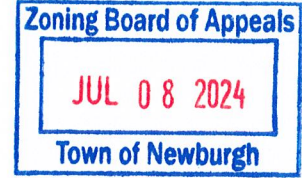




# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 06/20/2024

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

I (WE) Danielle Marie Ciaffone PRESENTLY

RESIDING AT NUMBER 643 Gardnertown Road Newburgh NY 12550

TELEPHONE NUMBER 845-857-5740

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:

47-1-71.1, 72.2 & 72.3 (TAX MAP DESIGNATION)

643 Gardnertown Road & 2 Whisper Lane (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

§185-10, Attachment 7, Schedule 3 D.9

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

\_\_\_\_\_

Lot #1:lot area- 38,545.7SF where 100,000SF is required  
Side Yard-29' where 30' is required

4. DESCRIPTION OF VARIANCE SOUGHT: Maximum lot surface coverage-23.77% where 20% is required

Lot #2-Lot Area 27,545.7SF where 100,000SF is required, Side Yard 20.2' where 30' is required  
Lot Width-119' where 150' is required

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:

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- 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:

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

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

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---

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

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7. ADDITIONAL REASONS (IF PERTINENT):

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**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

Michael Andrew Ciaffone, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 2 Whisper Lane Newburgh NY 12550

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 2 Whisper Lane

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, LLS/ACES  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/28/2024

Michael Ciaffone  
OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF JUNE 2024

Patrick I. Oji  
NOTARY PUBLIC

**PATRICK I. OJI**  
Notary Public, State of New York  
Reg. #010J6145518  
Qualified in Ulster County  
Commission Expires ~~May 08, 20~~ 26  
JUNE 30,

Milo Crifone  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF JUNE 2024

Patrick I. Oji

NOTARY PUBLIC

**PATRICK I. OJI**  
Notary Public, State of New York  
Reg. #010J6145518  
Qualified in Ulster County  
Commission Expires ~~May 08, 20~~ 26  
JUNE 30,

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)

*David Lopez*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2nd DAY OF July 2024

*Lorraine Serrantonio*  
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)

**LORRAINE SERRANTONIO**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**No. 01SE6132665**  
**QUALIFIED IN KINGS COUNTY**  
**MY COMMISSION EXPIRES AUG. 20, 2025**



TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Danielle Marie Ciaffone, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 643 Gardnertown Road Newburgh NY 12550

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

643 Gardnertown Road Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, LLS/ACES

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: July 2nd 2024

Danielle Ciaffone

OWNER'S SIGNATURE

[Signature]

WITNESS SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2nd DAY OF July 2024

Lorraine Serrantorio  
NOTARY PUBLIC

**LORRAINE SERRANTONIO**  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01SE6132665  
QUALIFIED IN KINGS COUNTY  
MY COMMISSION EXPIRES AUG. 29, 2025

# *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>			
Name of Action or Project: Lot Line Revision of the Lands of Ciaffone			
Project Location (describe, and attach a location map): 2 / 4 Whisper Lane & 643 Gardnertown Road			
Brief Description of Proposed Action: Proposed lot line change between 3 existing lots. The 3 existing lots are to be consolidated into 2 lots. No development or improvements are proposed at this time.			
Name of Applicant or Sponsor: Danielle Marie Ciaffone		Telephone: 845-943-7198	
		E-Mail: Dm.ciaffone@gmail.com	
Address: 643 Gardnertown 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: Planning Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 1.6 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?		_____ 1.6 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			



	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?	NO <input type="checkbox"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
	<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: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/>	YES <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: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

