



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: 01/06/2026

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

I(WE) Joseph & Bridget Zappone PRESENTLY

RESIDING AT NUMBER 35 Lattintown Road, Newburgh, NY 12550

TELEPHONE NUMBER 914-474-4682

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:

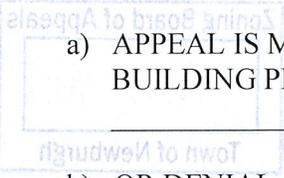
9-3-12.21 (TAX MAP DESIGNATION)

35 & 41 Lattintown Road (STREET ADDRESS)

R3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
§ 185-15A(2)

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:

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

July 18, 2025

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Setback for the covered deck and
cabana not meeting 5' requirement off of rear/side yard

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:

Prior to construction of the structure, a building permit was applied for to the Town of Newburgh Building Department. A Certificate of Compliance was issued on July 14, 2014. The structure has been in existence for >11 years therefore no undesirable change.

- 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 structure was permitted and approved by the Town of Newburgh Building Department. Removal is the only option to comply, as the owner/applicant sought an easement as well as a potential lot line change with the neighbor, but an agreement between the two parties could not be reached.

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

The structure was permitted and approved by the Town of Newburgh Building Department and has been in existence for >11 years with no issues for maintenance.

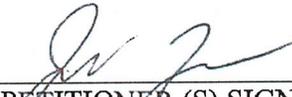
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

There is no change proposed to the existing structure that was permitted and approved by the Town of Newburgh Building Dept.

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

The was self created as the applicant constructed the structure but it was in accordance with the permit applied for and approved, and when balanced with the others factors, it is not the controlling factor.

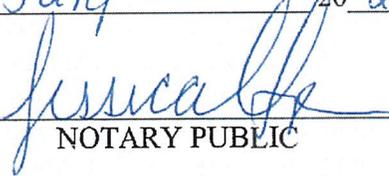
7. ADDITIONAL REASONS (IF PERTINENT):



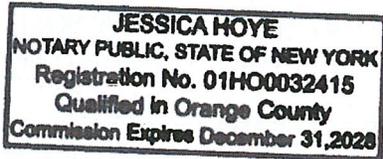
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29th DAY OF July 2025



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

Joseph & Bridget Zappone _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 35 Lattintown Road
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
35 Lattintown Road, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Engineering & Surveying
Properties, PC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: _____



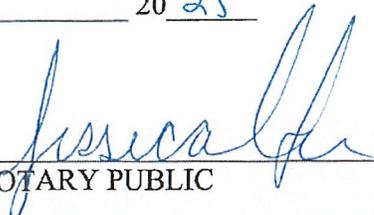
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29th DAY OF July 2025

JESSICA HOYE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HO0032415
Qualified in Orange County
Commission Expires December 31, 2028



NOTARY PUBLIC

ENCLOSURES: SUBMIT ALL ITEMS TOGETHER

- * RECEIPT(S) ISSUED BY THE TOWN CLERK
(SEE 1-1-2017 FEE SCHEDULE) (X)
- BUILDING INSPECTOR'S DISAPPROVAL (X)
OR REFERRAL LETTER FROM PLANNING BOARD
- PLOT PLAN, ELEVEN (11) COPIES DRAWN (X)
TO SCALE
- PLANS, ELEVEN (11) COPIES (IF APPLICABLE) ()
- * DEED OR CERTIFIED COPY THEREOF (X)
- * ASSESSOR'S LIST OF PROPERTY OWNERS
WITHIN 500 FEET OF PROPERTY (X)
- FOUR PHOTOGRAPHS TAKEN AT DIFFERENT
ANGLES (X)
- * ZONING BOARD APPLICATION WITH SHORT
ENVIRONMENTAL ASSESSMENT FORM (X)
- * PROXY OR STATEMENT FOR REPRESENTATION
THEREOF (X)
- SEPTIC DESIGN BY P.E. (IF APPLICABLE) ()
- PERCULATION TEST (IF APPLICABLE) ()

*** ORIGINALS ARE REQUIRED.**

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 (IN PERSON) 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. PLEASE CALL AHEAD TO MAKE SURE SOMEONE IS HERE TO ACCEPT YOUR APPLICATION).

