



TOWN OF NEWBURGH

Crossroads of the Northeast

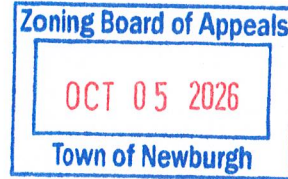
ZONING BOARD OF APPEALS

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



APPLICATION

DATED: 9/30/26

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

I (WE) Mary Ann Costa PRESENTLY

RESIDING AT NUMBER 86 Rock Cut Rd. Newburgh, NY 12550

TELEPHONE NUMBER 845-549-5772

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

- ☒ USE VARIANCE
- ☒ AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

49-4-11 (TAX MAP DESIGNATION)

86 Rock Cut Rd. (STREET ADDRESS)

R1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- Bulk table Schedule 3: Requires 30' side yard setback
- Requires 80' combined side yard setback

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:

9/14/26

- 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: Variance for 30' side yard setback and 80' combined side yard setback

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

- 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:

- 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:

the deck is to be located behind my home
and cannot be seen from the road. Can
only be viewed from neighbors on each side.

- 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:

there is no other area available to place
the deck so it is accessible from
inside the home.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

it does not invade the neighbor's
property.

- 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 is a small backyard deck and will
not be visible from the street.

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

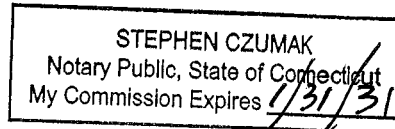
7. ADDITIONAL REASONS (IF PERTINENT):

Maureen Costa
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13th DAY OF September 20 26

[Signature]
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)

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: Back deck			
Project Location (describe, and attach a location map): Behind the house - see survey with deck plan			
Brief Description of Proposed Action: Build a deck behind the house and attached at the back left corner with access into the house			
Name of Applicant or Sponsor: Mary Ann Costa		Telephone: 845-549-5772	
Address: 86 Rock Cut Rd.		E-Mail: maryanncosta@hotmail.com	
City/PO: Newburgh		State: NY	Zip Code: 12550
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 governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		☒	☐
3.a. Total acreage of the site of the proposed action? _____ acres			
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? 1.212+ acres			
4. Check all ☒ land uses that occur on, adjoining and near the proposed action.			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
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?	NO	YES	
	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
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: _____	NO	YES	
	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	☒	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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?	NO	YES	
	☒	☐	
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: _____	☒	☐	
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? <i>Indiana Bat</i>	NO	YES	
	☐	☒	
16. Is the project site located in the 100 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? ☐ NO ☐ YES	☒	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	☐ NO ☐ YES		

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: <u>Mary Ann Costa</u> Date: <u>9/30/26</u> Signature: <u>Mary Ann Costa</u>		



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: 15396 / 1439
INSTRUMENT #: 20230019246

Receipt#: 3143084
Clerk: SM
Rec Date: 03/23/2023 09:49:46 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: Rombout Abstract Company

Party1: MYSZELOW SCOTT
Party2: COSTA MARY ANN
Town: NEWBURGH (TN)
49-4-11

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 1100.00

Sub Total: 1100.00

Total: 1300.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 7263
Transfer Tax
Consideration: 275000.00

Transfer Tax - State 1100.00

Total: 1100.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

STATE OF NEWYORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, 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 3/23/2023 and the same is a correct
transcript thereof in witness whereof, I have hereunto set my
hand and affixed my official seal 09/09/2026.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
Orange County

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)**

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND
PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the ¹³~~24~~ day of March, 2023, 

BETWEEN Scott Myszelow, residing at 39 E. Rock Cut Road, Walden, New York 12586,

party of the first part, and

Mary Ann Costa, residing at 86 Rock Cut Road, Newburgh, New York 12550,

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) 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, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly described in Schedule A attached hereto;

BEING the same premises as conveyed by a deed dated December 29, 2003 and recorded February 25, 2004 in Liber 11398 page 1595 in the office of the Orange County Clerk.

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 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.