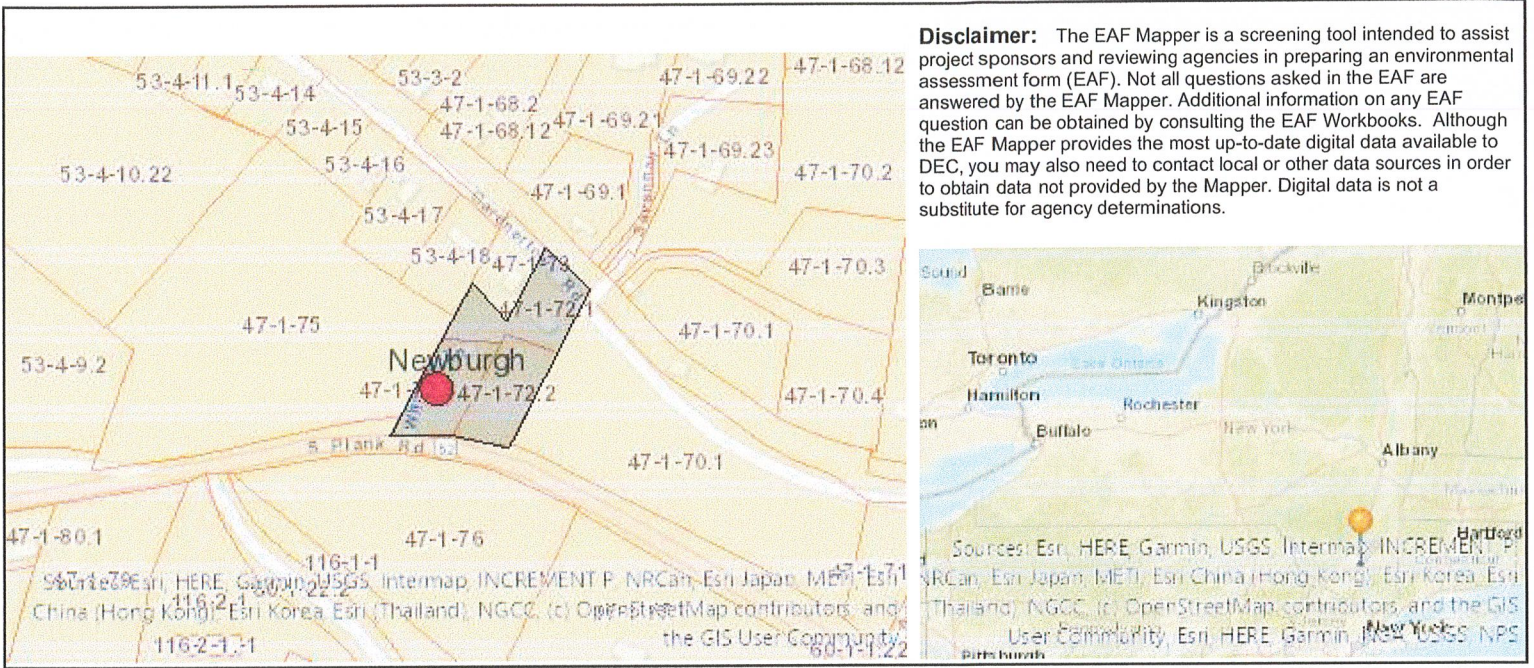
**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Jonathan N. Miller, LLS

Date: 05/31/2024

Signature: 

Title: 7/8/24



**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 in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



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: 13993 / 436  
 INSTRUMENT #: 20160001786

Receipt#: 2062765  
 Clerk: KP  
 Rec Date: 01/11/2016 11:51:04 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: MICHAEL CIAFFONE

Party1: WEISS GORDON  
 Party2: CIAFFONE DANIELLE  
 Town: NEWBURGH (TN)  
 47-1-72.1

Recording:  
 Recording Fee 40.00  
 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: 190.00

Transfer Tax  
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 190.00  
 \*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 4111  
 Transfer Tax  
 Consideration: 0.00

Total: 0.00

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

*Ann G. Rabbitt*

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

MICHAEL A KRAIZA  
 67 SOUTH PLANK ROAD  
 NEWBURGH, NY 12550

Bargain & Sale Deed with Covenants Against Grantor's Acts  
Individual or Corporation

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT**

*THIS INDENTURE*, made the 29 day of December 2015

**BETWEEN**

**GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children, MICHAEL  
ANDREW CIAFFONE and DANIELLE MARIE  
CIAFFONE, located at  
153 South Plank Road  
Newburgh, NY 12550**

*party of the first part, and*

**DANIELLE MARIE CIAFFONE, residing at  
643 Gardnertown Road  
Newburgh, NY 12550**

*party of the second part,*

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$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, situate, lying and being more particularly described in the Schedule "A" attached hereto and made a part thereof.

**BEING** a portion of the premises described in a certain Deed dated March 12, 1993, running from MICHAEL CIAFFONE to MARC BURNETT AS TRUSTEE under the Trust dated March 10, 1993, created by MICHAEL CIAFFONE, which Deed was thereafter recorded in the Orange County Clerk's Office on March 30, 1993, in Liber 3786 of Deeds at Page 257.

