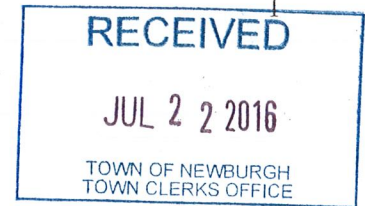


ZBA MEETING – JUNE 23, 2016 (Time Noted – 7:17 PM)

MELISSA COSTA & JOHN TAYLOR 1 DISANO DRIVE, NBGH  
(34-1-1.2) R-1 ZONE



Applicant is requesting area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23).

Mr. Manley: The next application before the Board this evening is Melissa Costa and John Taylor, 1 Disano Drive in Newburgh seeking an area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23). Ms. Gennarelli are all the postings...?

Ms. Gennarelli: And this applicant sent out twenty-six letters. All the mailings, publications and postings are in order.

Mr. Manley: At this time, I do have a conflict with this particular application and which I'm going to need to recuse myself. Standing in my fast I would ask to act as chair this evening for this particular application a...Mr. Maher.

Mr. Manley recused himself and left the meeting room.

Mr. Maher: Surely. Okay, if you could state your name...

Ms. Costa: Well it's Melissa Costa but Melissa Taylor is my married name.

Mr. Maher: And the reason that you're here this evening?

Ms. Costa: Well we're looking to put up a garage which is going to be forty-two feet from the back of our property. Our property slopes so it actually with the height isn't taller than our house as well. We're looking to use it right now for cars. My husband has a couple of collectible vehicles that we'd like to put in there as well as some of like additional supplies like tires, outside things like that. A...we're looking at some point in the next couple of years actually buy an RV and with that we researched the size of the garage that you would actually need in order to put an RV in and we didn't want it sitting out in the driveway as an eyesore so we thought it'd be best to build the size that we would currently need because we really can't go back and build it later so that's really what we're looking for and I mean, all of the things had said to really look to build between twenty feet wide and then fifty feet a...for that kind of RV either a bus and/or motor home which also ends up fifteen feet so...

Mr. Maher: Does the a...Board have any questions?

Mr. Scalzo: Part of the information that we were provided today was a...an easement for replacing defective poles and install anchors on your property and the easement actually shows

to be twenty feet wide, twenty feet from your parallels your property twenty feet south which will be where you're proposed garage will be.

Ms. Costa: Well we have on our deed no recorded easement for utility poles on our survey and...and so I...that was an exist...it was an old road prior to the house being built I think back in the day maybe it lead down to the Thruway but a...on our survey it clearly states that there is no recorded easement for the poles. We actually moved the poles over up at the top of the hill as well as down where the garage would be located so that way they were not in the path of the garage number one and number two based on the easement on our survey a...we didn't...we didn't have a worry about putting it there.

Mr. Scalzo: Okay, the portion of your survey that shows the date Gray, Railing & Heinsman is missing on my map...but the map that I have from Central Hudson states the map was prepared November 15<sup>th</sup> of 2011.

Ms. Costa: This is from 1991 (Building Dept copy dated 8/20/90) our survey a...when the house was actually built with recorded...no recorded easement for a...existing utilities.

Mr. Scalzo: Okay, I understand that completely.

Ms. Costa: Right.

Mr. Scalzo: However, there's a recorded in Liber 13-328 page 1822 in the Orange County Clerk's Office there's a map indicating that there is an easement.

Ms. Costa: I'm not really sure...I've not ever seen that.

Mr. Scalzo: That's...

Ms. Costa: And in 2011 they moved a pole up at the top of the road and they also moved the bottom pole because they were old and one of them was going to fall over so they actually moved them and offset them off the property so I didn't...

Mr. Maher: So the poles shown here on...on...

Ms. Costa: On the original survey are not correct...

Mr. Maher: Okay, so these are incorrect.

Ms. Costa: ...they've been moved over to the property line.

Mr. Donovan: I...I really can't tell from the copy of the survey that I have the print is fairly light. The location of the poles wouldn't be ordinarily wouldn't be the limit of an easement though.

Ms. Costa: Right.

Mr. Donovan: You know, you would have ten, twenty, thirty feet, you know extending outward.

Mr. Scalzo: The information that Betty provided to us did call for a twenty foot...

Mr. Donovan: Right.

Mr. Scalzo: ...right...I suppose I could dig through the...

Ms. Costa: This is the original here that we...

