



TOWN OF NEWBURGH

2997-22(B)

Crossroads of the Northeast
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802



APPLICATION

DATED: 08/25/22

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

I (WE) Steven D. Moreau PRESENTLY

RESIDING AT NUMBER 116 Bethlehem Rd
New Windsor NY 12553

TELEPHONE NUMBER 845-218-5000

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:

54-1-13 (TAX MAP DESIGNATION)

54 Old South Plank Road (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-1-19-C-1

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: 08/12/2022

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: increasing degree of non-conformity:

area 5,565 s.f., front yard 32', rear yard 22', lot depth 85'

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

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

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

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

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

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:

There are no proposed changes to property, so there will be no visual or enviromental impact.

- 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:

The existing lot has 2 front yards. The yard in which the gazebo is located is not the primary front yard used to access the property.

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

Existing Gazebo has been in place for many years and is consitent with the character of the existing neighborhood.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

Existing Gazebo has been in place for many years and is consitent with the character of the existing neighborhood.

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

The lot was created prior to the current zoning regulation and the gazebo was aready in place before the curent owners purchased the property.

7. ADDITIONAL REASONS (IF PERTINENT):



2997-22(A)

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
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OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

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APPLICATION

DATED: _____

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

I (WE) Steven D. Moreau PRESENTLY

RESIDING AT NUMBER 116 Bethlehem Rd
New Windsor NY 12553

TELEPHONE NUMBER 845-218-5000

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:

54-1-13 (TAX MAP DESIGNATION)

54 Old South Plank Road (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).

185-15-A

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:
08/12/2022

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: Existing Gazebo is closer to the front yard
than the primary building

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

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

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

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

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

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:

There are no proposed changes to property and there will be not be a visual or environmental impact.

- 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:

The existing lot size is below current zoning requirements.

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

The existing lot size is similar the the adjoining lots and the work has already been completed without a visual change to the neighborhood.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

The existing lot size is similar the the adjoining lots and the work has already been completed without a visual change to the neighborhood.

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

Lot was created prior to the current lot regulations and it is not possible for this lot to meet the minimum requirements

7. ADDITIONAL REASONS (IF PERTINENT):



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

2917 22 (b)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/12/2022

Application No. 22-0762

To: Steven Moreau
116 Bethlehem Road
New Windsor, NY 12553

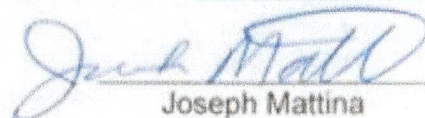
SBL: 52-1-13
ADDRESS: 54 Old South Plank Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 07/26/2022 for permit to converted an existing non-conforming open porch and seasonal dwelling unit into habitable space on the premises located at 54 Old South Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-B: A nonconforming building shall not be modified in any way described below, except as provided in Subsection C below:
- 2) 185-19-C-1: Shall not increase the degree of non-conformity. (Adding habitable space).


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: STEVE MOREAAU

Application # 22-0762

ADDRESS: 116 BETHLEHEM RD NEW WINDSOR NY 12553

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE:

CONVERTING TO HABITABLE SPACE

SBL: 521-13

ZONE: R-1

ZBA Application # 2997 22 h

TOWN WATER: **YES** / NO

TOWN SEWER: **YES** / NO

N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA	40000 sf	5565 sf			
LOT WIDTH	150'	190'			
LOT DEPTH	150'	85'			
FRONT YARD	50'	32.7'			
REAR YARD	40'	22.3'			
SIDE YARD	30 / 80	OK			
MAX. BUILDING HEIGHT	35'	OK			
BUILDING COVERAGE	10.0%	OK			
SURFACE COVERAGE	20.0%	OK			

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES** / NO

2 OR MORE FRONT YARDS FOR THIS PROPERTY **YES** / NO

CORNER LOT - 185-17-A **YES** / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 **YES** / NO

FRONT YARD - 185-15-A **YES** / NO

STORAGE OF MORE THEN 4 VEHICLES **YES** / NO

HEIGHT MAX. 15 FEET - 185-15-A-1 **YES** / NO

10% MAXIMUM YARD COVERAGE - 185-15-A-3 **YES** / NO

NOTES:

The 6' x 10' side addition was an open porch enclosed without permits or approvals approximately 2006. This was listed as a seasonal dwelling now converted to full habitable space. (328 sf)

REVIEWED BY: Joseph Mattina

DATE: 12-Aug-22



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

2997-22(a)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/12/2022

Application No. 22-0793

To: Steven Moreau
116 Bethlehem Road
New Windsor, NY 12553

SBL: 52-1-13
ADDRESS: 54 Old South Plank Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 08/02/2022 for permit to keep a gazebo that was installed without permits or approvals on the premises located at 54 Old South Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-15-A: A permitted accessory building may be located in any required side or rear yard.

