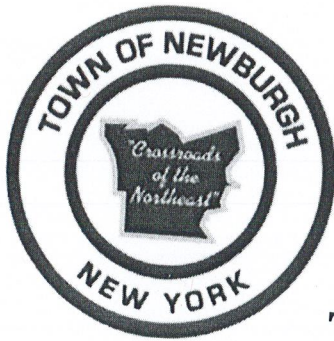




TOWN OF NEWBURGH

Northeast Crossroads of the

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

APPLICATION



DATED: 10/05/2026

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

I (WE) CERONE ENTERPRISES, INC PRESENTLY

RESIDING AT NUMBER 9 STABLE LANE, WALDEN, NY 12586

TELEPHONE NUMBER _____

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

_____ USE VARIANCE

XX _____ AREA VARIANCE (S)

_____ INTERPRETATION OF THE ORDINANCE

_____ SPECIAL PERMIT

• LOCATION OF THE PROPERTY:

_____ 32-7-1 _____ (TAX MAP DESIGNATION)

_____ 276 ROCK CUT ROAD _____ (STREET ADDRESS)

_____ R1 _____ (ZONING DISTRICT)

• PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

_____ 185-35-B-1 _____

_____ 185-38-C-2 _____

_____ 185-38-C-5 _____

• 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: 10/05/2026

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

• DESCRIPTION OF VARIANCE SOUGHT: 1. OWNER MUST RESIDE ON THE PREMISES, 2. FRONT YARD SETBACK 0.1' 3. ACCESSORY APARTMENT SF - 212 SF.

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

• 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)**

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

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

- THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

- IF AN AREA VARIANCE IS REQUESTED:

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

IT IS AN EXISTING NON CONFORMING BUILDING, THE CURRENT
OWNER IS PLANNING TO CLEAN UP AND REBUILD THE BUILDINGS
AND ITS

PROPERTY.

- 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:
THERE IS NO ADDITIONAL PROPERTY AVAILABLE

- THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
IT IS AN EXISTING BUILDING BUILT PRIOR TO ANY ZONING AND BEING USED FOR ITS ORIGINAL PLANNED USE.

- THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
THERE ARE NO PHYSICAL OR ENVIRONMENTAL CHANGES TO THE SITE.

- THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
IT IS AN EXISTING BUILDING BUILT PRIOR TO ANY ZONING AND BEING USED FOR ITS ORIGINAL PLANNED USE.

- ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S)

SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS _____ DAY OF _____ 20_____

PUBLIC

NOTARY

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)

7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF October 20 26

AMANDA MESARIS
Notary Public, State of New York
No. 01ME0036310
Qualified in Orange County
Commission Expires April 18, 2029


NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(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)

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Lisa Cerone, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Stable Lane, Walden NY 12586
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 276 Rock Cut Rd
Walden NY 12586

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Ken Lytle
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10-1-26

[Signature]
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1st DAY OF October 20 26

KIRSTYN PAULINE CERONE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CE6245023
Qualified in Orange County
Commission Expires November 25, 2027

