMISSION EXPIRES: DECEMBER 15, 2019



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT 21 HUDSON VALLEY PROFESSIONAL PLAZA NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801 FAX LINE 845-564-7802

2025-36

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/08/2025

Application No. 25-0786

To: Paul O'Hare 80 Albany Post Road Newburgh NY, NY 12550

SBL: 25-5-3

ADDRESS:80 Albany Post Rd

ZONE: B

PLEASE TAKE NOTICE that your application dated 07/28/2025 for permit to keep a 24' x 25' accessory building on the premises located at 80 Albany Post Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-15-A-(4): An accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:

Joseph Mattina

Cc: Town Clerk & Assessor (500')

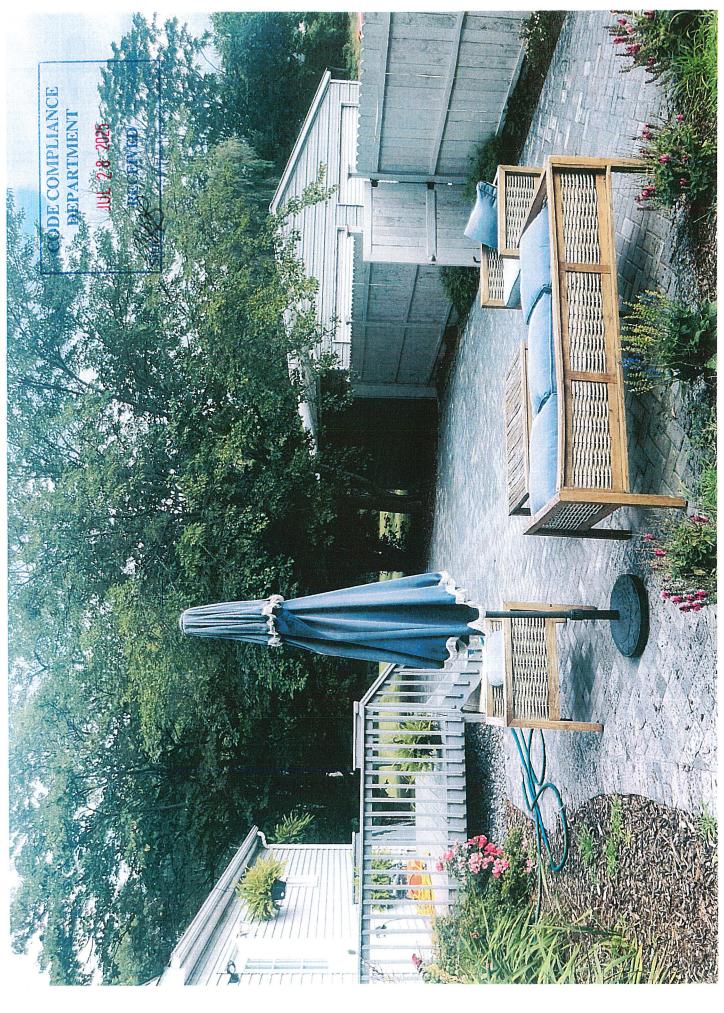
File

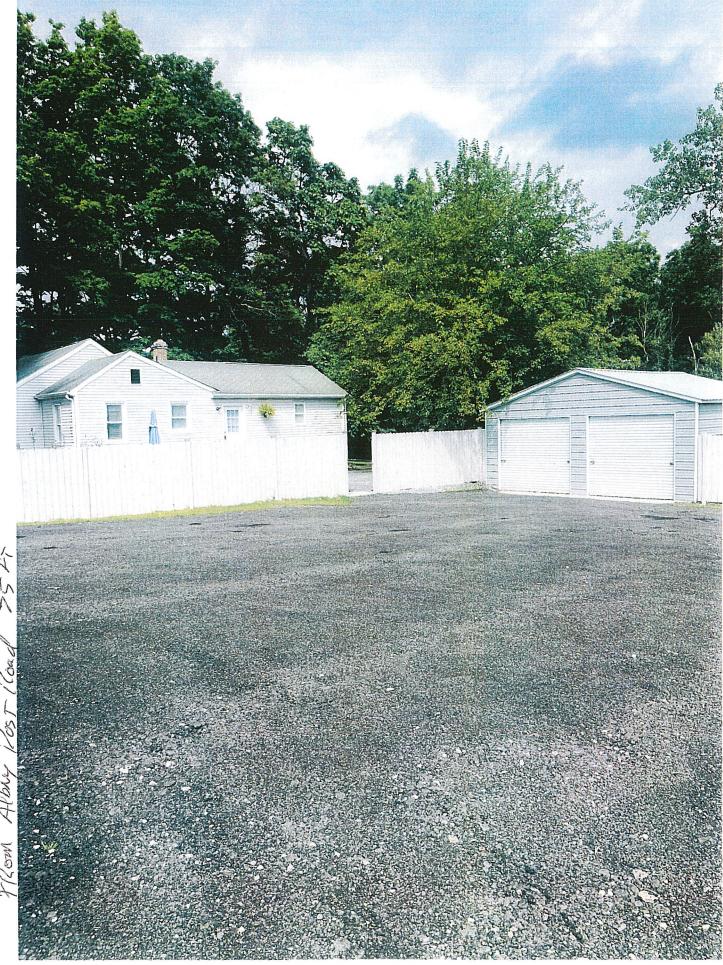
TOWN OF NEWBURGH ZONING CHART

NAME:	PAUL O'HARE	ADDRESS:	80 ALBAN	80 ALBANY POST RD	
STRUCTURE:	24'X 25' ACCESSORY BUILDING	TYPE OF VARIANCE: AREA	NEWBURG CE: AREA	NEWBURGH NY 12550	
S:B:L: 25-5-3	ZONE: B	TOWN WATER: <u>YES</u>	TOWNS	TOWN SEWER: <u>NO</u>	
VARIANCE DISCRIPTION	ON CODE SECTION	FORMULA	REQUESTED V/	VARIANCE %	
SQUARE FOOTAGE	185-15-A-(4)	467.8 SF	600 SF	132 SF 28%	%
					DE LINAS DE RESPONDE
COMMENTS:					
An accessory building sh	An accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:	quare feet or to a lower nu formula:	mber as may be dete	rmined by the followi	Ing
REVIEWED BY:	JOSEPH MATINA	DATE: 9-5-2025		APPLICATION: 25-0768	28
			9	8-1212 - FOR	7