Short Environmental Assessment Form

Part 1 - Project Information

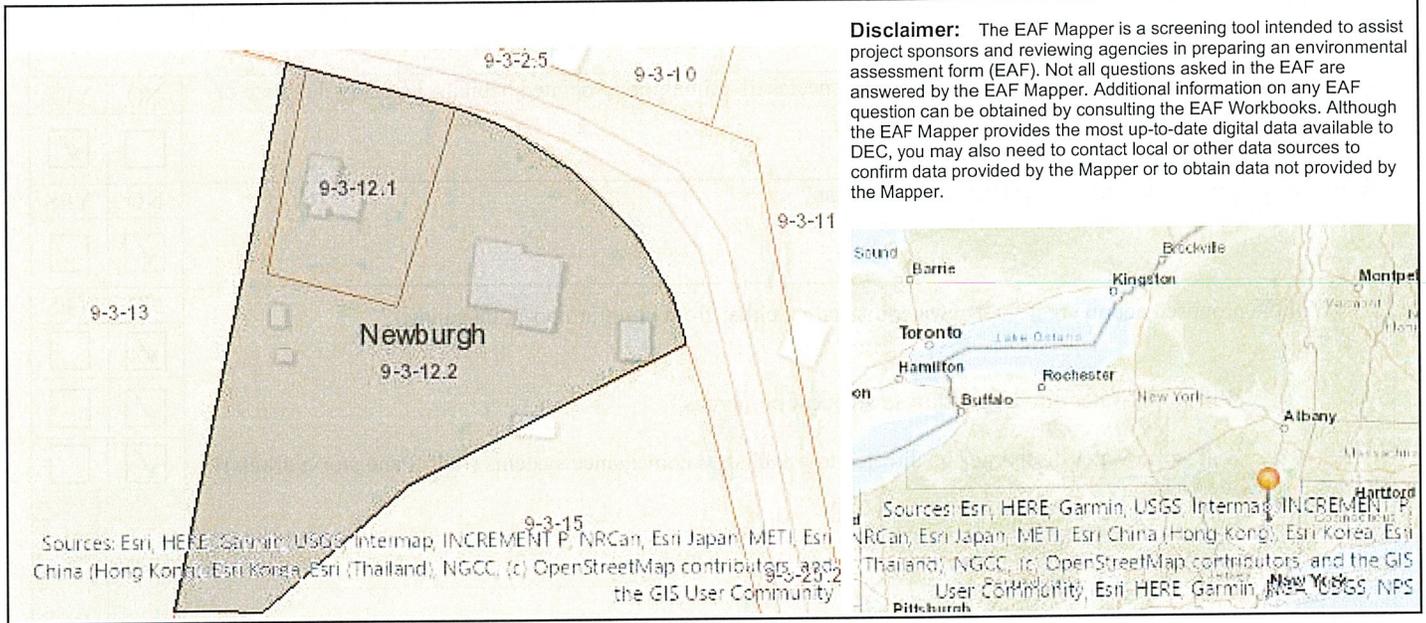
Instructions for Completing

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.

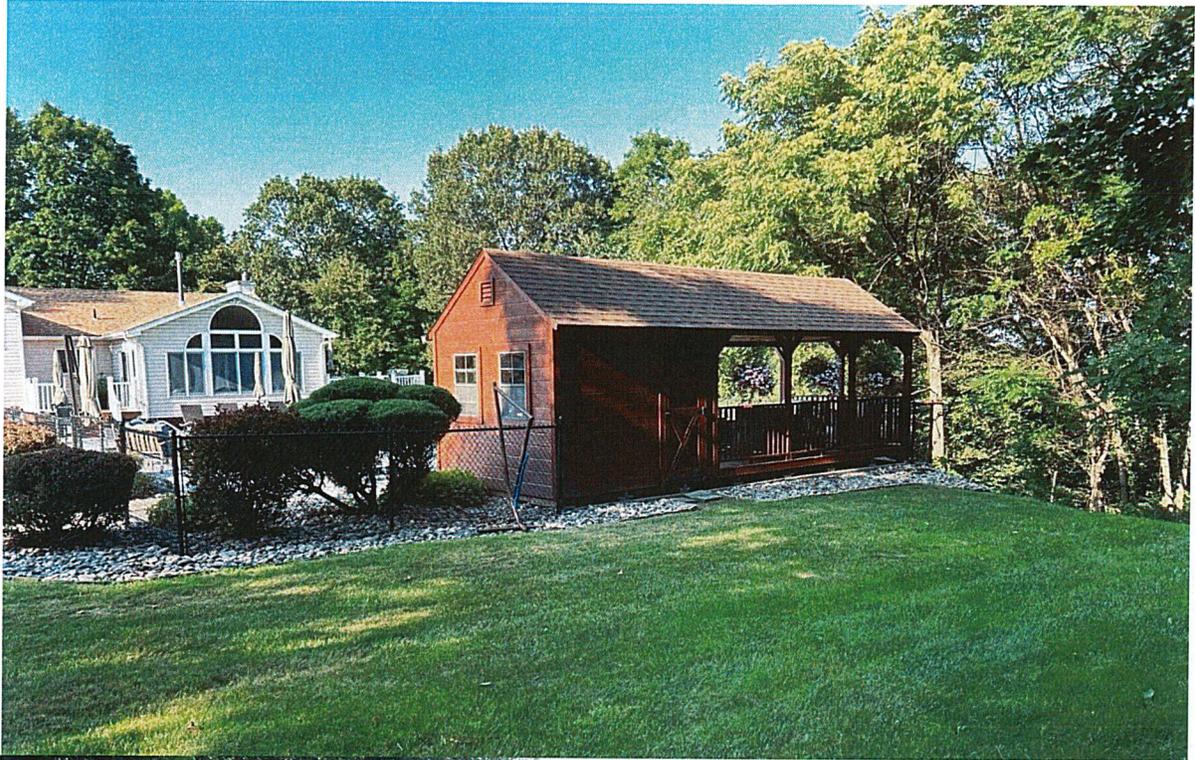
Part 1 – Project and Sponsor Information			
Joseph & Bridget Zappone			
Name of Action or Project: Variance for existing accessory structure			
Project Location (describe, and attach a location map): 35 Lattingtown Road, Town of Newburgh, NY 12550			
Brief Description of Proposed Action: The owner/applicant received a certificate of compliance on July 14, 2014 for the accessory structure of the pool shed cabana constructed on the subject property. The applicant had subsequently submitted an application to the Town of Newburgh Planning Board but was requested to obtain a variance for the accessory structure that does not meet the current zoning requirement. The request is for an area variance of the shed setback to memorialize the certificate of compliance that was issued by the Town of Newburgh Building Department.			
Name of Applicant or Sponsor: Joseph & Bridget Zappone		Telephone: (914) 474-4682	
		E-Mail: none	
Address: 35 Lattintown Road			
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 <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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 1.742 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?		_____ 4.142 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 checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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?	<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? 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? 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Lot is connected to the public water system. _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The lot has an existing subsurface sewage disposal systems _____	<input checked="" type="checkbox"/>	<input 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? 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"/>	
	<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? 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: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.