Joseph Mattina

Cc: Town Clerk & Assessor (500")
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** **YES** / NO

NAME: STEVE MOREAAU Application # 22-0793

ADDRESS: 116 BETHLEHEM RD NEW WINDSOR NY 12553

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: 12' GAZEBO @ 54 OLD SOUTH PLANK RD NEWBURGH NY

SBL: 521-13 ZONE: R-1 ZBA Application # 2997-22a

TOWN WATER: **YES** / NO TOWN SEWER: **YES** / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO

2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO

CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO

FRONT YARD - 185-15-A YES / NO

STORAGE OF MORE THEN 4 VEHICLES YES / NO

HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO

10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: **2 FRONT YARDS / OLD SOUTH PLANK RD & STATE RT. 52**

REVIEWED BY: Joseph Mattina

DATE: 12-Aug-22

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

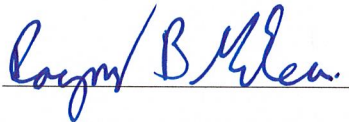
PROXY

Steven Moreau, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 50+ 54 old South Plank Rd
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF
54 old South Plank Rd

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED A.C.E.S
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/3/22


OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF August

JOHN LEASE III
Notary Public, State of New York
Qualified in Orange County
No. 4893815
Commission Expires May 26, 2023


NOTARY PUBLIC


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF Aug JOHN LEASE III 20 22

Notary Public, State of New York
Qualified in Orange County
No. 4893815

Commission Expires May 26, 20 23

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

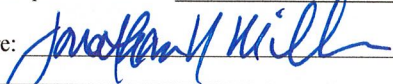
Instructions for Completing

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: Steven Moreau			
Project Location (describe, and attach a location map): 54 Old South Plank Road Newburgh, 52-1-13			
Brief Description of Proposed Action: Existing season dwelling is located on an undersized corner property per current zoning regulations. A existing gazebo located to the side of the residence that notes as a front yard. The client is converting the property for full size use and has enclosed a exiting porch.			
Name of Applicant or Sponsor: Steven Moreau		Telephone: 845-218-5000	
		E-Mail:	
Address: 116 Bethlehem Road			
City/PO: New Windsor		State: NY	Zip Code: 12553
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 <input type="checkbox"/>
			YES <input type="checkbox"/>
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			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.357 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.416 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

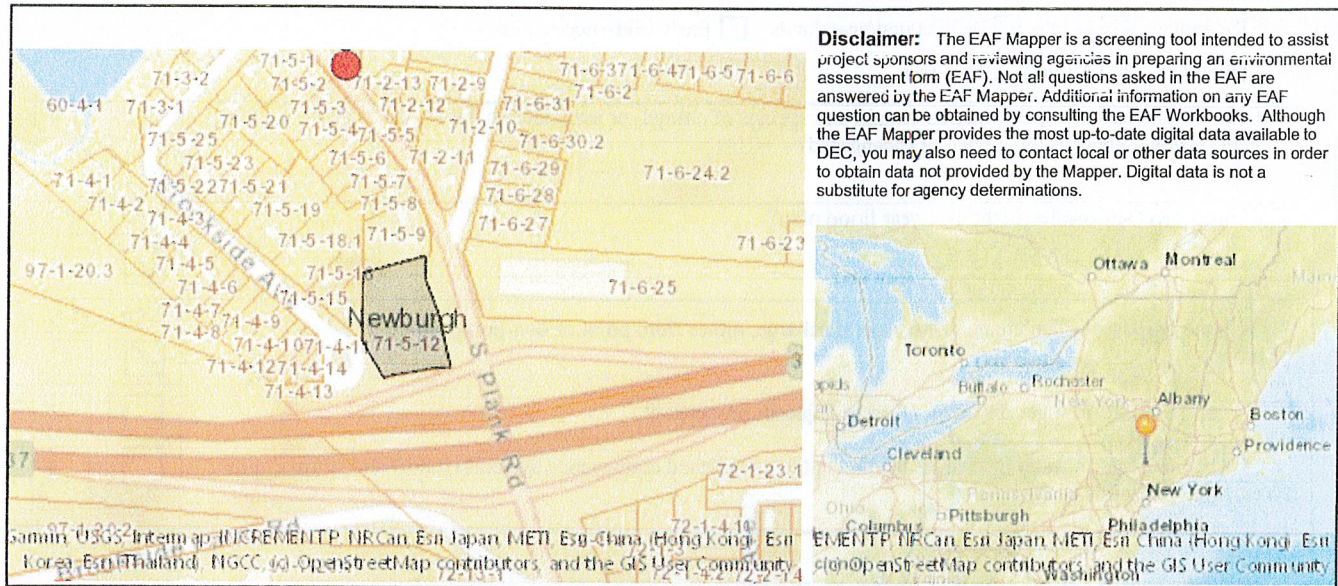
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jonathan N. Millen LLS</u> Date: <u>08/29/2022</u> Signature: <u></u> Title: <u>Licensed Land Surveyor</u>		

PRINT FORM

EAF Mapper Summary Report

Thursday, August 25, 2022 5:13 PM



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]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



ORANGE COUNTY – STATE OF NEW YORK
ANN G. RABBITT, 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: 15051 / 1727
INSTRUMENT #: 20210062636

Receipt#: 2942565
Clerk: PM
Rec Date: 09/15/2021 03:36:25 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 5
Rec'd Frm: ATLANTIC AMERICAN TITLE & AMP;
ESCROW AGENCY