**THIS CONVEYANCE** is made by GORDON WEISS in lieu of MARC BURNETT, the Trustee/Grantee in Deed recorded in Liber 3786 at Page 257, by reason of an Order (Slobod, J.) of the Surrogate's Court, Orange County, dated January 17, 1995, which discharged MARC BURNETT from serving any further as the Trustee of the Trusts created by instrument dated March 10, 1993, by MICHAEL ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE.

**THIS DEED** is made and delivered without monetary consideration for the purpose of confirming title to this particular lot by separate legal description pursuant to data contained on the subdivision map filed in the Orange County Clerk's Office entitled "Michael Andrew and Danielle Ciaffone Trust", said map having been filed in the Orange County Clerk's Office on February 8, 1995, as Map No. 12-95.

**BEING** the same premises known as 4 Whisper Lane, Newburgh, Town of Newburgh, New York, conveyed by Deed dated April 25, 1997 from GORDON WEISS c/o ALGONQUIN SUPPLY CO., as Trustee under Trust created by MICHAEL CIAFFONE for the benefit of his children, MICHAEL ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE, and recorded in the Orange County Clerk's Office on May 14, 1997 in Liber 4568 at Page 62.

**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;

**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 part 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.

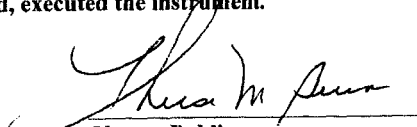
**IN PRESENCE OF:**

  
GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children, MICHAEL  
ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE

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

On the 8 day of January 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared GORDON WEISS, 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 persona upon behalf of which the individual acted, executed the instrument.

THERESA M. BURNS  
Notary Public, State of New York  
No. 01BU6050016  
Qualified in Orange County  
Commission Expires October 30, 2018

  
Notary Public

Bargain and Sale Deed  
With Covenant Against Grantor's Acts

Section: 47  
Block: 1  
Lot: 72.1  
Town of: Newburgh  
County of: Orange

GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children,  
MICHAEL ANDREW CIAFFONE  
and DANIELLE MARIE CIAFFONE

RECORD AND RETURN TO:

to  
DANIELLE MARIE CIAFFONE

MICHAEL A. KRAIZA, ESQ.  
67 South Plank Road  
Newburgh, NY 12550



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: 13993 / 432  
 INSTRUMENT #: 20160001785  
 Receipt#: 2062765  
 Clerk: KP  
 Rec Date: 01/11/2016 11:51:03 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: MICHAEL CIAFFONE  
 Party1: WEISS GORDON  
 Party2: CIAFFONE DANIELLE  
 Town: NEWBURGH (TN)  
 47-1-72.2

Recording:

Recording Fee	40.00
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
<b>Sub Total:</b>	<b>315.00</b>
Transfer Tax	
Transfer Tax - State	0.00
<b>Sub Total:</b>	<b>0.00</b>
<b>Total:</b>	<b>315.00</b>

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 4110  
 Commercial Transfer Tax  
 Consideration: 0.00

<b>Total:</b>	<b>0.00</b>
---------------	-------------

Payment Type:    Check \_\_\_  
                           Cash \_\_\_  
                           Charge \_\_\_  
                           No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

MICHAEL A KRAIZA  
 67 SOUTH PLANK ROAD  
 NEWBURGH, NY 12550

Bargain & Sale Deed with Covenants Against Grantor's Acts  
Individual or Corporation

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT**

*THIS INDENTURE*, made the 8<sup>th</sup> day of January, 2016

**BETWEEN**

**GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children, MICHAEL  
ANDREW CIAFFONE and DANIELLE MARIE  
CIAFFONE, located at  
153 South Plank Road  
Newburgh, NY 12550**

*party of the first part, and*

**DANIELLE MARIE CIAFFONE, residing at  
643 Gardnertown Road  
Newburgh, NY 12550**

**and**

**MICHAEL ANDREW CIAFFONE, residing at  
2 Whisper Lane  
Newburgh, NY 12550**

*party of the second part,*

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$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, situate, lying and being more particularly described in the Schedule "A" attached hereto and made a part thereof.

**THIS DEED** is made and delivered without monetary consideration for the purpose of confirming title to this particular lot by separate legal description pursuant to data contained on the subdivision map filed in the Orange County Clerk's Office entitled "Michael Andrew and Danielle Ciaffone Trust", said map having been filed in the Orange County Clerk's Office on February 8, 1995, as Map No. 12-95.