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, 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 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes





This Indenture,

Made the 11th day of May, Nineteen Hundred and Eighty-Four

Between Mattha N. Cooney (31 Wood Street, Nashua, New Hampshire 03060) and Christian Rogers Nielsen (11 Overlook Drive, Long Valley, New Jersey 07853),

as Executors of the last Will and Testament of Christian Nielsen

late of the Town of Newburgh, Orange County, New York

, deceased, parties of the first part,

and Joseph Zappone and Bridget N. Aurecchione as joint tenants with right of survivorship (24 Lattintown Road, Newburgh, New York 12550)

, parties of the second part:

Witnesseth That the parties of the first part, by virtue of the power and authority to them given in and by said last Will and Testament, and in consideration of Thirty-Eight Thousand Five Hundred (\$38,500.00) Dollars, lawful money of the United States,

part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever,

All that parcel of land in the Town of Newburgh, County of Orange and State of New York described as follows:

Beginning at an iron rod set on the westerly line of Lattintown Road and in the northerly line of lands of John J. Baxter as recorded in Liber 1927 of Deeds at Page 39, and running thence along the line of lands of said Baxter the following three courses: (1) S 76°41' W, passing through an iron pipe found at 18.98', a total distance of 216.45', (2) S 61°42' W 132.92', and (3) N 74°58' W 57.45' to an iron pipe found on the easterly line of lands now or formerly of Albert and Antoinetta Avella as recorded in Liber 1291 of Deeds at Page 149; thence along the line of lands of said Avella the following three courses: (4) N 19°32' E 138.40', (5) N 26°30' E 71.0', and (6) N 21°28' E, passing through an iron rod set at 168.72', a total distance of 193.80' to the center of Lattintown Road; thence along said line of Lattintown Road (7) S 64°00' E 149.30'; thence leaving said center of Lattintown Road (8) S 29°09' W 25.30' to an iron rod set on the southwesterly line of Lattintown Road; thence along the southwesterly and westerly line of Lattintown Road the following five courses: (9) S 51°30' E 52.0', (10) S 43°15' E 65.0', (11) S 28°00' E 36.0', (12) S 12°53' E 23.60', and (13) S 05°16' E 54.54' to the point of beginning, as surveyed on 27 April 1984 by Anthony D. Valdina, Land Surveyor. Containing 1.83 acres of land, more or less.

Subject to an easement heretofore granted to John F. McMullen to maintain a water waste conduit over a portion of the premises hereby conveyed, which easement is recorded in the Orange County Clerk's Office in Book 757 of Deeds at page 389. Subject to any easements of record heretofore granted to Central Hudson Gas and Electric Corporation and New York Telephone Company to maintain poles and wires thereon.

Being the same premises conveyed by William H. Cosman and Lulu E. Cosman to Christian Nielsen and Isabelle I. Nielsen by Deed dated September 25, 1951 and recorded in the Orange County Clerk's Office on September 26, 1951 in Liber 1209 of Deeds at Page 383. Isabelle I. Nielsen died on January 26, 1982. Christian Nielsen died on December 17, 1983, and his Will was admitted to probate in the Orange County Surrogate's Court on January 18, 1984, at which time Letters Testamentary were granted to Martha N. Cooney and Christian Rogers Nielsen.

The N.Y.S. Real Estate Transfer Tax is \$154.00

This parcel is designated on the tax map of the Town of Newburgh as Section 9, Block 3, Lot 12, Acres 1.80

Together with the appurtenances, and also all the estate which said Testator had at the time of his decease in said premises, And also the estate therein, which the parties of the first part had or have power to convey or dispose of, whether individually, or by virtue of said Will or otherwise,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as joint tenants with right of survivorship,

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have signed this Executor's Deed on May 11, 1984

In presence of

Martha N. Cooney
Martha N. Cooney
EXECUTOR

Christian Rogers Nielsen
Christian Rogers Nielsen
EXECUTOR

State of New York County of Orange ss.:

On the 11th day of May, nineteen hundred and eighty-four before me personally came Martha N. Cooney and Christian Rogers Nielsen, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

D. Clinton Dominick III
D. CLINTON DOMINICK III
NOTARY PUBLIC, STATE OF NEW YORK
Residing in Orange County
COMMISSION EXPIRES March 30, 1986

State of County of ss.:

On the day of , nineteen hundred and , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides in that he is the of

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed his name thereto by like order.

Deed.

TO

19

Deed.

R. R.
Kenneth D. Johnson
P.O. Box 207
Walton, N.Y. 14158

LAW OFFICES
DOMINICK & FOGARTY
NEWBURGH, N.Y.

R.T.J.

154-
178-
2-

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

RECEIVED
J.S.P.P.R.
REAL ESTATE
MAY 30 1984
TRANSFER TAX
ORANGE COUNTY

LIBER 2284 pg. 1067

Orange County Clerk's Office, s.s.
Recorded on the 30th day
of May, 1984, at 9:03
o'clock, P.M. in Liber 2284
page Examined.
Maura S. Murphy
Clerk



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: 13810 / 1058
 INSTRUMENT #: 20140088948

Receipt#: 1830899
 Clerk: HS
 Rec Date: 10/30/2014 10:26:24 AM
 Doc Grp: D
 Descrip: DEED C
 Num Pgs: 3
 Rec'd Frm: CTI

Party1: BIVIANO ANNETTE
 Party2: ZAPPONE JOSEPH
 Town: NEWBURGH (TN)

Recording:

Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 310.00

Transfer Tax	
Transfer Tax - State	240.00

Sub Total: 240.00

Total: 550.00

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

***** Transfer Tax *****
 Transfer Tax #: 2032
 Commercial Transfer Tax
 Consideration: 60000.00

Transfer Tax - State	240.00
----------------------	--------

Total: 240.00

Payment Type: Check
 Cash
 Change
 No Fee

Comment: _____

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

SCOTT BONACID
 90 CRYSTAL RUN RD SUITE 104
 MIDDLETOWN, NY 10941

SCHEDULE A

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the center of the public highway known as the Middlehope Hill Road in the division line between lands hereby conveyed and lands conveyed by Cosman to Nieleen; thence along lands of Nieleen the following courses and distances; south 21 degrees 28 minutes west 193.8 feet; south 26 degrees 30 minutes west 71 feet; south 19 degrees 32 minutes west 138.4 feet; south 27 degrees 27 minutes west 93.6 feet to an iron pin and lands of John F. McMullen, and thence north 64 degrees 44 minutes west along lands of McMullen 265.35 feet to the center of the road leading from Newburgh to Lattintown; thence through center of said road leading from Newburgh to Lattintown and the center of the above mentioned Middlehope Hill Road the following courses and distances; north 24 degrees 29 minutes east 127.3 feet; north 21 degrees 30 minutes east 50 feet; north 14 degrees 42 minutes east 50 feet; north 1 degree 7 minutes east 153.6 feet; north 62 degrees 48 minutes east 57.2 feet; south 60 degrees 3 minutes east 83.9 feet and south 64 degrees 20 minutes east 240.2 feet to the point or place of beginning. Containing 3.37 acres, more or less.