Mr. Donovan: Yeah, we have a photocopy of that it's a little faint for me but I mean based as Darrin has indicated based on the information that's been provided to the Board tonight there appears to be that easement that appears to be right over that area from 2011 now typically a...the Board may not get involved in a private issue however, in this circumstance a...you really ought to look into that to make sure you're not doing anything...first of all this easement was properly recorded and second of all that you're not doing anything that is going to cause you a problem.

Ms. Costa: Right.

Mr. Maher: Dave, what is generally allowed in easements to be built if anything?

Mr. Donovan: Let's take a look at what it says.

Ms. Gennarelli: Mike is your mic on?

Mr. Maher: Yeah, I'm talking softly, sorry.

Mr. Donovan: Yeah so what we have here actually a...7/13/2011 purports to have your signature on it and it says a...and that of John Taylor and it says reserving unto you the right to only plant and cultivate lawn grass and grow ornamental shrubs within said easement shall not interfere with, obstruct or endanger any of the rights granted...no house, shed, garage, outbuilding, pool, road, driveway or other structures shall be constructed, installed or placed over the easement.

Ms. Costa: I'm not really sure I don't know if he had to sign that when they moved the telephone poles or I'm not sure that he was...understood exactly what that was so we can follow up because we know the person that had him sign the paperwork.

Mr. Donovan: Okay.

Ms. Costa: It's what the...they were moving the pole so every so many years they move the poles for free and the problem was is that they're lined straight down into the driveway because...

Mr. Maher: Right, yeah.

Ms. Costa: ...our driveway slopes...

Mr. Maher: Yeah it looks down there.

Ms. Costa: ...so they had to be moved over so we could even just get a pickup truck down the driveway to our own garage. So that's been like the issue so that's why we had the poles moved so we would follow up on this.

Mr. Scalzo: Okay, understanding that when the poles do move the center of the utility not necessarily is just where the poles are and as you said the poles are moved. So the easement location may...it...the easement location has remained where it was just the poles may not be in the center of it. Moving forward to the information that you're going to gather for the next meeting I saw your plot plan shows your general location of your sanitary leach field...

Ms. Costa: Correct.

Mr. Scalzo: ...so should you have to a...relocate your garage you may want to have verification where you're sanitary...

Ms. Costa: We do...

Mr. Scalzo: ...laterals are.

Ms. Costa: ...we do know the problem is like the reason why we picked the location honestly is we're six feet off the property line and one foot off the curtain drain so we really don't have any other place to put the garage because we would definitely be on top of the septic system...

Mr. Maher: Okay.

Ms. Costa: ...so the only other possibility I mean, our property does drop back there was to set it back even further up the house but it would make it difficult to get antique cars from down...

Mr. Maher: Down the hill right.

Ms. Costa: ...the hill up the drive...like out of there or even up the driveway a...so...

Mr. Levin: I was thinking it may be difficult to get an RV down there that's a steep, steep driveway to get it over the curb...

Ms. Costa: Right.

Mr. Levin: Have you checked that?

Ms. Costa: We don't own one but we can maybe...test one and bring it home. Yeah, I know, that's for sure, well.

Mr. Maher: Yeah I would, I mean I think that we want to...you to look into that first before you decide if in fact you're able to put it in a location or obviously contact Central Hudson that...to discuss the easement that's...that was recorded.

Ms. Costa: Okay.

Mr. Maher: Does the...

Mr. Donovan: So then do you want to hold the Hearing open for that information or...

Mr. Maher: I was...

Mr. Donovan: Sorry.

Mr. Maher: ...did the public...the public that's here tonight...

Mr. Donovan: Good point Mike.

Mr. Maher: ...so I was going to...

Mr. Donovan: I was going to hold it open for you and spoke then...I'm just testing you...

Mr. Maher: Yeah, I...I...just testing...go ahead.

Mr. Scalzo: The only other issue...or it's not an issue but just a question more or less for Dave or Jerry. That address is registered as a business. Is there going to be any Code issues regarding that?

Mr. Canfield: Where is it registered as a business?

Mr. Scalzo: Well actually it shows up on Google Maps as a business.

Mr. Canfield: Well then perhaps I ask the applicant. Is there a business being run in the house?

Ms. Costa: Well my husband owns his own pest control company but he doesn't work out of the house because of come there that's his mailing address, we live there, so we don't run it out of the house because we don't really people you know how it is...

Mr. Scalzo: Yeah, I understand what type of business that it is and...

Ms. Costa: Yeah.

Mr. Scalzo: ...I'm hoping you're not doing it at home.