Kirstyn Pauline Cerone
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

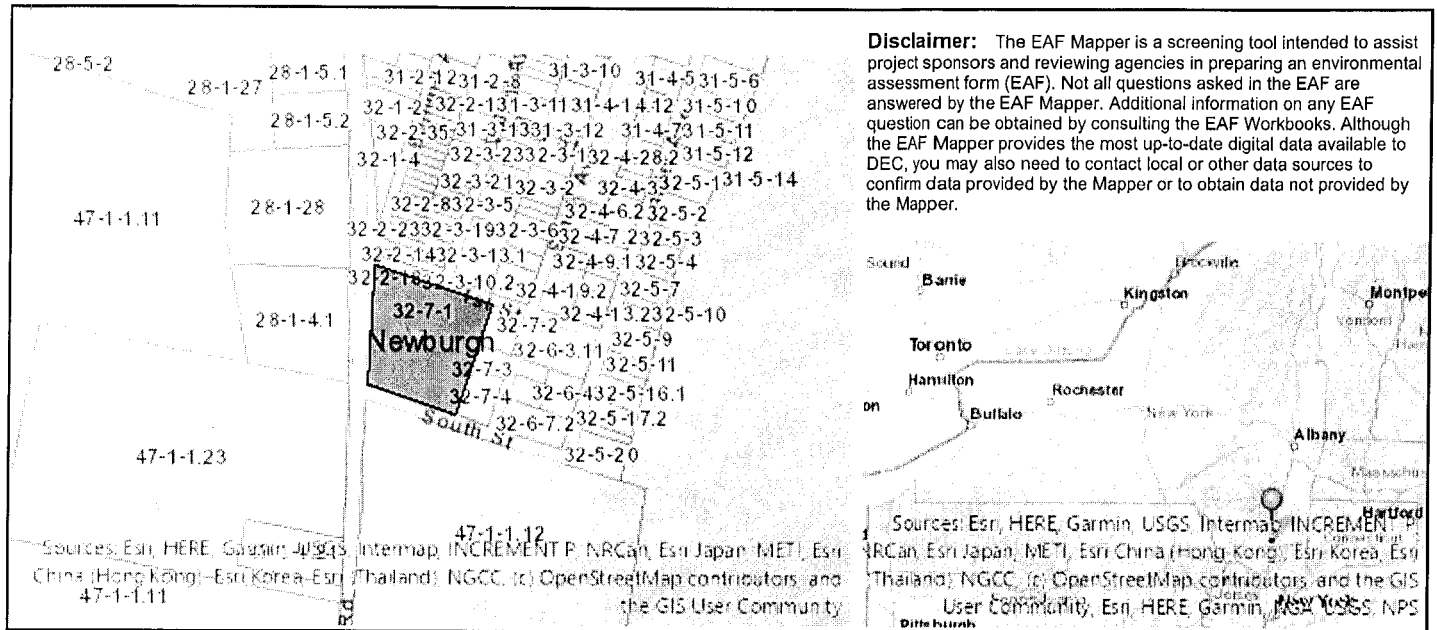
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 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: Cerone Enterprises, Inc. Carriage House			
Project Location (describe, and attach a location map): 276 Rock Cut Road			
Brief Description of Proposed Action: Convert a carriage house into an accessory apartment.			
Name of Applicant or Sponsor: Cerone Enterprises, Inc.		Telephone: 914-474-5314 E-Mail: cplumbub@aol.com	
Address: 9 Stable Lane			
City/PO: Walden		State: New York	Zip Code: 12586
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 ☐	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: ZBA approval		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		2.62 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.62 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☒ ☐	YES ☐ ☐	N/A ☐ ☒
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 Area? If Yes, identify:	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: individual private well	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: private septic system	NO ☒	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☒ ☐	YES ☐ ☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	NO ☐ ☒	YES ☒ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. 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? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	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)?	☒	☐
If Yes, briefly describe: 		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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
	☒	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question.	NO	YES
	☐	☒
	☐	☐
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): none		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Lisa Cerone / Dave Cerone</u> Date: <u>10/5/26</u> Signature: <u>[Signature]</u> Title: <u>Property Owners Applicant</u>		



Part 1 / Question 7 [Critical Environmental Area] No

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No

Part 1 / Question 12b [Archeological Sites] Yes

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal] Yes

Part 1 / Question 15 [Threatened or Endangered Animal - Name] Indiana Bat

Part 1 / Question 16 [100 or 500 Year Floodplain] No

Part 1 / Question 20 [Remediation Site] No

Part 1 / Question 21 [Disadvantaged Community] Yes



ORANGE COUNTY – STATE OF NEW YORK

KELLY A. ESKEW, COUNTY CLERK

255 MAIN STREET

GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15810 / 1131
INSTRUMENT #: 20250070667

Receipt#: 3449374
Clerk: BR
Rec Date: 11/03/2025 11:27:30 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: ARTHUR W FOWLER LIVING TRUST
Party2: CERONE ENTERPRISES INC
Town: NEWBURGH (TN)
32-7-1