Subject to the rights of the public highway adjacent to the above described premises.

Subject to the rights heretofore granted to any public utility corporation to maintain poles and wires thereon.

BEING the same premises conveyed from Albert J. Avella to Albert J. Avella and Anna F. Avella, by deed dated May 13, 1985 and recorded in the Orange County Clerk's Office on May 17, 1985 in Liber 2362 at Page 106.

THAT Albert J. Avella died testate on January 6, 2004, a resident of Union City, Hudson County, New Jersey, leaving him surviving his wife Anna F. Avella.

BEING the same premises as conveyed by deed from ANNA F. AVELLA to ANNETTE BIVIANO by deed dated January 24th, 2006 and filed in the Orange County Clerk's Office on March 7th, 2006 as document number 2006-0025852.



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: 14397 / 350
 INSTRUMENT #: 20180032627
 Receipt#: 2485048
 Clerk: MAH
 Rec Date: 05/03/2018 10:57:18 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: VAN HOUTEN EDWARD A
 Party2: WENZEL STEPHEN
 Town: NEWBURGH (TN)
 9-3-15

Recording:
 Recording Fee 45.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 Residential/Agricu 116.00
 RP5217 - County 9.00

Sub Total: 195.00

Transfer Tax
 Transfer Tax - State 400.00

Sub Total: 400.00

Total: 595.00

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

***** Transfer Tax *****
 Transfer Tax #: 8857
 Transfer Tax
 Consideration: 100000.00

Transfer Tax - State 400.00

Total: 400.00

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

Comment: _____

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

SAFFIOTI & ANDERSON
 JOSEPH M SAFFIOTI ESQ
 5031 ROUTE 9W
 NEWBURGH, NY 12550

**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 May 1, 2018,

BETWEEN Edward A. Van Houten, of 296 Orchard Road, Highland, New York 12528,

party of the first part, and

Stephen Wenzel of 5571 Route 9W, Marlboro, New York 12542,

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 and made a part hereof.;

BEING the same premises as conveyed by Edward A. Van Houten and Karen Van Houten to Edward A. Van Houten by deed dated October 21, 2003 and recorded on March 11, 2004 in Liber 11418 page 1561 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.

5/15/18: 9-3-15

Stewart Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-185169-O

Policy No.: 850709264

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 and State of New York, being bounded and described as follows:

BEGINNING at an iron pipe on the easterly line of Carter Avenue;

RUNNING THENCE along said line of Carter Avenue the following two (2) courses and distances:

- (1) North 23 degrees 57' 10" East, 206.05 feet to a point;
- (2) North 24 degrees 37' East, 47.20 feet to a point;

THENCE along the line of lands now or formerly of Albert and Antoinetta Avella the following two (2) courses and distances:

- (1) South 64 degrees 44' East, 247.45 feet to a point;
- (2) North 27 degrees 27' East, 93.60 feet to an iron pipe at the southwesterly corner of lands now or formerly of Christian and Isabelle I. Nielson;

THENCE along the line of lands now or formerly of Nielsen the following three (3) courses and distances:

- (1) South 74 degrees 58' East, 57.45 feet to an iron rod;
- (2) North 61 degrees 42' East, 132.92 feet to an iron rod;
- (3) North 76 degrees 41' East passing through an iron pipe at 197.47 feet and passing through an iron rod at an additional 18.98 feet, a total distance of 245.11 feet to a point in the center of Lattintown Road;

THENCE along the center of said Lattintown Road the following two (2) courses and distances:

- (1) South 02 degrees 23' East, 44.25 feet to a point;
- (2) South 00 degrees 27' West, 262.81 feet to a point;

THENCE along the lands of lands now or formerly of Commissioners of Middlehope Fire District the following two (2) courses and distances:

- (1) North 73 degrees 06' West, 232.26 feet to a point;
- (2) South 22 degrees 50' West passing through an iron rod at 259.26 feet, a total distance of 261.34 feet to a point;

Stewart Title Insurance Company

THENCE North 65 degrees 27' West, 156.62 feet to an iron rod;

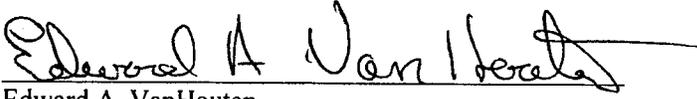
THENCE North 72 degrees 12' 05" West, 331.16 feet to the point or place of BEGINNING.

For Information Only:

Said Premise being known as 408 Carter Avenue, Newburgh, NY.

Section: 9 Block: 3 Lot: 15

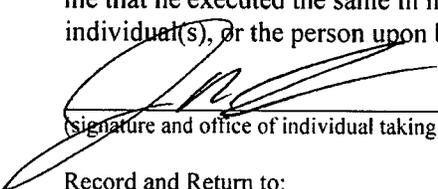
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


Edward A. VanHouten

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

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

On the 1st day of May in the year 2018, before me, the undersigned, personally appeared **Edward A. Van Houten** , 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)



R:K -
Record and Return to:
Joseph M. Saffioti, Esq.
5031 Route 9W
Newburgh, NY 12550

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

To NEWBURGH
SECTION 9 BLOCK 3 LOT 19



County of ORANGE

TO
BEHROOZ ROBERT ABNOOSI

RECORD AND RETURN TO:
(name and address)
BEHROOZ ROBERT ABNOOSI
8517 4th AVENUE, APT A-1
NORTH BERGEN, N.J. 07047