Ms. Costa: Yeah, they don't come to the home I mean we don't have anything at the house just the...

Mr. Canfield: Yeah, and also should the Board choose to move forward at a future date with this a...we must inform you that you cannot run the business out of this garage and also for the Board's benefit I cannot issue a Building Permit in this easement if it is a recorded easement. I cannot issue a Permit so that item needs to be clarified.

Mr. Maher: Does any other Board Member have any questions?

No response.

Mr. Maher: Hearing none I'll open it up to the public. Are there any members of the public that wish to comment, if so, you can come forward, state your name.

Ms. Lytle: Thank you sir. I'm hoping that I can maybe clear up some things about that pole I am a neighbor...

Mr. Maher: Can you...could you first say your name for the record please?

Ms. Lytle: Oh, I'm sorry, I'm Edith Lytle, my property is on the north side of their property and those poles have provided both power and a telephone for fifty years to the home and it also goes down and re...a...delivers utilities to the last house on Hickory Hill Road so they've been existing there for a long time.

Mr. Maher: Okay, thank you. Any other...any other comments from the public?

No response.

Mr. Maher: Now Dave, I'll go for...with that I'll entertain a motion from the Board.

Mr. Masten: I'll make a motion.

Mr. Donovan: And do you want to hold the Hearing open?

Mr. Masten: Hold...hold it open.

Mr. Scalzo: I'll second that motion to hold the Public Hearing open...

Ms. Gennarelli: To the July...

Mr. Scalzo: ...to the July...

Ms. Gennarelli: ...28<sup>th</sup> meeting. Okay. Roll call. Darrell Bell...

Mr. Bell: To hold...

Ms. Gennarelli: ...to hold it open to July 28<sup>th</sup>.

Darrell Bell: Yes

Richard Levin: Yes

John Masten: Yes

Darrin Scalzo: Yes

Michael Maher: Yes

James Manley: Recused

Mr. Maher: Just a notice to the public won't be re-noticed. It's held over until July...

Ms. Gennarelli: 28<sup>th</sup>.

Mr. Maher: ...28<sup>th</sup> so if you have an interest coming back again it won't be re-noticed.

PRESENT ARE:

- DARRELL BELL
- RICHARD LEVIN
- MICHAEL MAHER
- JAMES MANLEY- RECUSED
- JOHN MASTEN
- DARRIN SCALZO

ABSENT:

JOHN MC KELVEY

ALSO PRESENT:

- DAVID A. DONOVAN, ESQ.
- BETTY GENNARELLI, ZBA SECRETARY
- GERALD CANFIELD, CODE COMPLIANCE

(Time Noted - 7:30 PM)

*AS 7/22/14*



## 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

2569-16

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/10/2016

Application No. 16-0327

To: Melissa Costa / John Taylor  
1 Disano Dr  
Newburgh, NY 12550

SBL: 34-1-1.2  
ADDRESS: 1 Disano Dr

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/22/2016 for permit to construct a 24' x 50' x 23' accessory building on the premises located at 1 Disano Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4 1000 sf maximum allowed for all accessory buildings.
- 2) 185-15-A-1 Maximum allowed height for an accessory building is 15'.
- 3) Bulk table schedule 3 Allows the storage of no more than 4 vehicles.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

*NO*

NAME: Melissa Costa / John Taylor

2569-16

ADDRESS: 1 Disano Dr. Newburgh NY 12550

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 24' x 50' x 23' Accessory building

SBL: 34-1-1.2 ZONE: R-1

TOWN WATER: YES / NO TOWN SEWER: YES / NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Accessory Square Feet	1000 SF	200 SF	1400 SF	400 SF	40.00%
Vehicle Storage	2 In the dwelling / 2+ this structure				
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT	15'		23'	8'	53.33%
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO  
 CORNER LOT - 185-17-A YES / NO

**ACCESSORY STRUCTURE:**

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO  
 FRONT YARD - 185-15-A YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: proposing a 24' x 50' x 23' accessory building, 10' x 20' Accessory building has a c.o.