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

Recording:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 200.00

Transfer Tax
Transfer Tax - State 1300.00

Sub Total: 1300.00

Total: 1500.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 2426

Transfer Tax

Consideration: 325000.00

Transfer Tax - State 1300.00

Total: 1300.00

Record and Return To:

KEVIN FOLEY, ESQ
15 SCOTTS CORNER DRIVE
MONTGOMERY, NY 12549

BARGAIN AND SALE DEED

HN 78875

✓ Sec 32 Blk 7 Lot 1

THIS INDENTURE, made October 29, 2025, between **Arthur W. Fowler, as Trustee of the Arthur W. Fowler Living Trust, dated September 8, 2020**, having an address having an address at 8 Snider Avenue, Walden, New York 12586 (hereinafter referred to as "Grantor"), and

Cerone Enterprises Inc. having an address at 20 Dennis Road, Newburgh, New York 12550 (hereinafter referred to as "Grantee").

WITNESSETH, that Grantor, in consideration of Three Hundred Twenty-Five Thousand and 00/100ths (325,000.00) Dollars and other valuable consideration, the receipt and sufficiency of which hereby are acknowledged, does hereby grant and release unto Grantee and the heirs, executors, administrators, legal representatives, successors and assigns of Grantee 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, State of New York, known, being more particularly described in Schedule A attached hereto and made a part hereof,

BEING and intended to be the premises conveyed by Arthur W. Fowler to Arthur W. Fowler, as Trustee of the Arthur W. Fowler Living Trust, dated September 8, 2020 by deed dated September 8, 2020, and recorded in the Orange County Clerk's Office on October 13, 2020, in Liber 14820 of Deeds at page 1291.

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises,

AND the party of the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

TO HAVE AND TO HOLD the premises herein granted unto Grantee and the heirs, executors, administrators, legal representatives, successors and assigns of Grantee forever.

Record & Return to:

K. Foley Esq
15 Scott's Corners Dr
Montgomery NY 12549



WESTCOR
LAND TITLE INSURANCE COMPANY

**SCHEDULE A
LEGAL DESCRIPTION**

Issuing Office File No. HN 78875

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

BEGINNING at the northeast corner of South Street and the Rock Cut Road as shown on said map and runs thence along the east line of the Rock Cut Road North $13^{\circ} 58'$ East 252.21 feet to an angle in said road;

thence still along the east line of said road North $12^{\circ} 36'$ East 105.96 feet to the southeast corner of the Rock Cut Road and First Street;

thence along the south line of First Street South $61^{\circ} 04\text{-}1/2'$ East 377.63 feet;

thence at right angles to the last described line South $28^{\circ} 55\text{-}1/2'$ West 348.17 feet to the north line of South Street;

thence along the north line of South Street North $60^{\circ} 30\text{-}1/2'$ West 282.77 feet to the place of BEGINNING.

The above described lands and premises being known and distinguished as Lot No. 140 on a certain map entitled Section 1, Map of Orange Lake Estates, located in the Town of Newburgh, Orange County, New York, Butler Fornari Realty Corp. owners and developers, made by Blake and Woodhull, Licensed Engineers and Surveyors, March 20, 1928 and field April 10, 1928 in Orange County Clerk's Office.

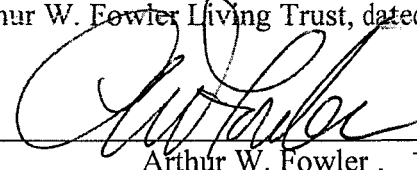
Together with an easement or right of way as an appurtenance to said premises over all streets and parkways shown on the aforementioned filed map and the right to use Orange Lake for boating, fishing, recreation and sports insofar as the party of the Grantor has the right to give the same to the Grantee, together with the right in common with present and future owners of the lands shown on the aforementioned filed map to use the portions of said premise as marked on said map as reserved

Grantor is the owner of said premises. Said premises is not located in an agricultural district.

Grantor, in compliance with Section 13 of the Lien Law, covenant that Grantor 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 before using any part of the total of the same for any other purpose.