Party1: AZZINARO WARREN
Party2: MOREAU STEVEN
Town: NEWBURGH (TN)
52-1-12

Recording:

Recording Fee	45.00
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: 205.00

Transfer Tax
Transfer Tax - State 1000.00

Sub Total: 1000.00

Total: 1205.00

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

***** Transfer Tax *****
Transfer Tax #: 1442
Transfer Tax
Consideration: 250000.00

Transfer Tax - State 1000.00

Total: 1000.00

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

Comment: _____

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

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 26th day of August, 2021,

BETWEEN WARREN AZZINARO, of 108 Burnt Meadow Road, Gardiner, New York 12525,

party of the first part, and

STEVEN MOREAU of 116 Bethlehem Road, New Windsor, New York 12553,

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, Count of Orange and State of New York, more particularly described in Schedule A attached hereto and made a part hereof.

Being and Intended to be the same premises conveyed to Warren Azzinaro and Barbara Azzinaro who acquired title by deed from Jeanne H. Halstead, as surviving tenants by the entirety by deed dated August 6th 2010 and recorded August 23 2010 in the Orange County Clerk's Office on August 23 2010 in Liber 13045 at page 931 (as to Lot 12) and by deed from Jeanne H. Halstead, as surviving tenant by the entirety, by deed dated August 6 2010 and recorded August 23rd 2010 in the Orange County Clerk's Office in Liber 13045 at page 935 (as to Lot 13). Barbara Azzinaro died a resident of Orange County on January 1st 2021.;

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

Section: 52, Block: 1, Lot: 12 & 13

EXHIBIT "A" LEGAL DESCRIPTION

File No.: AANY-08157-21

Tax Lot #12

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, known and designated as Lot #1 on a map entitled; "Lake Front Lots Owned by Orange Lake Land Corp.", said map having been filed in the Orange County Clerk's Office on April 4, 1927 as Filed Map #970, being more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Old South Plank Road, where said line is intersected by the division line between Lot #1 and Lot #2 as shown on the above referenced Filed Map, said point being marked by an iron rod found set in the ground, running thence the following courses:

Along the westerly line of Old South Plank Road, South 28° 32' 00" West 29.50 feet to a point;
Along the southerly line of Lot #1, North 64° 23' 00" West 95.70 feet to a point in the water of Orange Lake;
Along the westerly line of Lot #1, North 14° 27' 00" East 25.00 feet to a point in the water of Orange Lake;
Along the division line between Lot #1 and Lot #2, South 67° 09' 00" East 102.16 feet to the point or place of BEGINNING.

Tax Lot #13

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 westerly line of Old South Plank Road, where said line is intersected by the southerly line of Lot #1 as shown on a map entitled "Lake Front Lots Owned by Orange Lake Land Corp.", said map having been filed in the Orange County Clerk's Office on April 4, 1927 as Filed Map #970, running thence, the following courses:

Along the westerly line of Old South Plank Road, South 21° 01' 15" West 84.03 feet to a point; still along said line, South 36° 52' 43" West 55.76 feet to a point marked by a concrete highway monument found set in the ground; still along said line, South 54° 10' 25" West 58.46 feet to a point in the northerly line of NYS Route 52 marked by a concrete highway monument found set in the ground; along the northerly line of YS Route 52, North 83° 12' 00" West 54.29 feet to a point marked by a concrete highway monument found set in the ground; thence in a northerly direction along an irregular line, for purposes of this description connecting points on the edge of the water of Orange Lake, the following six (6) courses:
North 31° 36' 25" East 39.93 feet to a point;
North 18° 29' 10" East 41.31 feet to a point;
North 35° 19' 30" East 47.29 feet to a point;
North 16° 57' 40" East 41.28 feet to a point;
North 7° 14' 15" West 14.00 feet to a point;
North 14° 27' 00" East 27.96 feet to a point being the south west corner of the aforementioned Lot #1 on Filed Map #970;

Thence along the southerly line of said Lot #1, South 64° 23' 00" East 95.70 feet to the point or place of BEGINNING.


FOR INFORMATION ONLY:

Being known as 50 Old South Plank Road and 54 Old South Plank Road, Newburgh, NY
Section 52 Block 1 Lot 12 and Section 52 Block 1 Lot 13

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.

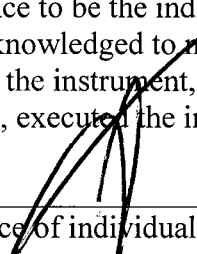

Warren Azzinaro

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

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

On the 3rd day of September in the year 2021, before me, the undersigned, personally appeared **Warren Azzinaro**, 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.

(signature and office of individual taking acknowledgment)


JOHN J. REVELLA
Notary Public - State of New York
No. 02RE6188046
Qualified in Orange County
Commission Expires June 02, 2024

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Raymond B McKeiver, being duly sworn, depose and say that I did on or before

September 8, 2022, post and will thereafter maintain at

54 Old S Plank Rd 52-1-13 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.

Ralph B. Busweiler
Sworn to before me this 30

day of August, 2022.

Raymond B McKeiver