**BEING** the same premises known as vacant land at 2 Whisper Lane, Newburgh, Town of Newburgh, New York, conveyed by Deed dated June 27, 1997 from MICHAEL CIAFFONE c/o ALGONQUIN SUPPLY CO., to GORDON WEISS as Trustee under Trust created by MICHAEL CIAFFONE for the benefit of his children, MICHAEL ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE, and recorded in the Orange County Clerk's Office on July 15, 1997 in Liber 4599 at Page 303.

**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;

**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.



BEING NOW SUBJECT TO a 20 foot wide drainage easement, for the purposes of directing the stormwater drainage from Gardnertown Road and adjacent properties along the southeasterly property line of said lot to the Orange Lake Outlet Stream, said easement to be in favor of the Town of Newburgh, and being more particularly described as follows:

BEGINNING at a point in the southwesterly line of the existing Gardnertown Road, said point being on the division line between the lands of now or formerly of Crawford and Schmitzler on the southeast and the above mentioned Lot No. 1 on the northwest; thence, from said point of BEGINNING and along the last said division line, South 43 degrees 19 minutes 05 seconds West 126.57 feet to a point on the division line between Lot No. 2 of the above mentioned filed map on the southwest and Lot No. 1 of the same map on the northeast; thence, along the last said division line, North 55 degrees 02 minutes 38 seconds West 20.21 feet to a point; thence, through Lot No. 1, parallel to the first described course, North 43 degrees 19 minutes 05 seconds East 134.64 feet to a point in the southwesterly line of the aforementioned Gardnertown Road; thence, along the last said line, South 32 degrees 17 minutes 55 seconds East 20.65 feet to the point or place of BEGINNING.

BEING a portion of the premises described in a certain Deed dated March 12, 1993, running from MICHAEL CIAFFONE to MARC BURNETT AS TRUSTEE under the Trust dated March 10, 1993, created by MICHAEL CIAFFONE, which Deed was thereafter recorded in the Orange County Clerk's Office on March 30, 1993, in Liber 3786 of Deeds at Page 257.

THIS CONVEYANCE is made by GORDON WEISS in lieu of MARC BURNETT, the Trustee/Graatee in Deed recorded in Liber 3786 at Page 257, by reason of an Order (Slobod, J.) of the Surrogate's Court, Orange County, dated January 17, 1995, which discharged MARC BURNETT from serving any further as the Trustee of the Trusts created by instrument dated March 10, 1993, by MICHAEL ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE.

THIS DEED is made and delivered without monetary consideration for the purpose of confirming title to this particular lot by separate legal description pursuant to data contained on the subdivision map filed in the Orange County Clerk's Office entitled "Michael Andrew and Danielle Ciaffone Trust", said map having been filed in the Orange County Clerk's Office on February 8, 1995, as Map No. 12-95.



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: 13993 / 428  
 INSTRUMENT #: 20160001784

Receipt#: 2062765  
 Clerk: KP  
 Rec Date: 01/11/2016 11:51:03 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: MICHAEL CIAFFONE

Party1: WEISS GORDON  
 Party2: CIAFFONE MICHAEL  
 Town: NEWBURGH (TN)  
 47-1-72.3

Recording:  
 Recording Fee 40.00  
 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: 190.00

Transfer Tax  
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 190.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 4109  
 Transfer Tax  
 Consideration: 0.00

Total: 0.00

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

*Ann G. Rabbitt*

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

MICHAEL A KRAIZA  
 67 SOUTH PLANK ROAD  
 NEWBURGH, NY 12550

Bargain & Sale Deed with Covenants Against Grantor's Acts  
Individual or Corporation

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT**

*THIS INDENTURE*, made the 8 day of January, 2016

**BETWEEN**

**GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children, MICHAEL  
ANDREW CIAFFONE and DANIELLE MARIE  
CIAFFONE, located at  
153 South Plank Road  
Newburgh, NY 12550**

*party of the first part, and*

**MICHAEL ANDREW CIAFFONE, residing at  
2 Whisper Lane  
Newburgh, NY 12550**

*party of the second part,*

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$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, situate, lying and being more particularly described in the Schedule "A" attached hereto and made a part thereof.

**BEING** a portion of the premises described in a certain Deed dated March 12, 1993, running from MICHAEL CIAFFONE to MARC BURNETT AS TRUSTEE under the Trust dated March 10, 1993, created by MICHAEL CIAFFONE, which Deed was thereafter recorded in the Orange County Clerk's Office on March 30, 1993, in Liber 3786 of Deeds at Page 257.