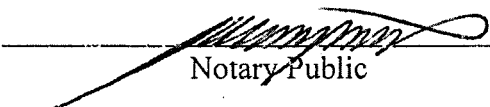
IN WITNESS WHEREOF Grantor has duly executed this deed on the date first above written.

Arthur W. Fowler Living Trust, dated September 8, 2020

By: 
Arthur W. Fowler, Trustee

State of New York : ss.:
County of Orange :

On the 29 day of October , 2025, before me, the undersigned, personally appeared Arthur W. Fowler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

DAWN M. PAWLICZAK
Notary Public, State of New York
No. 4883064
Qualified in Orange County
Commission Expires January 26, 2027

HILL N DALE ABSTRACTERS, INC.
PO BOX 547, 20 SCOTCHTOWN AVE
GOSHEN, NY 10924
845-294-5110
845-294-9581 FAX



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

± 2546-42

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/05/2026

Application No. 26-1151

To: Cerone Enterprises, Inc
9 Stable Lane
Walden, NY 12586

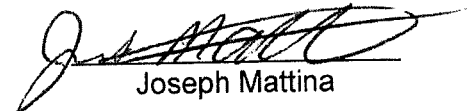
SBL: 32-7-1
ADDRESS: 276 Rock Cut Rd

ZONE: R1

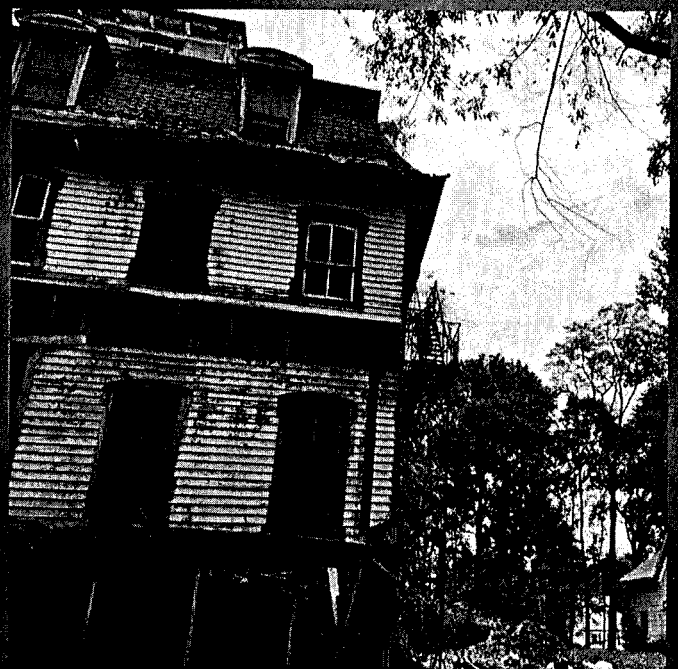
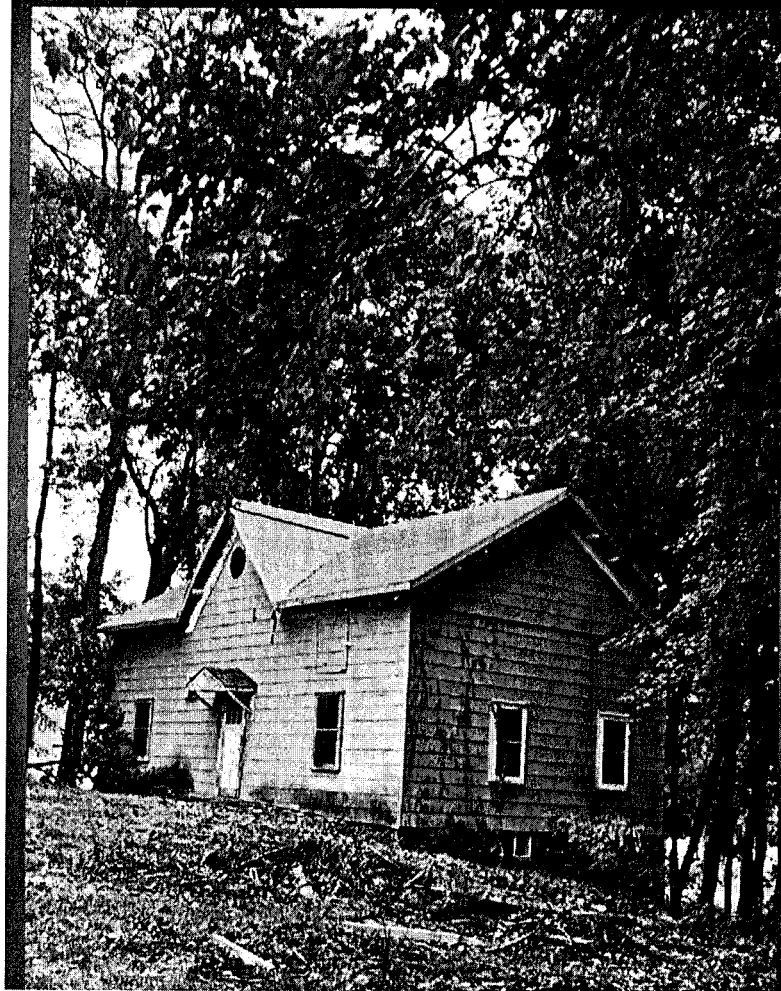
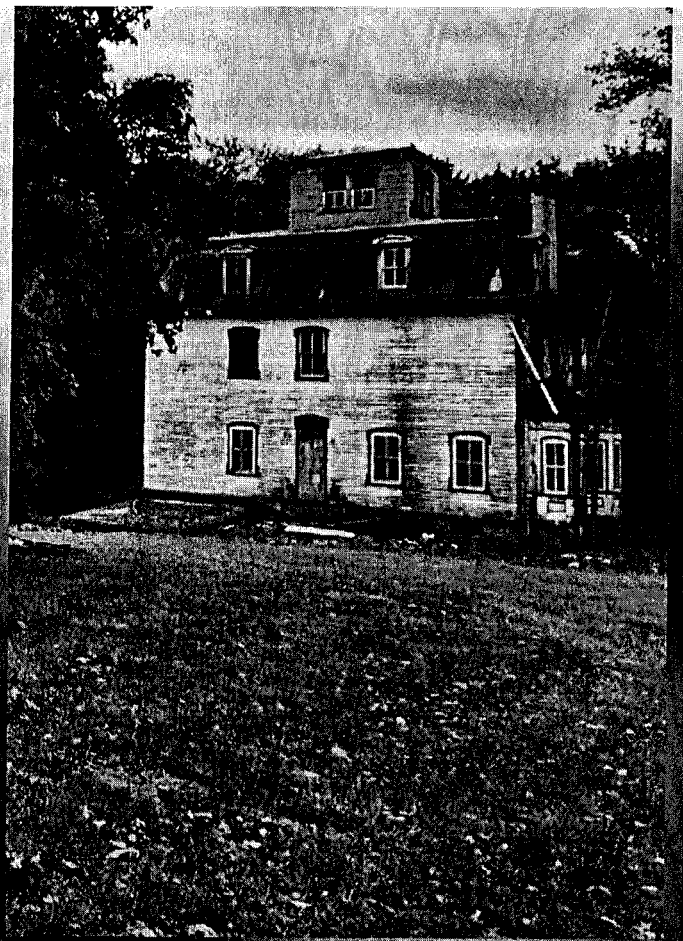
PLEASE TAKE NOTICE that your application dated 10/02/2026 for permit to convert a carriage house into an accessory apartment. on the premises located at 276 Rock Cut Rd is returned herewith and disapproved on the following grounds:

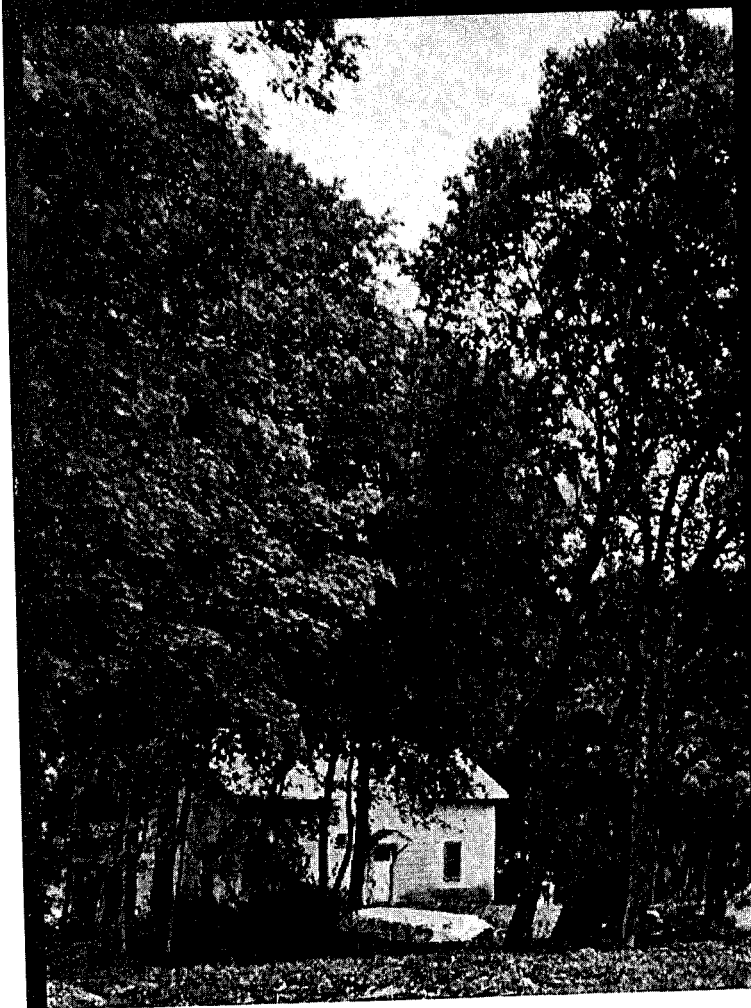
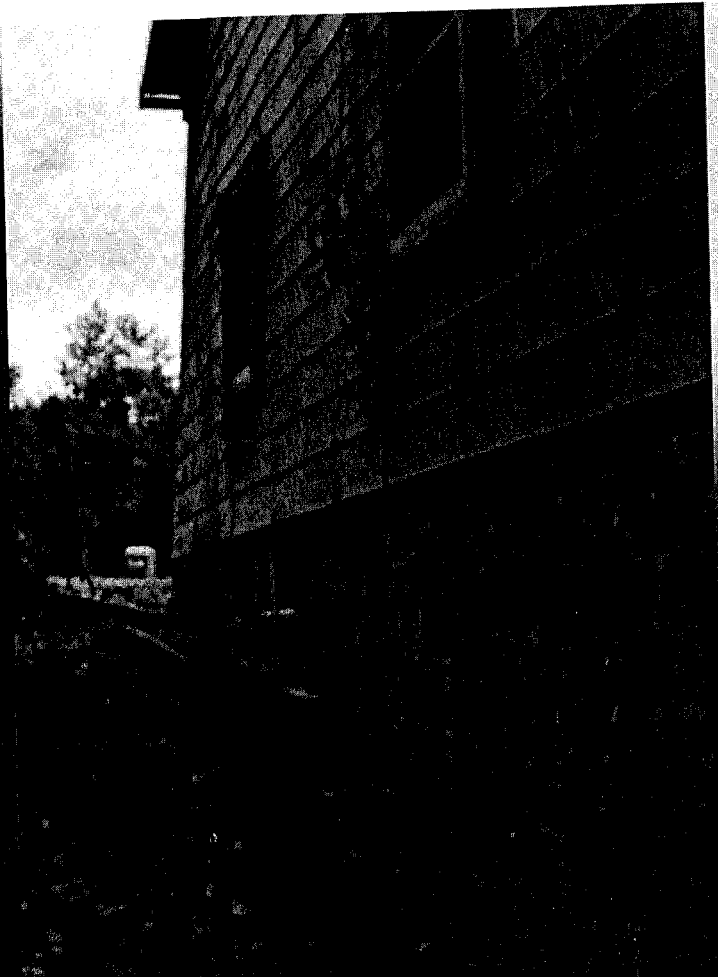