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED R MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|-----------------------------------|--|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2003 SO. BLOOMING GROVE (VLG) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4205 WALDEN (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2489 CORNWALL (TN) | ___ 4401 OTISVILLE (VLG) |
| ___ 2401 CORNWALL (VLG) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| ___ 2600 CRAWFORD (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 2800 DEERPARK (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3001 GOSHEN (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3003 FLORIDA (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5401 FLORIDA (VLG) |
| ___ 3200 GREENVILLE (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5405 WARWICK (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5600 WAWAYANDA (TN) |
| ___ 3689 HIGHLANDS (TN) | ___ 5889 WOODBURY (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5801 HARRIMAN (VLG) |
| ___ 3889 MINISINK (TN) | ___ 5809 WOODBURY (VLG) |
| ___ 3801 UNIONVILLE (VLG) | CITIES |
| ___ 4089 MONROE (TN) | ___ 0900 MIDDLETOWN |
| ___ 4001 MONROE (VLG) | ___ 1100 NEWBURGH |
| ___ 4003 HARRIMAN (VLG) | ___ 1300 PORT JERVIS |
| ___ 4005 KIRYAS JOEL (VLG) | ___ 9999 HOLD |

NO. PAGES 2 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAPS _____ PGS. _____

PAYMENT TYPE: CHECK X
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 50,000^{ca}
TAX EXEMPT X
Taxable
MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 8 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From B. Abnoosi

RECORDED/FILED
02/07/2013/ 16:03:06
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130015756
DEED R / BK 13503PG 1164
RECORDING FEES 180.00
TTX# 003872 T TAX 0.00
Receipt#1561901 mrl



DEED

THIS INDENTURE, made the 30th day of January, 2013, between the **COUNTY OF ORANGE**, a municipal corporation with offices at 255 Main Street, Goshen, New York, party of the first part, and

BEHROOZ ROBERT ABNOOSI, located at 8517 4TH Avenue, Apt. A-1 North Bergen, N. J. 07047, party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum of **FIFTY THOUSAND and 00/100 (\$50,000.00) DOLLARS**, and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL these certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the **TOWN OF NEWBURGH**, designated on the Orange County Tax Map as **Section 9, Block 3, Lot 19**.

BEING the same premises conveyed to the County of Orange by deed recorded in the Orange County Clerk's Office on July 27, 2012 in Liber 13383 of Deeds at Page 1717. Said premises being formerly owned by County of Orange.

TOGETHER, with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the centerlines thereof, exclusive of County streets and roads.

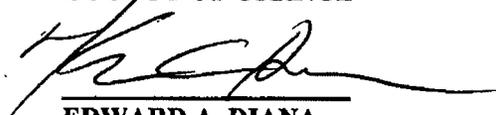
TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

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.

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.

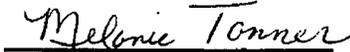
IN PRESENCE OF:

COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

STATE OF NEW YORK) ss.
COUNTY OF ORANGE)

On the 30th day of January, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **EDWARD A. DIANA**, 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 executed the same in his capacity; and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and that he signed his name thereto pursuant to Local Law No 7 of 2001, as amended, by authority of the County Legislature of said County.

MELANIE TANNER
Notary Public, State of New York
No. 4957059
Qualified in Orange County
Commission Expires October 10, 2013


NOTARY PUBLIC

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Roberta A. Olsen
Robert J. Olsen

TO
Robert J. Olsen

SECTION 9 BLOCK 3 LOT 19

RECORD AND RETURN TO:
(name and address)

Robert J. Olsen
404 Carter Ave.
Newburgh, N.Y. 12550



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | | |
|----------------------------|------|----------------------|
| 2089 BLOOMING GROVE (TN) | 4289 | MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 | MAYBROOK (VLG) |
| 2289 CHESTER (TN) | 4203 | MONTGOMERY (VLG) |
| 2201 CHESTER (VLG) | 4205 | WALDEN (VLG) |
| 2489 CORNWALL (TN) | 4489 | MOUNT HOPE (TN) |
| 2401 CORNWALL (VLG) | 4401 | OTISVILLE (VLG) |
| 2600 CRAWFORD (TN) | 4600 | NEWBURGH (TN) |
| 2800 DEERPARK (TN) | 4800 | NEW WINDSOR (TN) |
| 3089 GOSHEN (TN) | 5089 | TUXEDO (TN) |
| 3001 GOSHEN (VLG) | 5001 | TUXEDO PARK (VLG) |
| 3003 FLORIDA (VLG) | 5200 | WALLKILL (TN) |
| 3005 CHESTER (VLG) | 5489 | WARWICK (TN) |
| 3200 GREENVILLE (TN) | 5401 | FLORIDA (VLG) |
| 3489 HAMPTONBURGH (TN) | 5403 | GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG) | 5405 | WARWICK (VLG) |
| 3689 HIGHLANDS (TN) | 5600 | WAWAYANDA (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5889 | WOODBURY (TN) |
| 3889 MINISINK (TN) | 5801 | HARRIMAN (VLG) |
| 3801 UNIONVILLE (VLG) | | |
| 4089 MONROE (TN) | | |
| 4001 MONROE (VLG) | 0900 | MIDDLETOWN |
| 4003 HARRIMAN (VLG) | 1100 | NEWBURGH |
| 4005 KIRYAS JOEL (VLG) | 1300 | PORT JERVIS |
| | 9999 | HOLD |

NO PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ _____
TAX EXEMPT
Taxable
MORTGAGE AMT. \$ _____
DATE _____

- MORTGAGE TAX TYPE:
- (A) COMMERCIAL/FULL 1%
 - (B) 1 OR 2 FAMILY
 - (C) UNDER \$10,000
 - (E) EXEMPT
 - (F) 3 TO 6 UNITS
 - (I) NAT.PERSON/CR. UNION
 - (J) NAT.PER-CR.UN/1 OR 2
 - (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Olsen

RECORDED/FILED
10/06/2003/ 12:13:41
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030128531
DEED / BK 11218 PG 1094
RECORDING FEES 92.00
TTX# 002488 TRANS TAX 0.00
Receipt#169257 frances



BARGAIN AND SALE DEED

THIS INDENTURE, made on August 30, 2003

BETWEEN ROBERT J. OLSEN, residing at ⁴⁰⁴ ~~108~~ Carter Ave., Newburgh, NY 12550 and
ROBERTA A. OLSEN, residing at ^{43 Sunnybrook Circle} ~~108~~ ^{Highland. N.Y. 12528}

party of the first part and

ROBERT J. OLSEN, residing at ⁴⁰⁴ ~~108~~ Carter Ave., Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, and his heirs, executors, administrators, successors and assigns 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, and State of New York, and more particularly described in the Schedule A attached hereto and made a part hereof.