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

Scott S Myszelow
By: Scott Myszelow

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the 13th day of March in the year 2023, before me, the undersigned, personally appeared **Scott Myszelow**, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Brenda Boccia
(signature and office of individual taking acknowledgment)

Record and Return to:
Paul Supple, Esq.
5 Cliff Street, PO Box 227
Beacon, NY 12508

BRENDA BOCCIA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01806193656
Qualified in Dutchess County
My Commission Expires September 22, 2024

Westcor Land Title Insurance Company

SCHEDULE A

(continued)

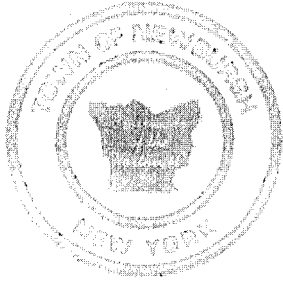
TITLE NO. RAD-23104WC

Description

ALL that certain plot, piece or parcel of land situate, lying and being in the TOWN OF NEWBURGH County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the centerline of the Old Town Road known as Rock Cut Road leading from State Route #52 to State Route #17K, said point being North 14-40-00 East 75.0 feet from the Northwesterly corner of lands of MacAbee, and runs from thence along the center of said Old Town Road North 14-40-00 East 115.0 feet to a point, thence leaving said Road and through the lands of Tillson South 66-10-00 East 474.67 feet to a point in the line of lands of Gillespie, thence along lands South 24-15-00 West 113.53 feet to a point, the northeasterly corner of lands of VanDuzer, thence along said lands North 66-10-00 West 455.52 feet to the place of BEGINNING.

SUBJECT to Orange County Right of Way taking for County Highway.



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

2084-32

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/14/2026

Application No. 25-0888

To: Mary Ann Costa
86 Rock Cut Road
Newburgh, NY 12550

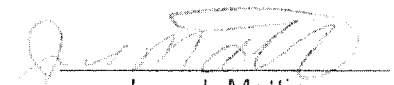
SBL: 49-4-11
ADDRESS: 86 Rock Cut Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 08/19/2025 for permit to build a 12' x 25' rear deck on the premises located at 86 Rock Cut Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