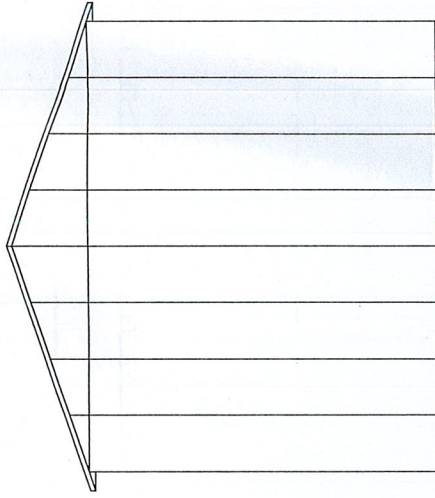
**VARIANCE(S) REQUIRED:**

- 1 185-15-A-4 1000 SF Maximum allowed square feet for all accessory buildings.
- 2 185-15-A-1 15' Maximum allowed height for accessory buildings.
- 3 Bulk table schedule 3 Allows a maximum storage of 4 vehicles.
- 4 \_\_\_\_\_

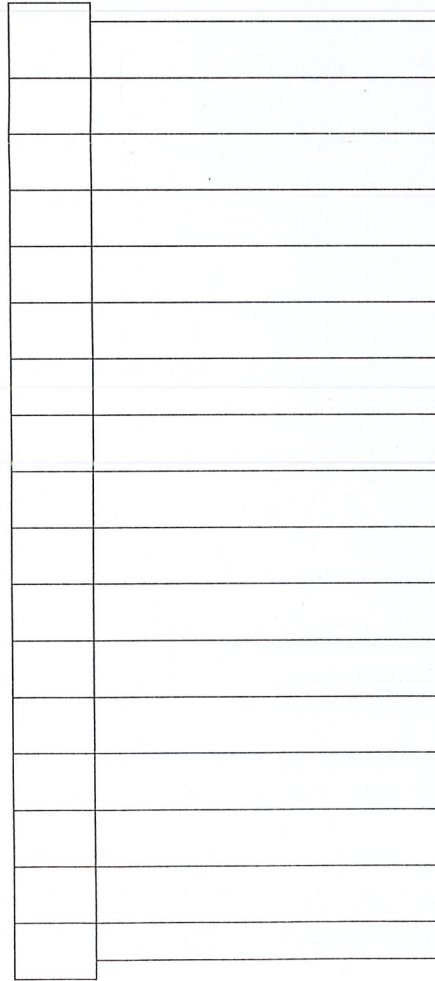
REVIEWED BY: Joseph Mattina

DATE: 10-May-16

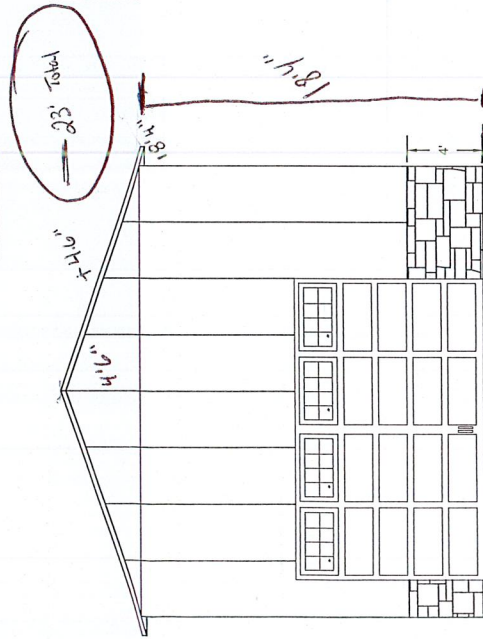