BEING the same premises conveyed from ROBERT J. OLSEN to ROBERT J. OLSEN and ROBERTA A. OLSEN, by Deed dated January 31, 1992 and recorded in the Orange County Clerk's Office on March 19, 1992 in Liber 3577 at page 9.

BEING the same premises more commonly known as ⁴⁰⁴ ~~108~~ Carter Ave., Newburgh, NY 12550.

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting said premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises,

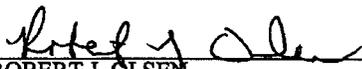
TO HAVE AND TO HOLD the premises herein granted unto Grantee and his heirs, executors, administrators, successors and assigns forever.

Grantor covenants that Grantor has not done or suffered anything whereby said premises have been encumbered in any way whatever, except as set forth herein.

Grantor, in compliance with Section 13 of the Lien Law, covenants that he 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.


ROBERTA A. OLSEN


ROBERT J. OLSEN

SCHEDULE A

BEGINNING at a point in the Easterly side of Carter Avenue which point is 728 feet Southerly from the intersection of the Southerly side of Latintown Road with the Easterly side of Carter Avenue, thence South 69 degrees 52' 40" East 125.12 feet to a point; thence South 22 degrees 42' West 367.4 feet to a point; thence North 66 degrees 43' West 125 feet to the Easterly side of Carter Avenue; thence along the Easterly side of Carter Avenue North 22 degrees 42' East 360.50 feet to the point or place of beginning.

SUBJECT to a right of way grant in Liber 602 of Deeds at Page 106 and also subject to a right of way grant in Liber 771 of Deeds at Page 280 filed in the Orange County Clerk's Office.

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

On the 2 day of September, in the year 2003, before me, the undersigned, personally appeared ROBERTA A. OLSEN, 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 executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Kathryn Hofweber
Notary Public

KATHRYN HOFWEBER
Notary Public, State of New York
Reg. #01HO6000543
Qualified in Dutchess County
Commission Expires December 22, 05

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

On the 6th day of Oct, in the year 2003, before me, the undersigned, personally appeared ROBERT J. OLSEN, 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 executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Shirley B. Madden
SHIRLEY B. MADDEN
Notary Public, State of New York
Qualified in Orange County
Notary Public Commission Expires October 31, 2005

BARGAIN & SALE DEED
WITH COVENANT'S AGAINST GRANTOR'S ACTS

ROBERT J. OLSEN & ROBERTA A. OLSEN

TO

ROBERT J. OLSEN

DISTRICT
SECTION 9
BLOCK 3
LOT 19
COUNTY OR TOWN ORANGE

RECORD & RETURN TO:

HARVEY C. KALLUS, P.C.
100 Commerce Dr.
Suite 107
New Windsor, NY 12553

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

Louis W. Colandrea and
Bernice J. Colandrea

TO

Middle Hope Fire District

SECTION 9 BLOCK 3 LOT 21

RECORD AND RETURN TO:
(name and address)



Kornfeld Rew...
Attn: Frank Someone Say
46 Washington Ave
Suffern NY 10907

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE CLOS100104

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | |
|----------------------------|---------------------------|
| 2089 BLOOMING GROVE (TN) | 4289 MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) |
| 2289 CHESTER (TN) | 4203 MONTGOMERY (VLG) |
| 2201 CHESTER (VLG) | 4205 WALDEN (VLG) |
| 2489 CORNWALL (TN) | 4489 MOUNT HOPE (TN) |
| 2401 CORNWALL (VLG) | 4481 OTISVILLE (VLG) |
| 2600 CRAWFORD (TN) | ✓ 4600 NEWBURGH (TN) |
| 2800 DEERPARK (TN) | 4800 NEW WINDSOR (TN) |
| 3089 GOSHEN (TN) | 5089 TUXEDO (TN) |
| 3001 GOSHEN (VLG) | 5001 TUXEDO PARK (VLG) |
| 3003 FLORIDA (VLG) | 5200 WALLKILL (TN) |
| 3005 CHESTER (VLG) | 5489 WARWICK (TN) |
| 3200 GREENVILLE (TN) | 5401 FLORIDA (VLG) |
| 3489 HAMPTONBURGH (TN) | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG) | 5405 WARWICK (VLG) |
| 3689 HIGHLANDS (TN) | 5600 WAWAYANDA (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5889 WOODBURY (TN) |
| 3889 MINISINK (TN) | 5801 HARRIMAN (VLG) |
| 7801 UNIONVILLE (VLG) | |
| 4089 MONROE (TN) | |
| 4001 MONROE (VLG) | CITIES |
| 4003 HARRIMAN (VLG) | 0900 MIDDLETOWN |
| 4005 KIRYAS JOEL (VLG) | 1100 NEWBURGH |
| | 1300 PORT JERVIS |
| | 9999 HOLD |

NO PAGES 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 0
TAX EXEMPT
Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:
 (A) COMMERCIAL/FULL 1%
 (B) 1 OR 2 FAMILY
 (C) UNDER \$10,000
 (E) EXEMPT
 (F) 3 TO 6 UNITS
 (I) NAT.PERSON/CR. UNION
 (J) NAT.PER-CR.UN/1 OR 2
 (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Yard America*

RECORDED/FILED
05/11/2005/ 14:25:50
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050053020
DEED R / BK 11838 PG 0148
RECORDING FEES 117.00
TTX# 010846 T TAX 0.00
Receipt#420109 joanned



Bargain & sale deed, with covenant against grantor's acts

THIS INDENTURE, made the 27TH day of April, two thousand five.

