

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 6-15-13

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

I (WE) Joseph & Dawn Condello PRESENTLY  
RESIDING AT NUMBER 40 Jennifer Rose Way Wallkill, NY 12589  
TELEPHONE NUMBER 845-566-4204 (c) 845-527-7460

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

5-1-13 (TAX MAP DESIGNATION)  
40 Jennifer Rose Way (STREET ADDRESS)  
B-R (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1- shall not increase the degree of non conformity

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: 6-11-2013
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: On both rear and side yard setbacks.

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:

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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:

We are installing an aluminum and glass three season room on the existing deck. This will enhance the home & property.

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The existing deck and house cannot be moved to achieve the necessary setbacks

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The structure is being built on the existing deck and will not exceed the dimensions of the existing deck.

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

We are installing an aluminum and glass three season room on an existing deck which does not impact the physical / environmental conditions in the neighborhood.

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

The existing house and deck were non conforming to the current required code setbacks.

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Dawn Condello / Fel A. Cel*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 14<sup>th</sup> DAY OF June 2013

*Victoria J. Mastrantuono*  
NOTARY PUBLIC

VICTORIA J. MASTRANTUONO  
Notary Public, State of New York  
No. 01MAS008648  
Qualified in Dutchess County  
Commission Expires Feb. 22, ~~2013~~

2015

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.

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

|   |                                      |
|---|--------------------------------------|
| 1. APPLICANT/SPONSOR<br>Joseph & Dawn Condello  | 2. PROJECT NAME<br>Three season room |
| 3. PROJECT LOCATION:<br>Municipality <u>Town of Newburgh</u> County <u>Orange</u>   |                                      |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br>40 Jennifer Rose Way<br>Wallkill NY 12589   |                                      |
| 5. PROPOSED ACTION IS:<br><input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration   |                                      |
| 6. DESCRIBE PROJECT BRIEFLY:<br>Installing a three season room on an existing deck.   |                                      |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <u>NA</u> acres    Ultimately <u>NA</u> acres  |                                      |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly  |                                      |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other<br>Describe: |                                      |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:  |                                      |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:  |                                      |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                                      |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE<br>Applicant/sponsor name: <u>Joseph &amp; Dawn Condello</u> Date: <u>6-15-13</u><br>Signature: <u>[Handwritten Signature]</u>  |                                      |

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING; (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

Reset



**TOWN OF NEWBURGH**

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550**

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

**2362-13**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 06/11/2013**

**Application No. 13-0472**


**To: Joseph Condello  
40 Jennifer Rose Way  
Wallkill, NY 12589**

**SBL: 5-1-13  
ADDRESS: 40 Jennifer Rose Way**

**ZONE: R/R**

PLEASE TAKE NOTICE that your application dated 06/04/2013 for permit to Enlarge an existing nonconforming deck and add a 3 season room. on the premises located at 40 Jennifer Rose Way is returned herewith and disapproved on the following grounds:

185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NONCONFORMITY.

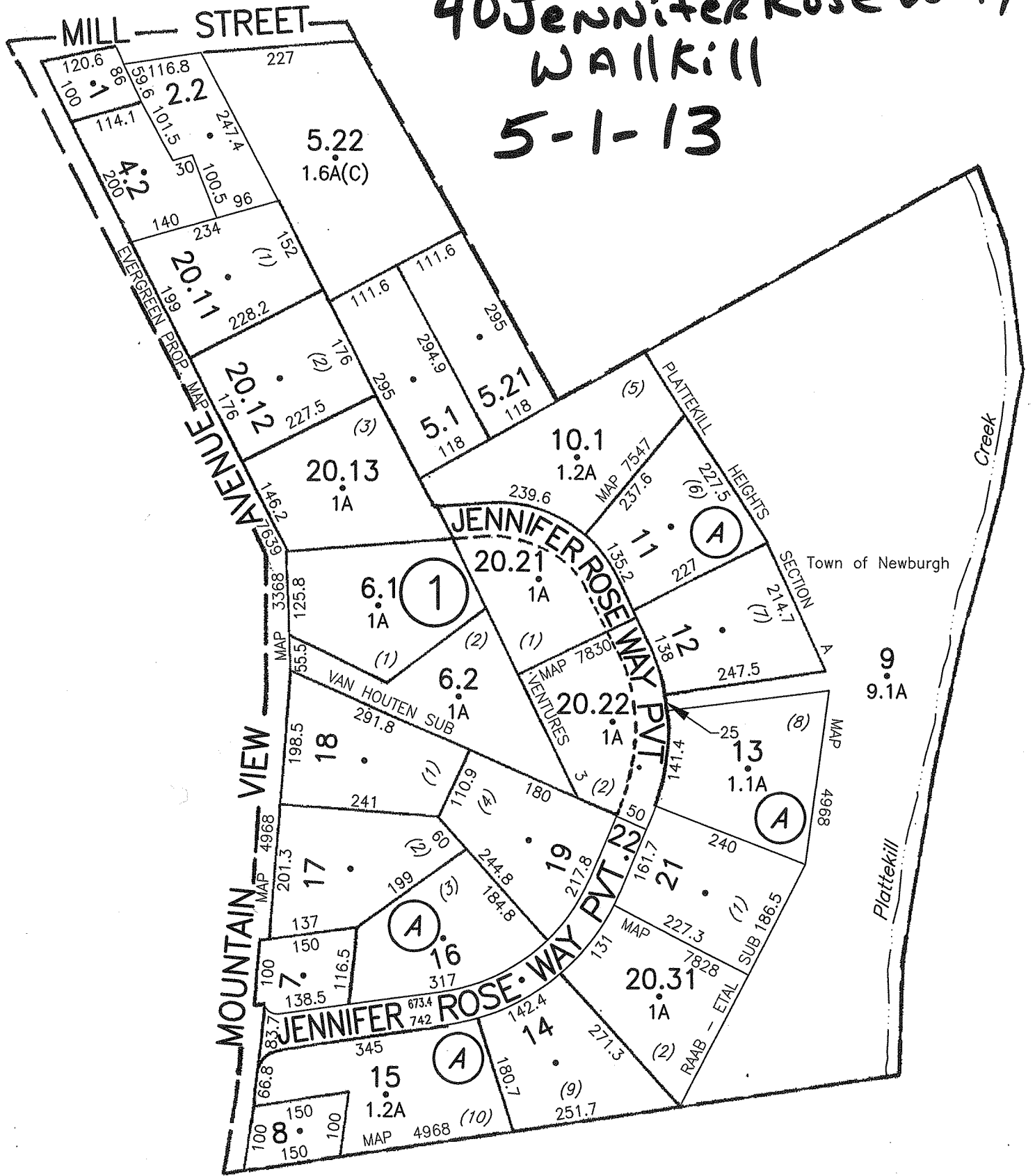
  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File





