



# 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: 07/22/2025

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:

<u>                    </u>	USE VARIANCE
<u>          X          </u>	AREA VARIANCE (S)
<u>                    </u>	INTERPRETATION OF THE ORDINANCE
<u>                    </u>	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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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:

The building is a residential use structure so it is allowable in the zone and the area of the adjacent site where the covered porch is is wooded so therefore does not cause detriment to the nearby properties.

- 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 covered porch is already constructed

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

It remains on the owner's property and does not disrupt the adjacent property

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

It is a residential use structure so therefore it doesn't impact the physical conditions of the neighborhood

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

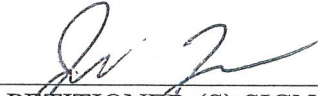
Being self created is not a reason for denial

7. ADDITIONAL REASONS (IF PERTINENT):

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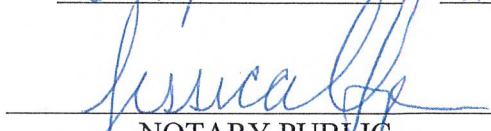
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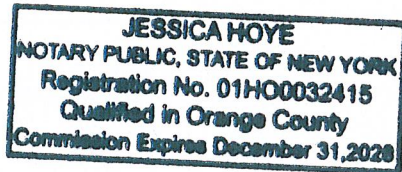
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PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29<sup>th</sup> 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**

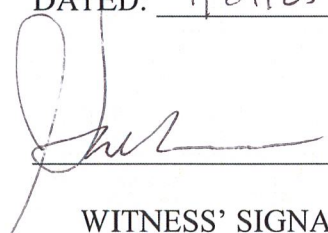
**PROXY**

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 APPLICATION AND THAT HE/SHE HAS AUTHORIZED Engineering & Surveying Properties, PC TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

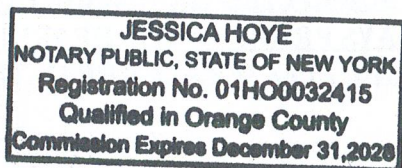
DATED: 7/29/25

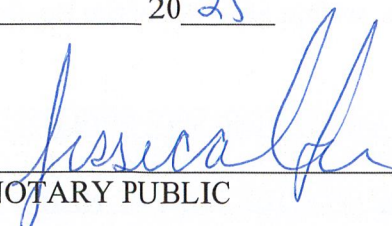
  
OWNER'S SIGNATURE

  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29<sup>th</sup> DAY OF July 2025



  
NOTARY PUBLIC

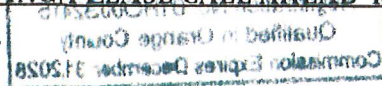
**ENCLOSURES: SUBMIT ALL ITEMS TOGETHER**