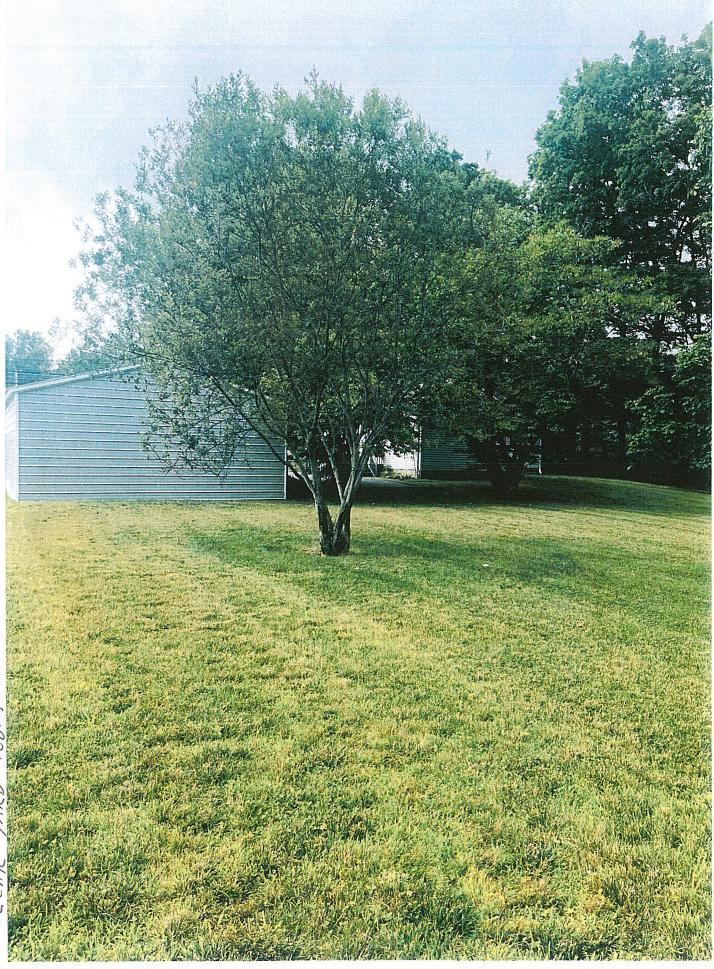


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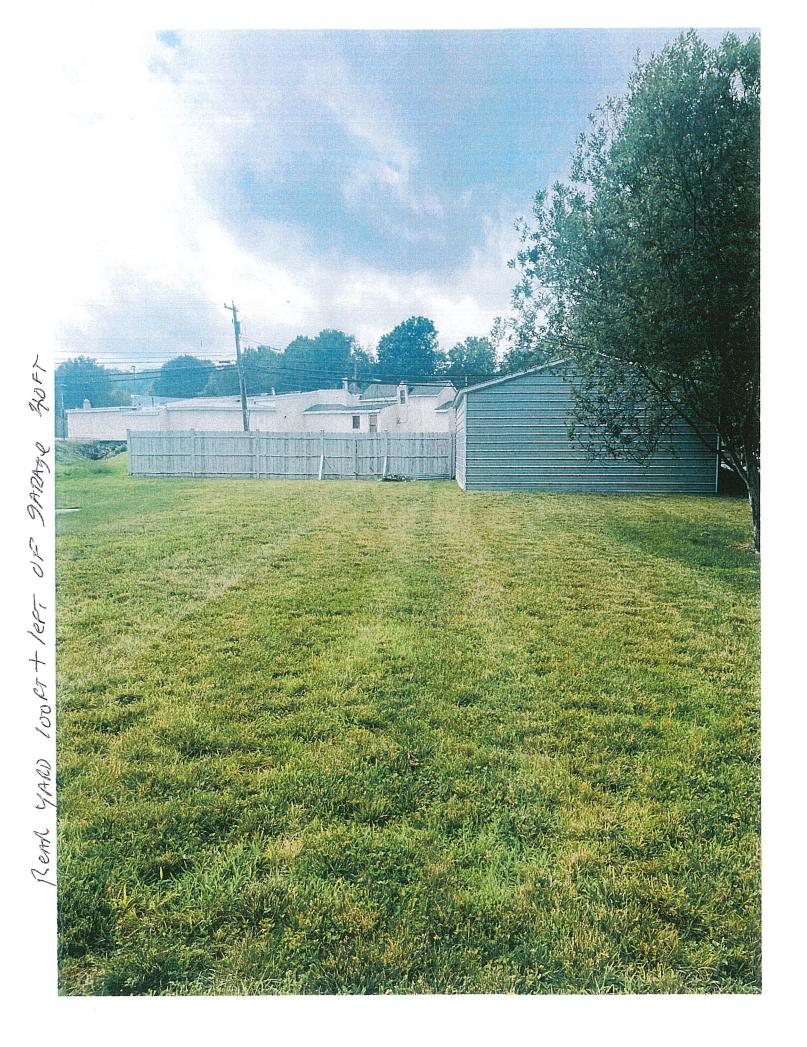