CONTRACT # PQS-76715-008



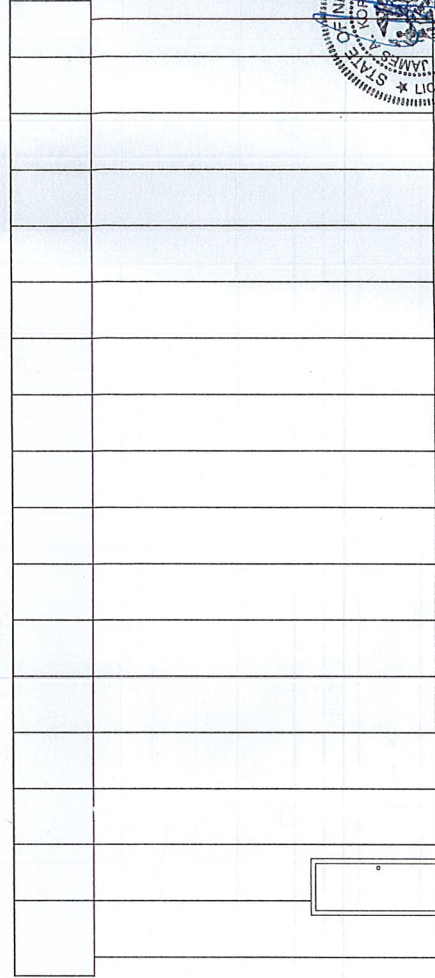
GABLE #1



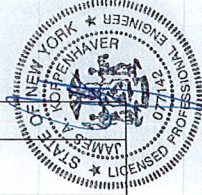
EAVE #1



GABLE #2



EAVE #2



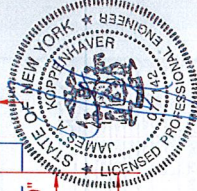
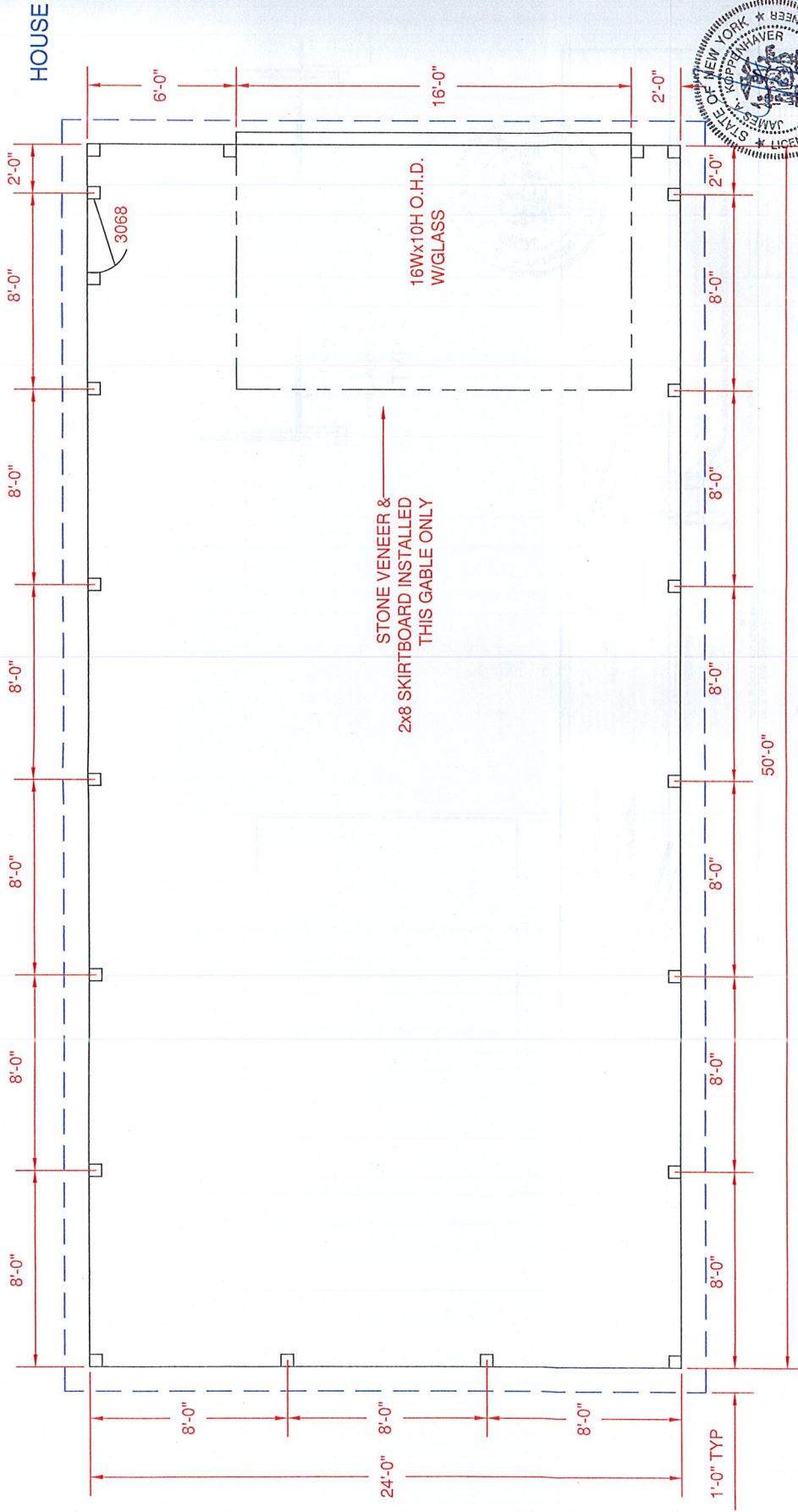
James A. Koppenhaver, P.E.  
 440-794-2949  
 info@koppenhaver.com  
 BUILDING SIZE: 24X50X18'-4"  
 DRAWN BY: HEDI KLOCK  
 CHECKED BY: TAYLOR-1  
 SHEET: 1  
 ELEVATIONS