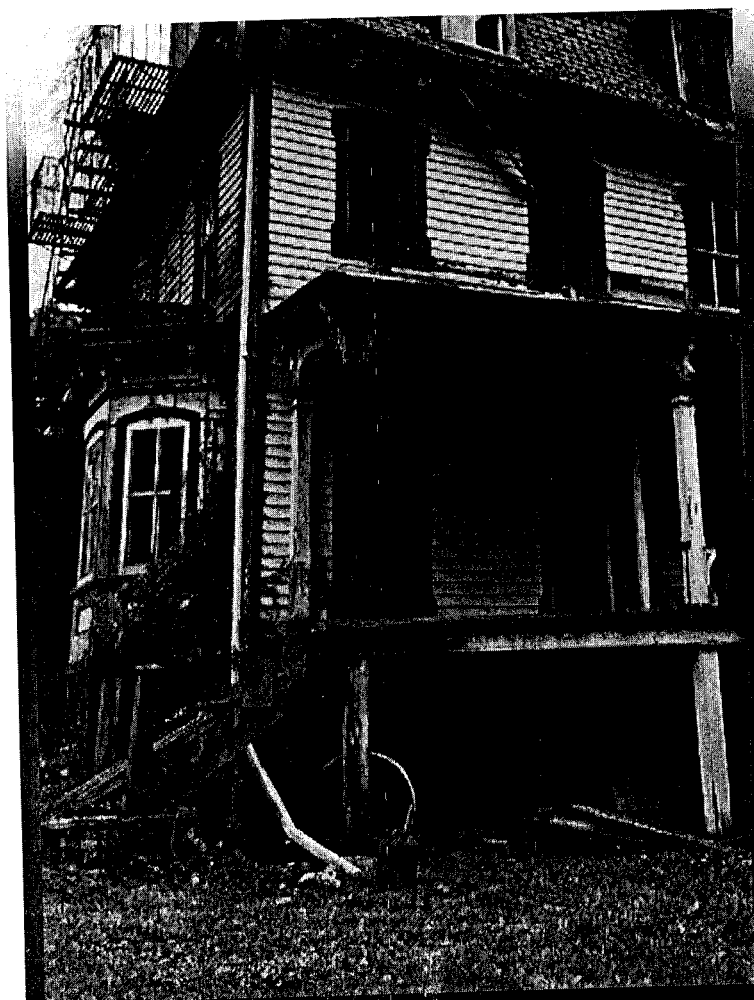
Town of Newburgh Municipal Code:

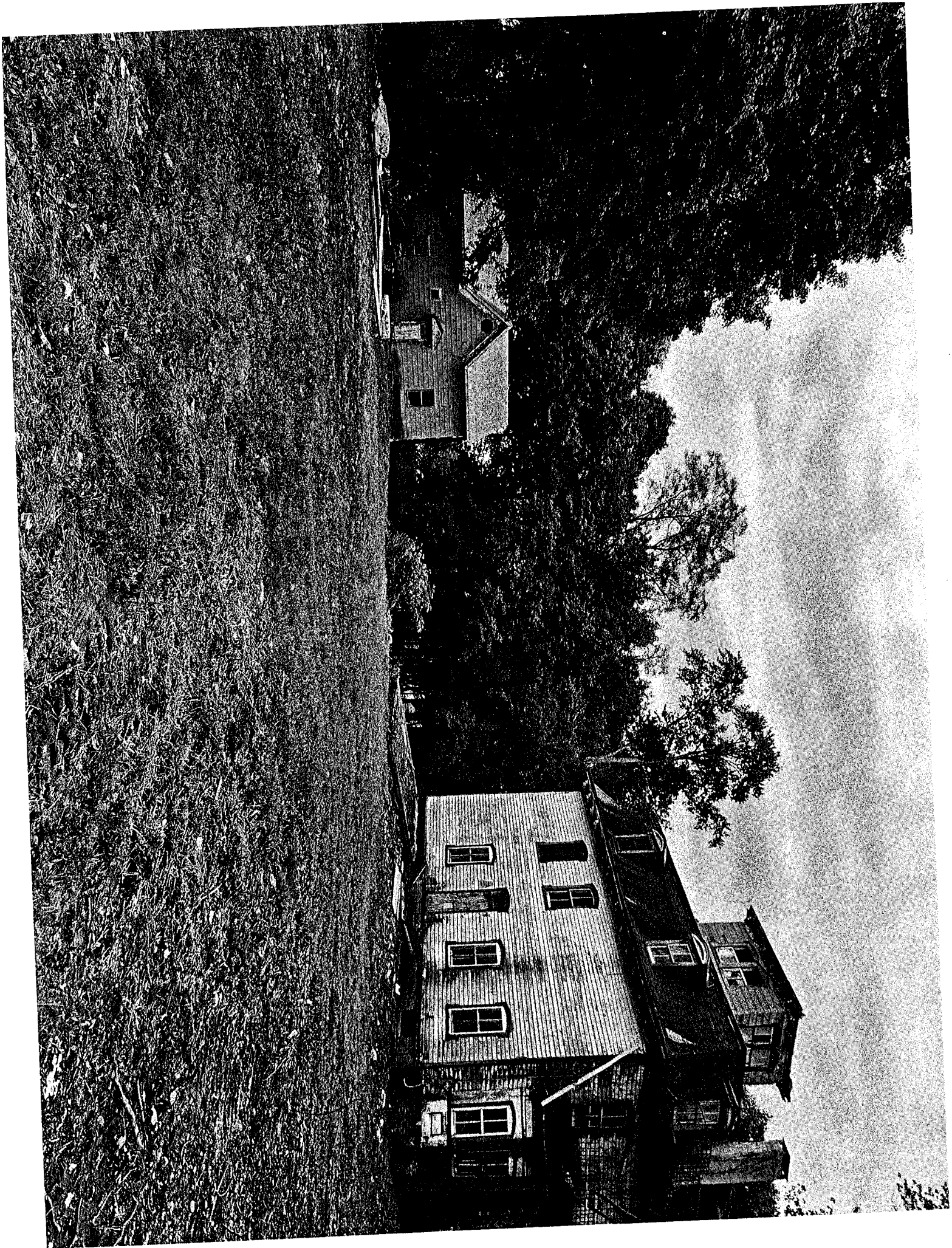
- 1) 185-38-B-1: The property owner must reside on the premises.
- 2) 185-38-C-2: The lot meets the requirements of the zoning district for a single-family dwelling.
(Front yard required 50' / existing 49.9' / .3' variance = .6%)
- 3) 185-38-C-5: The accessory apartment contains not more than 700 square feet of gross floor area.
(Requesting 912 sf / 212 sf variance = 30%)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File







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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Lisa Cerone, being duly sworn, depose and say that I did on or before

October 8, 2026, post and will thereafter maintain at

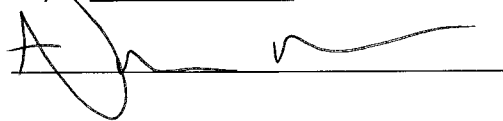
276 Rock Cut Rd 32-7-1 R1 Zone in the Town of Newburgh, New York, at or near the front

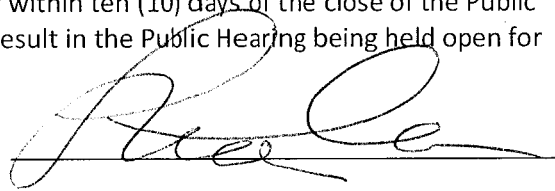
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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 ten (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 6th

day of October, 2026.





AMANDA MESARIS
Notary Public, State of New York
No. 01ME0036310
Qualified in Orange County
Commission Expires April 18, 2029