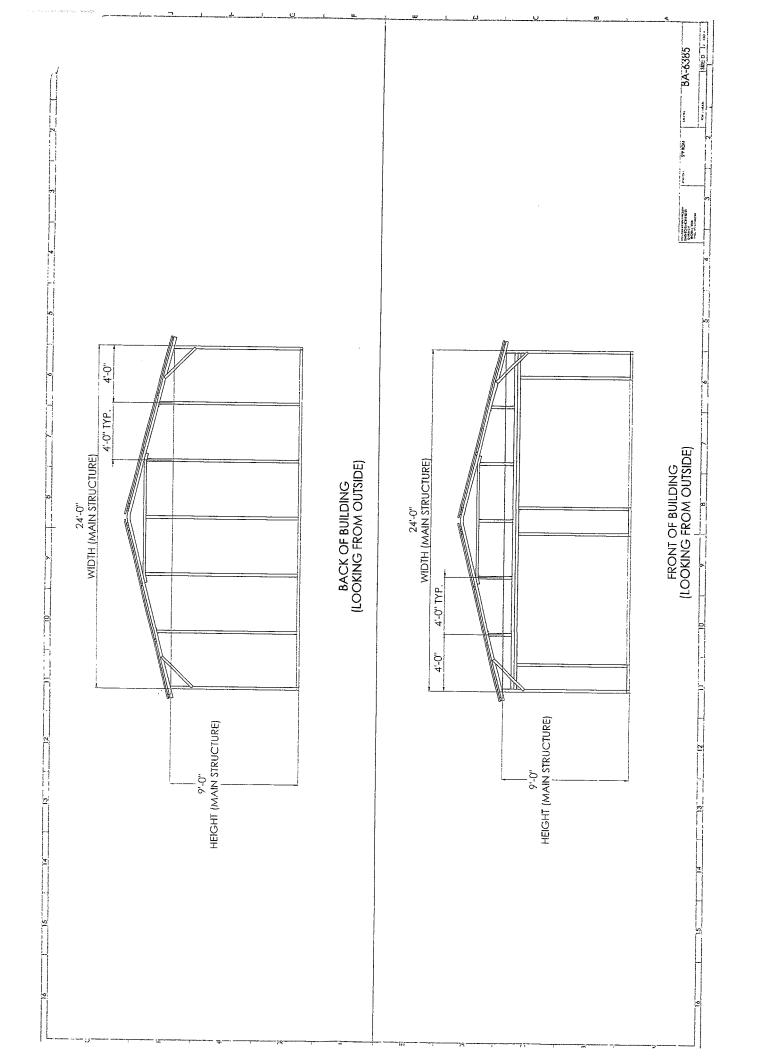
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MASTER REVISION: A.1 PROJECT REVISION; A2 SHEET I OF 4 BuildingProject 6385-A2 Paul Ohere, NY 6385 SEE BOM EDITOR INTERPRETATION OF CHARGE IN THE DAYNE SHEETE IN THE PROPERTY OF CHARGE IN THE PROPERTY OF CUSTOMER NAMIE & STATE: 24Wx25Lx9H-Building Assembly 6386-A2 Sub-Assembly Description 7/13/2023 Isometric Back UNLESS OTHERWISE SPECIFIES: DIMENSIONS ARE IN INCHES TO FRANCES: IMCAR: 1 / IGIN ANG JUAR: 2 / I degree DRAWN BY CONRG BY AP'VD BY Part Description CODE COMPLIANCE PART NUMBER DEFARIMENT JUL 2 8 2025 SECEIVED Pewter Gray 29 Gauge R Profile Wall Paneling **Isometric Front** Panel Color & Profile:



AFFIDAVIT OF POSTING(S) OF NOTICE OF PUBLIC HEARING AT THE PROPERTY

STATE OF NEW YORK: COUNTY OF ORANGE:
1 Paul Ohere, being duly sworn, depose and say that I did on or before
October 9, 2025, post and will thereafter maintain at
80 Albany Post Rd 25-5-3 B Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within tep (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.
Sworn to before me this
ADRIANA R MARTINEZ Notary Public - State of New York NO. 01MA6389021 Qualified in Orange County My Commission Expires Mar 18, 2027