- \* 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

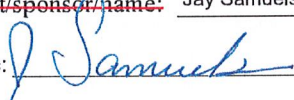
### Instructions for Completing

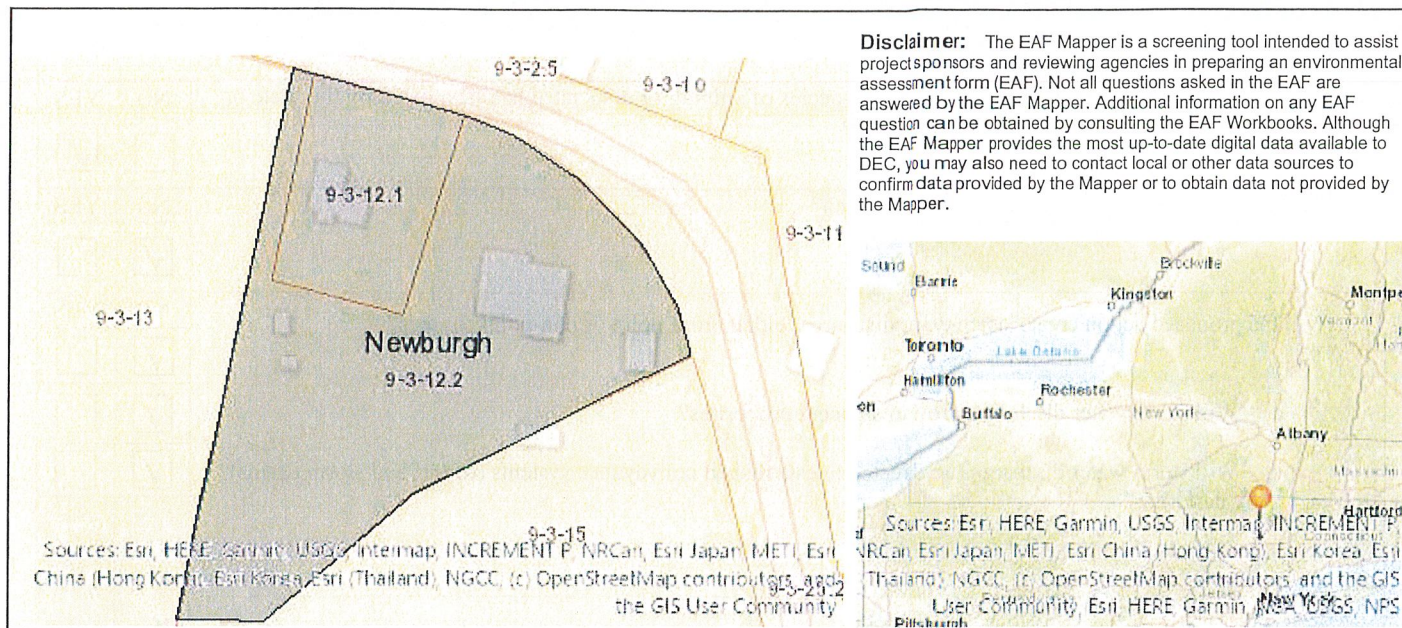
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
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 site currently has a covered deck and cabana that does not meet the 5' requirement from the side/rear yard, as per § 185-15A(2). It sits 0.7' from the property line and therefore requires a variance for the current distance from the property line.			
Name of Applicant or Sponsor: Joseph & Bridget Zappone		Telephone: (914) 474-4682 E-Mail: none	
Address: 35 Lattingtown 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 checked="" 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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <u>1.742</u> acres b. Total acreage to be physically disturbed? <u>0</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>4.142</u> acres			YES <input type="checkbox"/>
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			

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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input 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: _____ 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?	NO	YES	
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?	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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" 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? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Preparer: <u>Jay Samuelson</u> Date: <u>7/22/25</u> <del>Applicant/sponsor name:</del> Signature: <u></u> Title: <u>Engineer</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	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 Martha 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, paid by 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 1281 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.

LIBER 2284 Pg 1065

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

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

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

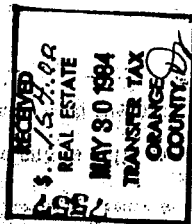
ss.:

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.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



LIBER 2284 n1067

Orange County Clerk's Office, S.S.  
Recorded on the 30th day  
of May 1984 at 9:23  
o'clock P.M. in Liber 2284  
and Examined by Maureen S. Murphy at page 1065.  
Mark

Deed.

TO

Deed.

19

R. R.  
Kenneth D. Johnson  
P.O. Box 297  
Walton, N.Y. 10588

LAW OFFICES  
DOMINICK & FOGARTY  
NEWBURGH, N.Y.

P.T.L.  
154-  
14-  
2-



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

party of the second part,

**SEE ATTACHED SCHEDULE A**

IN PRESENCE OF:

Annette Biviano  
ANNETTE BIVIANO

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF ULSTER )

Notary Public

**DANIEL M. MARTUSCELLO**  
**NOTARY PUBLIC, State of New York**  
 Qualified in Ulster County  
 Commission Expires Sept. 30, 2011

**R & R to:** *Scott Bonacic, Esq.*  
*90 Crystal Run Road, 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.

5/13/18: 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

Edward A. VanHouten

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

signature and office of individual taking acknowledgment.