BETWEEN

LOUIS W. COLANDREA and BERNICE J. COLANDREA, residing at 7 Rivers Edge,
Newburgh, New York 12550

party of the first part, and

MIDDLE HOPE FIRE DISTRICT, a district corporation and political subdivision of the State of
New York with an address at Station #2 at the intersection of Balmville Road and Route 9W,
Newburgh, New York 12550,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00)
DOLLARS, lawful money of the United States and other good and 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, and State of New
York, being further bounded and described in Schedule A attached hereto.

Being and intended to be the same premises conveyed in a certain deed dated January 10, 2000
by Bernice J. Colandrea and Louis W. Colandrea, as tenants by the entirety to Bernice J.
Colandrea and Louis W. Colandrea, as tenants in common and recorded on January 27, 2000 in
the office of the Orange County Clerk in Liber 5230 of deeds at page 115.

SUBJECT TO any covenants, easements, restrictions and rights of way of record.

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.

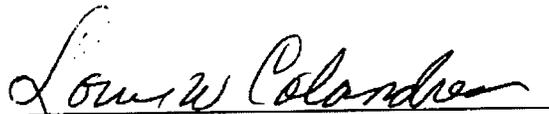
AND the party of the first part covenants that the party of the first part has not done or suffered
anything whereby the said premises have been encumbered in any way whatever, except as
aforesaid.

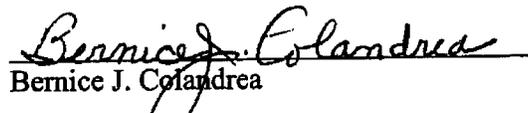
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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.

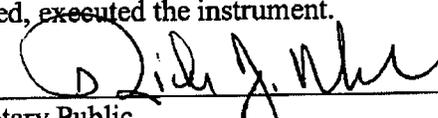
IN PRESENCE OF:


Louis W. Colandrea


Bernice J. Colandrea

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

On the 28TH day of April, in the year 2005, before me, the undersigned, a Notary Public in and for the State, personally appeared, Louis W. Colandrea and Bernice J. Colandrea, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signature on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.


Notary Public

RICHARD J. DRAKE
Notary Public, State Of New York
No. 02DR6096165
Qualified in Orange County
Commission Expires August 31, 2008

RECORD AND RETURN TO:

Frank T. Simeone, Esq.
Kornfeld, Rew, Newman & Simeone, Esqs.
46 Washington Avenue-Box 177
Suffern, New York 10901

Section 9; Block 3; Lot 21
T/Newburgh – C/ Orange

#310491



ANTHONY D. VALDINA
New York State Licensed Land Surveyor

4 PLEASANT VIEW AVENUE
NEWBURGH, NEW YORK 12550

(845) 561-8367
Fax: (845) 565-4428
Date: 25 Apr. 2005

DESCRIPTION

for

Middlehope Fire District

All that certain piece or parcel of land lying, situate and being in the Town of Newburgh, County of Orange and State of New York bounded and described as follows:

Beginning at a point on the westerly line of U.S. Highway Route No. 9W; and running thence along the said line of Route 9W the following three courses and distances: 1) S 26°-16'-14" W 205.72' to a point; 2) S 48°-40'-00" W 23.41' to a point; 3) S 11°-02'-00" W 23.09' to a point; thence leaving said line, along a stonewall in part and the remains of a stonewall in part, and also along the line of lands now or formerly of Mergim and Lulzime Isaku from Deed in Liber 5792 of Deeds at Page 247, N 61°-03'-29" W 753.56' to an iron rod found in said stonewall; thence along the line of lands now or formerly of Randolph G. and Therese P. Smith from Deed in Liber 3167 of Deeds at Page 158, N 60°-25'-34" W 360.0' to a point at the southeasterly corner of lands now or formerly of Robert J. Olsen from Deed in Liber 11218 of Deeds at Page 1094, said point being S 60°-25'-34" E 125.0' from an iron pipe found on the easterly line of Carter Avenue; thence along the line of lands of said Olsen, N 26°-52'-47" E 368.31' to a point; thence along the line of lands now or formerly of E.A. VanHouten from Deed in Liber 11418 of Deeds at Page 1561 the following two courses and distances: 1) S 69°-03'-02" E 200.96' to an iron found; 2) S 62°-05'-19" E 156.75' to a point; thence along the line of lands now or formerly of the Middlehope Fire District from Deed in Liber 1126 of Deeds at Page 88, S 59°-01'-33" E 270.76' to a point; thence along the line of lands now or formerly of the Middlehope Fire Company Inc. from Deed in Liber 1091 at Page 64 and from Deed in Liber 1158 of Deeds at Page 168 the following two courses and distances: 1) S 59°-31'-25" E 98.64' to a point; 2) S 57°-41'-35" E 45.50' to an iron pipe found; thence along the line of lands now or formerly of Michael R. and Anna Cullen the following two courses and distances: 1) S 59°-42'-50" E 37.86' to a point; 2) S 60°-01'-20" E 65.54' to a point; thence along the line of lands now or formerly of John and Susan Merck from Deed in Liber 11610 of Deeds at Page 1746 the following two courses and distances: 1) S 23°-50'-45" W 132.96' to a point; 2) S 60°-06'-15" E 232.50' to the point or place of beginning.

Containing 9.27 acres of land more or less.

Subject to grants, easements, right of ways, restrictions and covenants of record, if any.