**THIS CONVEYANCE** is made by GORDON WEISS in lieu of MARC BURNETT, the Trustee/Grantee in Deed recorded in Liber 3786 at Page 257, by reason of an Order (Slobod, J.) of the Surrogate's Court, Orange County, dated January 17, 1995, which discharged MARC BURNETT from serving any further as the Trustee of the Trusts created by instrument dated March 10, 1993, by MICHAEL ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE.

**THIS DEED** is made and delivered without monetary consideration for the purpose of confirming title to this particular lot by separate legal description pursuant to data contained on the subdivision map filed in the Orange County Clerk's Office entitled "Michael Andrew and Danielle Ciaffone Trust", said map having been filed in the Orange County Clerk's Office on February 8, 1995, as Map No. 12-95.

**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;

**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 part 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:

  
**GORDON WEISS c/o ALGONQUIN SUPPLY CO.,**  
**as Trustee under Trust created by MICHAEL**  
**CIAFFONE for the benefit of his children, MICHAEL**  
**ANDREW CIAFFONE and DANIELLE MARIE CIAFFONE**

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

On the 8 day of January 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared GORDON WEISS, 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 persona upon behalf of which the individual acted, executed the instrument.

THERESA M. BURNS  
Notary Public, State of New York  
No. 01BU050016  
Qualified in Orange County  
Commission Expires October 30, 2018

  
Notary Public

Bargain and Sale Deed  
With Covenant Against Grantor's Acts

Section: 47  
Block: 1  
Lot: 72.3  
Town of: Newburgh  
County of: Orange

GORDON WEISS c/o ALGONQUIN SUPPLY CO.,  
as Trustee under Trust created by MICHAEL  
CIAFFONE for the benefit of his children,  
MICHAEL ANDREW CIAFFONE  
and DANIELLE MARIE CIAFFONE

RECORD AND RETURN TO:

to

MICHAEL ANDREW CIAFFONE

MICHAEL A. KRAIZA, ESQ.  
67 South Plank Road  
Newburgh, NY 12550



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

12 Metro Park Road  
Suite 104  
Albany, NY 12205  
T: 518.459.3252  
F: 518.459.3284  
[www.maserconsulting.com](http://www.maserconsulting.com)

L13993 P428

## SUGGESTED LEGAL DESCRIPTION

All that certain tract, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York as shown on a map entitled "Boundary Survey for Lands Now or Formerly of Michael Ciaffone Section 47 Block 1 Lot 72.3" as prepared by Maser Consulting, dated 11/4/15 and being more particularly bounded and described as follows:

**Beginning** at a point in the northerly road boundary of South Plank Road (A.K.A. Route 52) located in the division line between lands now or formerly Marc Burnett, C/O Algonquin Supply Co., 153 South Plank Road, Newburgh, NY, 12550, as Trustee under Trust dated March 10, 1993, created by Michael Ciaffone, (book 3786, page 252) to the east and lands now or formerly of Antonia Caston (book 2860, page 143) to the west; thence along said division line North  $42^{\circ}54'05''$  East a distance of 188.00 feet to a point located in the division line between lands of Marc Burnett, C/O Algonquin Supply Co., 153 South Plank Road, Newburgh, NY, 12550, as Trustee under Trust dated March 10, 1993, created by Michael Ciaffone, to the south and lands now or formerly of Gordon Weiss, C/O Algonquin Supply Co., #153 South Plank Road, Newburgh, New York, 12550, as Trustee under Trust created by instrument dated March 10, 1993, by Michael Ciaffone, for the benefit of his children, Michael Andrew Ciaffone and Danielle Marie Ciaffone (book 4568, page 62 & book 4599, page 303) to the north and east; thence along said division line the following two (2) courses and distances:

1. South  $71^{\circ}05'30''$  East a distance of 117.90 feet to a point;
2. South  $42^{\circ}53'45''$  West a distance of 185.40 feet to a point

located in the northerly road boundary of South Plank Road (A.K.A. Route 52); thence along the northerly road boundary of South Plank Road (A.K.A. Route 52) North  $72^{\circ}13'55''$  West a distance of 119.00 feet to the point or

**Place of beginning**, containing 20,113± square feet or 0.46± acres.

Subject to any other enforceable easements, restrictions or covenants of record that may exist.