CONDello  
40 Jennifer Rose Way  
WALKILL  
5-1-13



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page Is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

# K-94-1169

SECTION 5 BLOCK 1 LOT 13

David Laders  
Barbara Laders  
TO  
Joseph A. Condello  
Dawn Condello

*Handwritten signature and date 5/13/94*

RECORD AND RETURN TO:  
(Name and Address)

David Bernz, Esq.  
10 Little Britain Road  
Newburgh, NY 12550

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 55815 DATE 5/12/94 AFFIDAVIT FILED \_\_\_\_\_ 19 \_\_\_\_\_

INSTRUMENT TYPE: DEED X MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

- BG20 Blooming Grove \_\_\_\_\_
- CH22 Chester \_\_\_\_\_
- CO24 Cornwall \_\_\_\_\_
- CR26 Crawford \_\_\_\_\_
- DP28 Deerpark \_\_\_\_\_
- GO30 Goshen \_\_\_\_\_
- GR32 Greenville \_\_\_\_\_
- HA34 Hamptonburgh \_\_\_\_\_
- HI36 Highland \_\_\_\_\_
- MK38 Mirisink \_\_\_\_\_
- ME40 Monroe \_\_\_\_\_
- MY42 Montgomery \_\_\_\_\_
- MH44 Mount Hope \_\_\_\_\_
- NT46 Newburgh (T) X
- NW48 New Windsor \_\_\_\_\_
- TU50 Tuxedo \_\_\_\_\_
- WL52 Wallkill \_\_\_\_\_
- WK54 Warwick \_\_\_\_\_
- WA56 Wawayanda \_\_\_\_\_
- WO58 Woodbury \_\_\_\_\_
- MN09 Middletown \_\_\_\_\_
- NC11 Newburgh \_\_\_\_\_
- PJ13 Port Jervis \_\_\_\_\_
- 9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

CHECK  CASH \_\_\_\_\_ CHARGE \_\_\_\_\_

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 620-

Ed Ford  
RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$ \_\_\_\_\_

JOAN A. MACCHI  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the MAY 17 1994 day of \_\_\_\_\_ 19 \_\_\_\_\_ at 1044  
O'Clock a M. In Liber/Film 4044  
Deeds at page 297 and examined.

*Handwritten signature of Joan A. Macchi*  
County Clerk

RECEIVED  
\$ 620.00  
REAL ESTATE  
MAY 17 1994  
TRANSFER TAX  
ORANGE COUNTY

LIBER 4044 PAGE 297

ORG 05/17/94 10:44:39 22984 44.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 55815 620.00 \*

\*\*\*\*\* SERIAL NUMBER: 006772 \*\*\*\*\*

Bargain and Sale Deed with Covenant against Grantor's Acts  
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the *12th* day of May, 1994.

BETWEEN David Laders, residing at 59 Ruth Court, Middletown, New York 10940 and Barbara Laders, residing at 10 Jennifer Rose Way, Wallkill, New York 12589

party of the first part, and Joseph A. Condello and Dawn *M.*  
Condello, husband and wife, residing at 200 Hudson Street,  
Cornwall, New York 12518

*on Hudson* 12520  
*D.L. M*

*D.L. M*

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars 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, and State of New York, more particularly described in Schedule A attached hereto.

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 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:

*Alan J. Axelrod*, witness

*David Laders*  
\_\_\_\_\_  
David Laders

*Barbara Laders*  
\_\_\_\_\_  
Barbara Laders

STATE OF NEW YORK, COUNTY OF Orange ss:

On the *12th* day of May, 1994, before me personally came David and Barbara Laders to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to executing the same.

*Alan J. Axelrod*  
\_\_\_\_\_  
Notary Public

ALAN J. AXELROD  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires *11/30/94*

BARGAIN & SALE DEED

\_\_\_\_\_  
David Laders  
Barbara Laders

-TO-

Section 5  
Block 1  
Lot 13

Joseph A. Condello  
Dawn Condello  
\_\_\_\_\_

## SCHEDULE A

Title No. 941169

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

LOT NO. 8 as shown on a map entitled, "Subdivision Plan, Land of Land Investment Group of Newburgh", dated January 29, 1986 and revised February 18, 1986. Said map being filed in the Office of the Orange County Clerk on March 27, 1986 as Map No. 7547.

TOGETHER with and subject to the rights of ingress and egress as well as the right to run utilities over the 50 foot right of way known as 'Jennifer Rose Way', a private road as shown on the aforesaid map no. 7547 as filed in the Office of the Orange County Clerk, and subject to the terms of a Private Road Maintenance Agreement for 'Jennifer Rose Way' duly filed in the Office of the Orange Clerk.

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