A circular notary seal for Joseph A. Saffioti, a Notary Public in the State of New York, qualified in Orange County. The seal includes the text "NOTARY PUBLIC", "Qualified in Orange County", and "4945013". It also states "MY COMMISSION EXPIRES 08/25/2013". The seal is stamped over the signature of Joseph A. Saffioti.

# 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

COUNTY OF ORANGE

TO

BEHROOZ ROBERT ABNOOSI

To NEWBURGH

SECTION 9 BLOCK 3 LOT 19

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)	<u>X</u> 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)	<b>CITIES</b>
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  
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 30<sup>th</sup> 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 4<sup>TH</sup> 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.

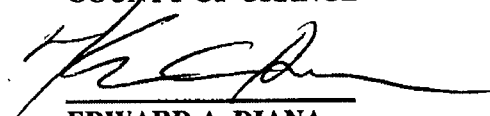
**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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 30<sup>th</sup> 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)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
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5001 TUXEDO PARK (VLG)  
5200 WALLKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
5801 HARRIMAN (VLG)

## CITIES

0900 MIDDLETOWN  
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 \$  
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  
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 <sup>404</sup> ~~100~~ Carter Ave., Newburgh, NY 12550 and  
ROBERTA A. OLSEN, residing at <sup>404</sup> 43 Sunnybrook Circle  
Highland, N.Y. 12528  
party of the first part and

ROBERT J. OLSEN, residing at <sup>404</sup> ~~100~~ 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 <sup>404</sup> ~~100~~ 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: Fran E. Simeone Esq  
46 Washington Ave  
Suffern NY 10901*



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 *0205100104*

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

## PROPERTY LOCATION

2089 BLOOMING GROVE (TN)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
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3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
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3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
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4600 NEWBURGH (TN)  
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5089 TUXEDO (TN)  
5001 TUXEDO PARK (VLG)  
5200 WALLKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
5801 HARRIMAN (VLG)

## CITIES

0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS  
9999 HOLD

NO PAGES ☒ 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: *Yan 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 27<sup>TH</sup> 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.

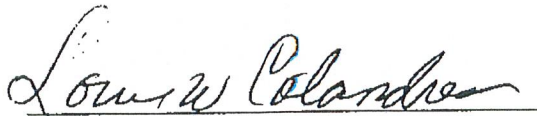
**AND** the party of the first part covenants that the party of the first part has not done or suffered  
anything whereby the said premises have been encumbered in any way whatever, except as  
aforesaid.

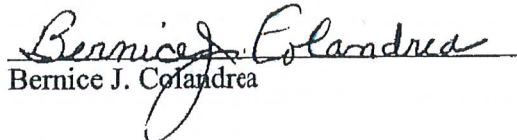
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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 28<sup>TH</sup> 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.

James R. Loeb\*  
Richard J. Drake\*\*  
Glen L. Heller<sup>o</sup>  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley<sup>oo</sup>  
Aaron C. Fitch

Sarah N. Wilson  
Michael J. Barfield<sup>oo</sup>  
Ivan M. Bonet<sup>oo</sup>

Jennifer L. Schneider  
Managing Attorney

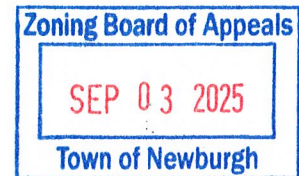
\* Retired 2025  
\*\* Retired 2015; d. 2025

<sup>o</sup> LL.M. in Taxation  
<sup>oo</sup> 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,

A handwritten signature in black ink, appearing to read "Dominic Cordisco".

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

September 11, 2025, 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 5

day of September, 2025.

Jessica Hoye

James Harligan