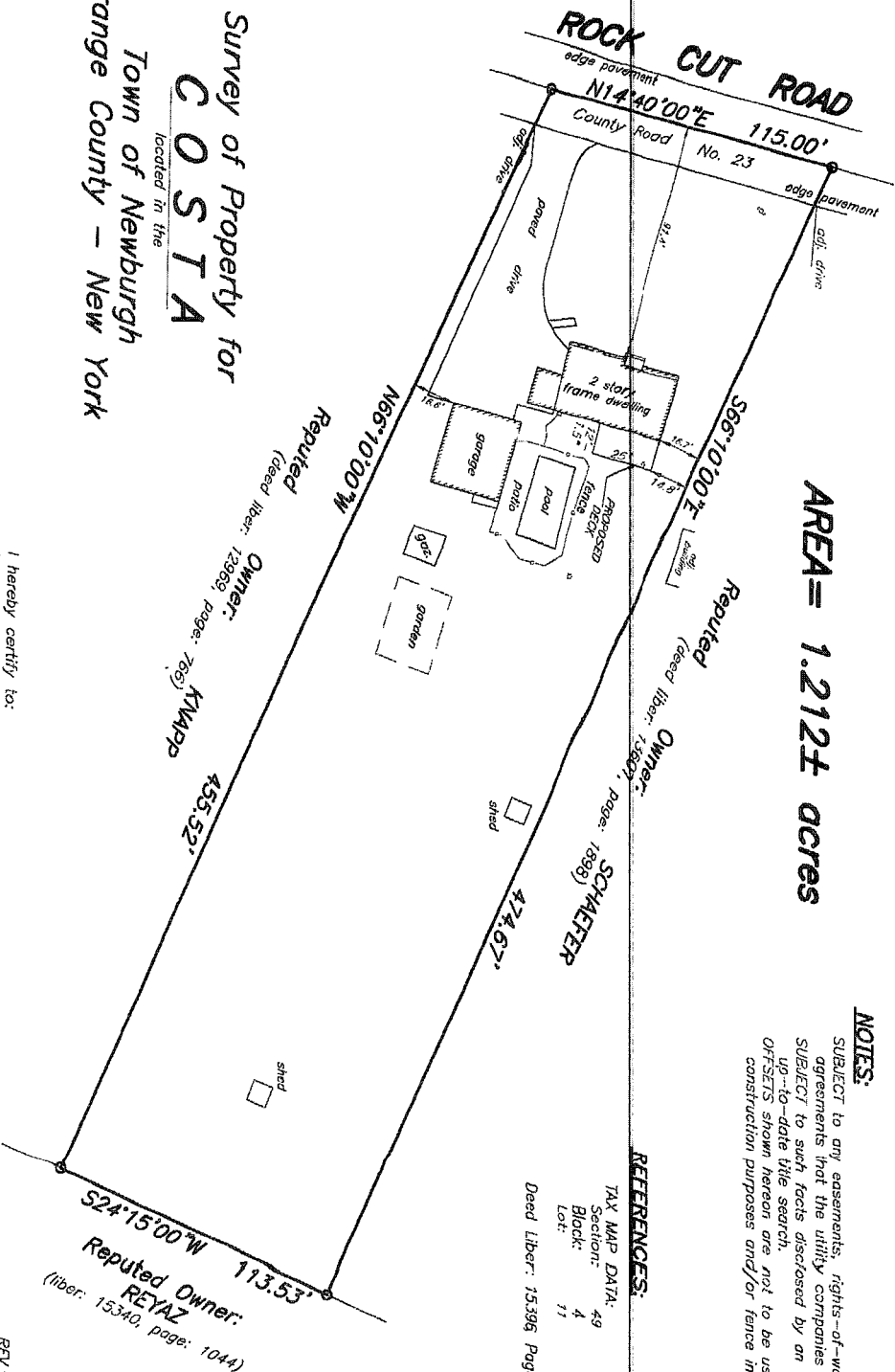
- 1) Bulk table schedule 3: Requires 30' side yard setback. Requesting 14.8' / Variance 15.2' or 50.6%
- 2) Bulk table schedule 3: Requires 80' combined side yard setback. Requesting 52.8' / Variance 27.2' or 34%


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Survey of Property for
C O S T A
 located in the
 Town of Newburgh
 Orange County - New York

AREA = 1.212± acres



NOTES:
 SUBJECT to any easements, rights-of-ways, and/or agreements that the utility companies may have.
 SUBJECT to such facts disclosed by an accurate, up-to-date title search.
 OFFSETS shown hereon are not to be used for construction purposes and/or fence installation.

REFERENCES:
 TAX MAP DATA:
 Section: 49
 Block: 4
 Lot: 11
 Deed Liber: 15396 Page: 1439

Certifications indicated herein signify that the survey was prepared in accordance with the standards and practices of the Surveying and Mapping profession as adopted by the New York State Association of Professional Surveyors. The certification of this survey is prepared, and on behalf of the Surveyor, is given to the client for the purposes of the survey and for no other purpose. The Surveyor does not warrant the accuracy of the survey or the results of the survey, and the client is advised to obtain a second opinion from a qualified professional before relying on the survey.

This is a true and correct copy of the original survey map as shown to the client, and is not to be used for any other purpose.

I hereby certify to:
 Mary Ann Costa,
 that this mapping is based on a field survey performed on the date indicated hereon, deeds and/or maps obtained from the County Clerk's office, and is correct and accurate to the best of my knowledge.
 Howard W. Weeden, P.L.S., P.C. NYS Lic. No. 049967

HOWARD W. WEEDEN, P.L.S., P.C.
 PROFESSIONAL LAND SURVEYING
 62 Main Street, Wadsworth, N.Y. 12586
 Tel.: (845) 778-7643

Scale: 1" = 40' Date: 28 May 2026 File No. 26-162

REV: 11 Aug. 2026





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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Mary Ann Costa, being duly sworn, depose and say that I did on or before
October 8, 2026, post and will thereafter maintain at

86 Rock Cut Rd 49-4-11 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.

Mary Ann Costa

Sworn to before me this 6th

day of October, 2026.