Montgomery Office:
 71 Clinton Street
 Montgomery, NY 12549
 845-457-7727

Goshen Office:
 262 Greenwich Ave, Ste B
 Goshen, NY 10924
 845-457-7727

LETTER OF TRANSMITTAL

TO: **Town of Newburgh**
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY

DATE: January 7, 2026	W.O. #: 2202.01
ATTENTION: Darrin Scalzo, Chairman	
RE: Zappone	
35 and 41 Lattintown Road	

Please find attached:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Plans | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> Report | <input type="checkbox"/> Memorandum |
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Check |
| <input type="checkbox"/> Specifications | <input checked="" type="checkbox"/> Other <u>SEAF, Pictures, Deed</u> |

DELIVERY METHOD:

- Hand Delivered _____
Received by *Date*
- USPS Mail e Overnight Fax

COPIES	DATE	NO.	DESCRIPTION
11	01/07/26		Project Letter
11	01/07/26		Application
11	01/07/26		SEAF
11	01/07/26		Application Pictures
11	01/07/26		Assessor's List
11	01/07/26		Referral
11	01/07/26		Deeds
11	01/07/26		Survey
1	01/07/26		Check for Application Fee - Receipt

THE ITEMS ABOVE ARE TRANSMITTED FOR REASONS AS INDICATED BELOW:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> For Approval | <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> Returned for corrections |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> For BIDS DUE _____ |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> _____ |

REMARKS: _____

COPY TO: _____

SIGNED: _____ Jay Samuelson, P.E.



Montgomery Office:

71 Clinton Street
Montgomery, NY 12549

Goshen Office:

262 Greenwich Ave, Ste B
Goshen, NY 10924

(845) 457 - 7727

www.EngineeringPropertiesPC.com

January 7, 2026

Town of Newburgh Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

ATTN: Darrin Scalzo, Chairman

**RE: W.O. # 2202.01 - ZAPPONE
VARIANCE REQUEST FOR ACCESSORY STRUCTURE SETBACK
35 LATTINTOWN ROAD**

Dear Chairman Scalzo & Board Members

An application was made to the Town of Newburgh Zoning Board of Appeals (ZBA) in September 2025 for a variance to the required setback of an existing accessory structure located on the above-reference property. The initial request was heard at the September 25, 2025, ZBA Meeting. Additional information was requested by the board from the applicant to confirm that an actual building permit was applied for and an attempt be made to either obtain an easement or potential lot line change from the neighbor to allow for exterior access to the structure for any potential maintenance.

In an oversight on the part of the applicant's representative (Engineering & Surveying Properties, DPC [EP]), notification was not provided to the Town of Newburgh Zoning Board of Appeals requesting adjournment of the active public hearing to obtain and provide the requested information. Due to the lack of notification by EP, the Town of Newburgh Zoning Board of Appeals deemed the application abandoned.

Please find enclosed a new application package with all necessary attachments & documentation. The application is for an area variance for an accessory structure not meeting the required setback. In regards to the information requested at the September meeting, the applicant has had multiple conversations with the neighbor to discuss these potential resolutions, which included the easement option, and several concepts of a lot line change were proposed and reviewed by both parties, however a mutual agreement could not be reached that both parties felt was a fair agreement. Although a copy of the actual building permit was not able to be found, the applicant was able to find a copy of the certificate of compliance issued in July 2014 by the Town of Newburgh Building Department stating that the accessory structure was in compliance with the submitted plans and specifications and conforms to all requirements of the applicable provisions of the law. A copy of this certificate of compliance is attached for the ZBA's record. Additionally, this office attempted to contact the Town of Newburgh Building Department multiple times to discuss the application regarding the building permit (which the building department representative at the September ZBA meeting stated that they could not find on e on record) and discuss the certificate and the potential that a variance is no longer required (as implied by the statement of "conforms to all the requirements of the applicable provisions of law"; however no response was provided.

Site Design and Development • Land Surveying • Landscape Architecture • Environmental Planning and Permitting
Construction Support • Project Management • Client Advocating and Representation • Municipal Engineering

Therefore, it is requested that the area variance be granted to memorialize the certificate of compliance issued by the Town of Newburgh Building Department on July 14, 2014 to permit the applicant to continue through the Planning Board process for lot lien change that was applied for in August 2025.

If you have any additional questions and/or comments, please don't hesitate to contact this office.

Sincerely,
Engineering & Surveying Properties, PC

A handwritten signature in blue ink that reads "Jay Samuelson". The signature is written in a cursive style with a large initial "J".

Jay Samuelson, P.E.
Principal

encl:

cc: applicant
file

James R. Loeb *
Richard J. Drake**
Glen L. Heller ◊
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley ◊◊
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield ◊◊
Ivan M. Bonet ◊◊

Jennifer L. Schneider
Managing Attorney

* Retired 2025
** Retired 2015; d. 2025

◊ LL.M. in Taxation
◊◊ Member NY & NJ Bar

July 18, 2025

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Lands of Zappone / Planning Board Project No. 25-23

Dear Chairman Scalzo and Board Members:

At the Planning Board's June 17, 2025 meeting, the Planning Board resolved to refer this lot line change application to the Zoning Board of Appeals for a side yard variance.

This properties are located at 35 and 41 Lattintown Road, designated on the tax map as Section 9, Block 3, Lots 12.1 & 12.2, and are both improved with single family residences. The proposed lot line change will reconfigure the lot sizes. Both residences are currently served with municipal water. No new structures are proposed. The parcels are located in the R-3 zoning district.

On Lot 2 (9-3-12.2) the covered wood deck requires a ZBA variance, the minimum accessory structure setback is 5' where 0.7' is provided. Town of Newburgh Zoning Code § 185- 15(2) states: "Such building shall be set back at least five feet from any side or rear lot line and at least 10 feet from the main building." Note that a certificate of compliance was issued for the structure on July 14, 2014; at that time the homeowners documented that the deck was 30' off of the property line.

This matter is a SEQRA Type II action. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I James HALLIGAN, being duly sworn, depose and say that I did on or before 5th February 11th, 2026, post and will thereafter maintain at

35 & 41 Lattintown Rd 9-3-12.1 & 12.2 R3 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 5th
day of February, 2026.
Jessica Hoyle

James Halligan

**JESSICA HOYE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HO0032415
Qualified in Orange County
Commission Expires December 31, 2028**

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637