James R. Loeb  
Richard J. Drake, *retired*  
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

Judith A. Wayne  
Sarah N. Wilson  
Michael J. Barfield\*\*  
Meghan R. LoCicero

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

\*\*Member NJ & NY Bar

June 21, 2024

BY EMAIL ONLY

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

Re: Ciaffone Lot Line Revision // ZBA referral  
Planning Board Project No. 2024-14

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's June 20, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the proposed lot line revision application. The applicants propose to convert three existing lots to two lots, each of which would contain existing two-family residential structures. The property is located at 2 Whisper Lane, and the lots are designated on the tax map as 47-1-72.1, 72.2 and 72.3.

The lots are located in the Town's R-1 zoning district. The following area variances would be required for the two new proposed lots:

Lot 1:

- Lot area: 38,545.7 sq. ft. proposed, where 100,000 sq. ft. is required;
- Side yard: 29 ft. proposed where 30 ft. is required;
- Lot surface coverage: 23.77 % proposed where 20% maximum is allowed;

Lot 2:

- Lot area: 27,358.8 sq. ft. provided where 100,000 sq. ft. required;
- Side yard: 20.2 ft. provided where 30 ft. is required;
- Lot width: 119 ft. proposed where 150 ft. is required;
- Both side yards: 62.49 ft. proposed, 80 ft. required.

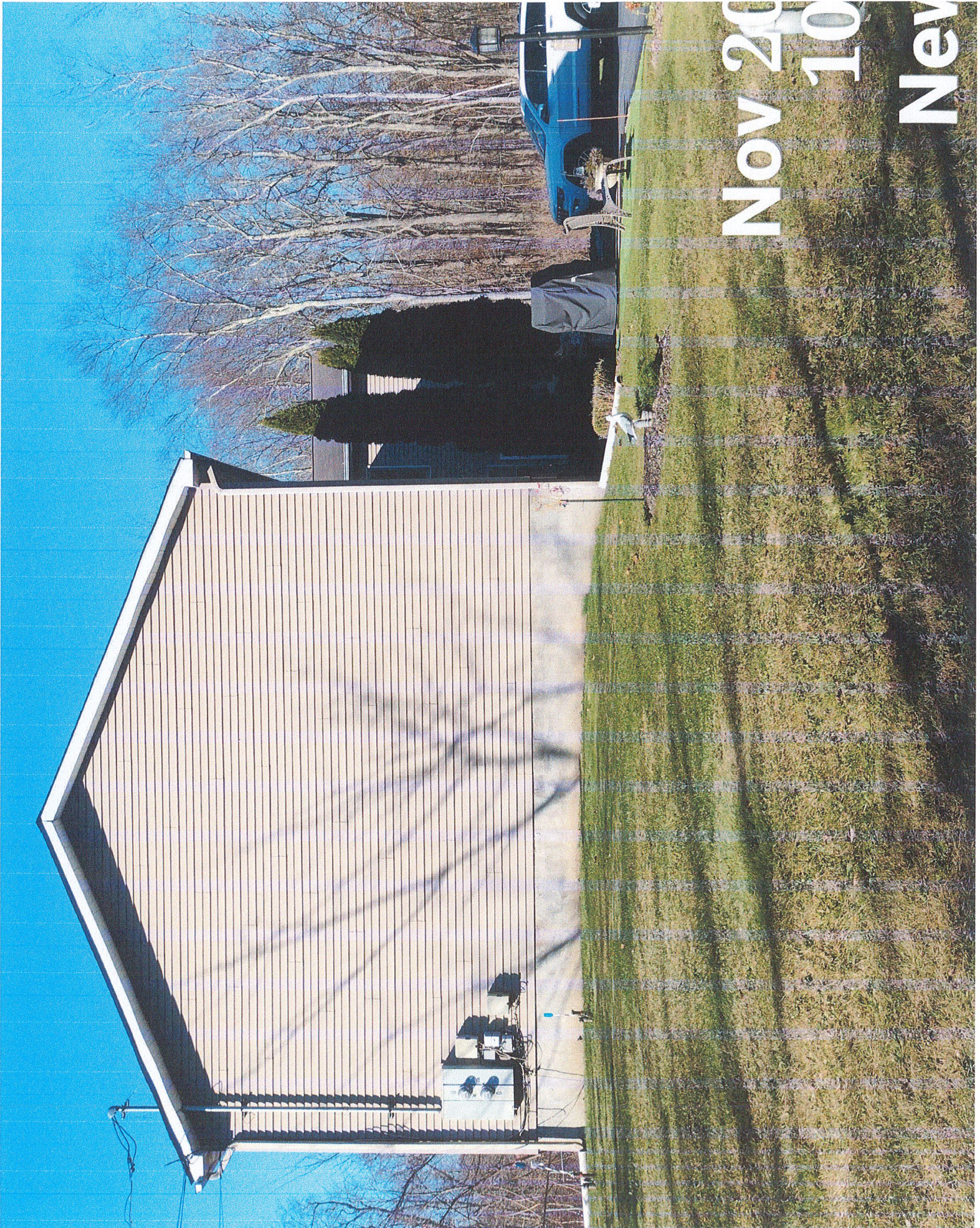
Thank you for your consideration of this matter.

Very Truly Yours,



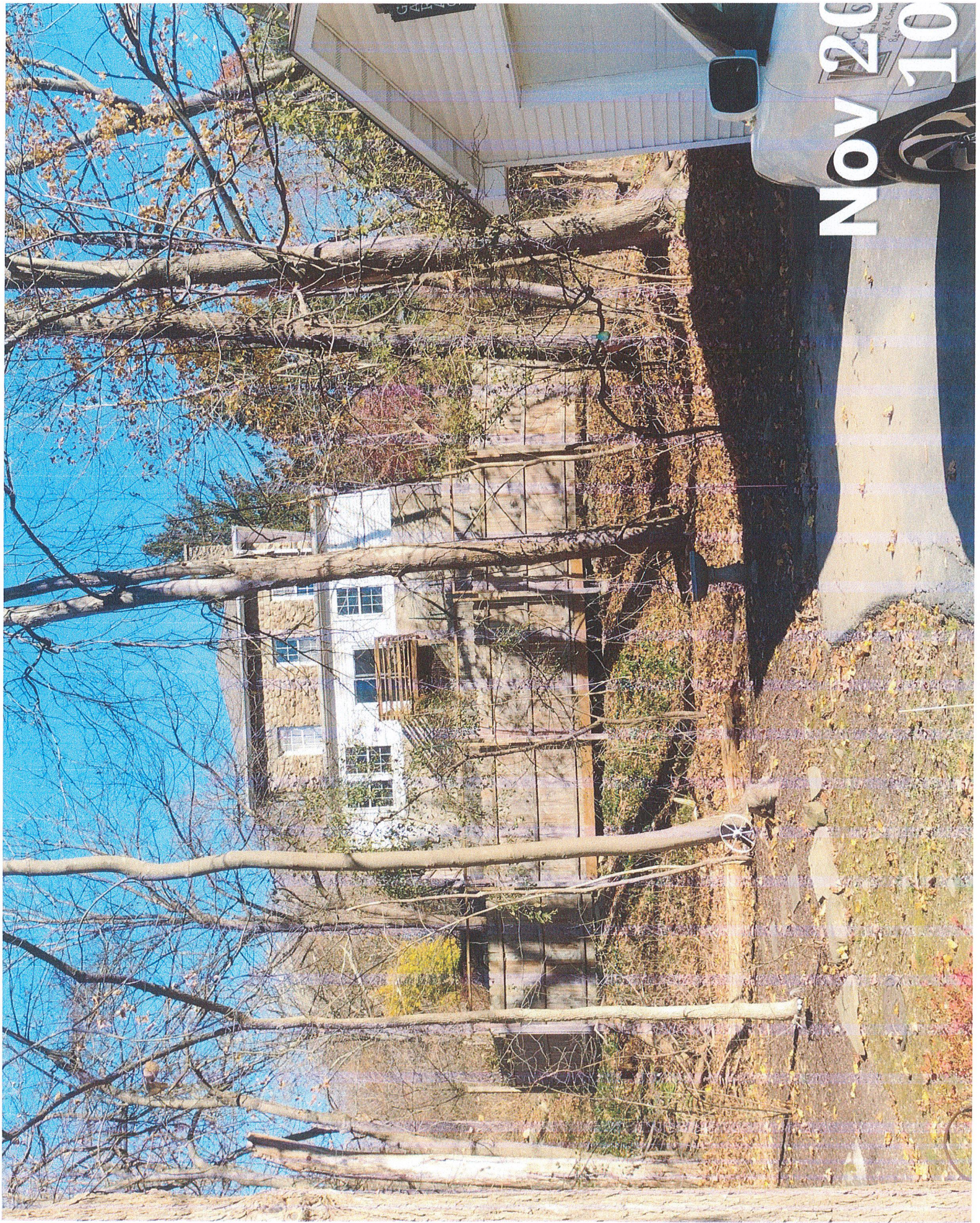
Dominic Cordisco





Nov 20  
Nov 10  
New

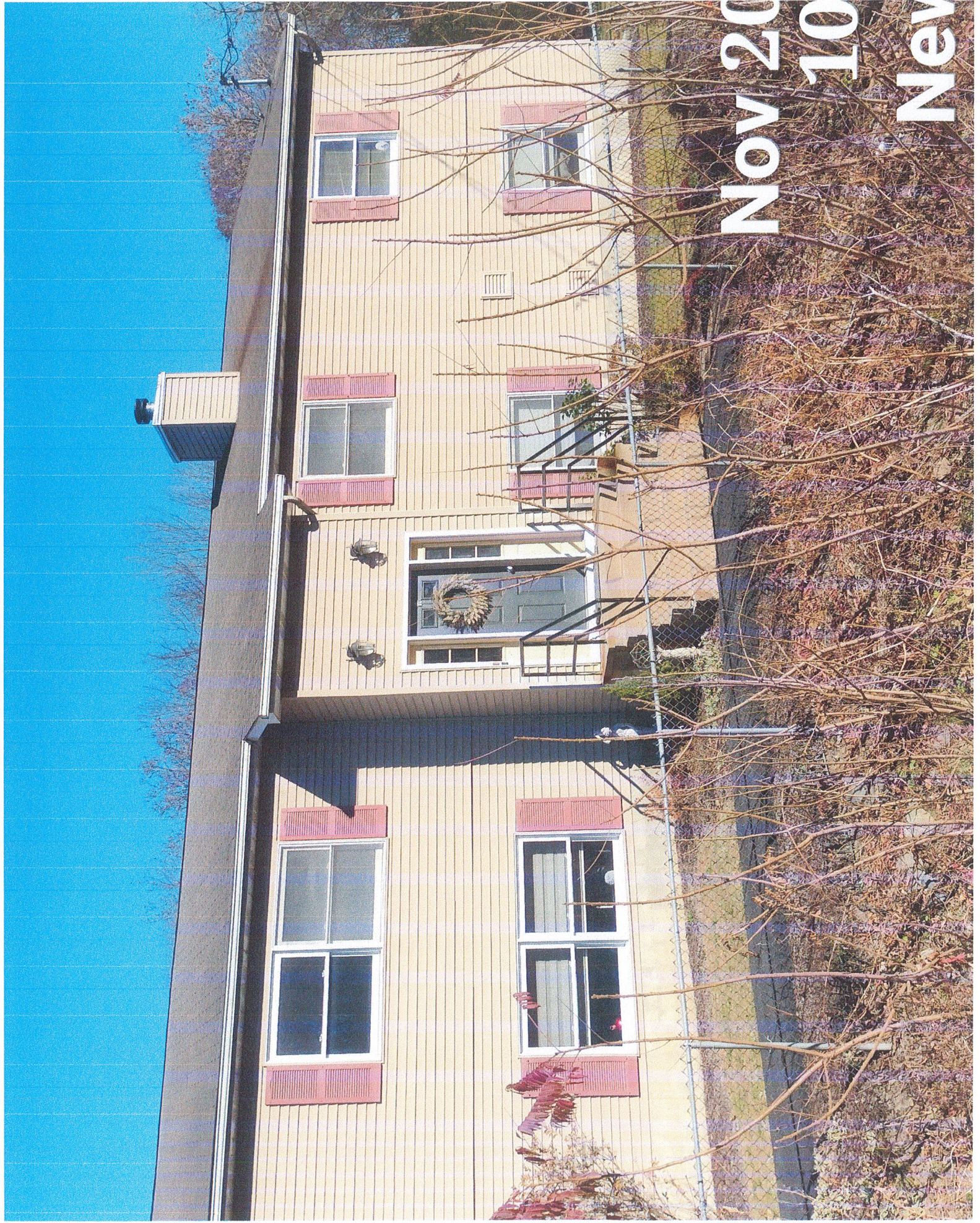




Nov 20



Nov 20  
10



Nov 20  
New

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

STATE OF NEW YORK: COUNTY OF ORANGE:

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

July 11, 2024, post and will thereafter maintain at

2 & 4 Whisper Ln 47-1-72.1, 72.2 & 72.3 R1 Zone in the Town of Newburgh, New York, at or near  
the front

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

The applicant shall maintain and update notice(s) (with amended information if there is any change to  
the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The  
Notice must then be removed and property disposed of within ten (10) days of the close of the Public  
Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for  
additional time.

Raymond B. McKeiver

Sworn to before me this 9

day of July, 2024.

Joseph P. Padi