CUSTOMER ADDRESS:  
 JOHN TAYLOR  
 1 DISANO DRIVE  
 NEWBURGH, NY 12550  
 845-566-8651 (H)  
 845-663-9418 (C)

JOB SITE ADDRESS:  
 SAME

**PPB, Inc.**  
 Pioneer Pole Buildings, Inc.  
 716 South Rt. 183  
 Schuylkill Haven, PA 17972  
 1-866-448-2505 Toll Free

CONTRACT # PQS-76715-008



DATE: 4-11-16  
 SHEET: POLE PLAN  
 BUILDING SIZE: 24x50x18'-4"  
 DRAWN BY: REBT/LOCK  
 CHECKED BY: TAYLOR-1

CUSTOMER ADDRESS:  
 JOHN TAYLOR  
 1 DISANO DRIVE  
 NEWBURGH, NY 12550  
 845-566-8651 (H)  
 845-963-3416 (C)

JOB SITE ADDRESS:  
 SAME

**PPB, Inc.**  
 Pioneer Pole Buildings, Inc.  
 716 South Rt. 183  
 Schuylkill Haven, PA 17972  
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RECEIVED

AUG 12 2016

TOWN OF NEWBURGH  
TOWN CLERKS OFFICE

ZBA MEETING – JULY 28, 2016 (Time Noted – 7:46 PM)

MELISSA COSTA & JOHN TAYLOR 1 DISANO DRIVE, NBGH  
(34-1-1.2) R-1 ZONE

Applicant is seeking area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23).

Mr. Levin: From last meeting we have a held over Melissa Costa and John Taylor, 1 Disano Drive, Newburgh, they're asking for area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23).

Ms. Gennarelli: Are the Costa's and Taylor's here tonight?

Mr. Levin: Is anybody here for them?

Ms. Gennarelli: I don't believe they're here.

Mr. McKelvey: I don't believe they're here either.

Mr. Donovan: So at the last meeting the Board was given a copy of an easement from Central Hudson Gas & Electric, that easement indicates that certain activities are prohibited in the easement area specifically construction of a house, shed, garage, out building, etc. The proposal as submitted was to construct the accessory structure within the easement area. I believe the matter was adjourned so the applicants could either clarify that, because they seemed to be unaware of it notwithstanding the fact that they signed the easement and to provide additional information to the Board this evening. My suggestion since they're not here what we've done in the past is we have adjourned it to the next meeting and I have written them a letter indicating that if they're a...not present the matter will either be considered withdrawn or the Board will vote, one or the other. If that's acceptable to the Board?

Ms. Gennarelli: Before we close (adjourn) the hearing I just wanted to say that we did receive the response from the Orange County Department of Planning and their recommendation was Local Determination.

Mr. Donovan: Just so...I would not recommend to close the Hearing just in case they show up with new information ...

Ms. Gennarelli: Oh, okay.

Mr. Donovan: ...just that you hold it over until August.

Mr. Scalzo: I make a motion to hold the meeting...the Public Hearing open...

Mr. Masten: Second.

Mr. Scalzo: ...for an additional month.

Ms. Gennarelli: Okay to August 25<sup>th</sup>, one second...roll call.

Darrell Bell: Yes

Richard Levin: Yes

John Masten: Yes

Darrin Scalzo: Yes

John McKelvey: Yes

Mr. Levin: The next one would be...Christine Dalton.

Ms. Gennarelli: At this point, are you going to take a break to speak with the attorney, John?

Mr. McKelvey: That's right. We are going to a break to speak to the attorney about any legal matters and to save time we'd ask you to go out in the hall. We'll call you back in.

PRESENT ARE:

DARRELL BELL  
RICHARD LEVIN  
JOHN MC KELVEY  
JOHN MASTEN  
DARRIN SCALZO

ABSENT:

MICHAEL MAHER  
JAMES MANLEY

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.  
BETTY GENNARELLI, ZBA SECRETARY  
GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:49 PM)

8/12/16  


**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

John Taylor and Melissa J. Costa

TO

Central Hudson Gas & Electric Corporation

SECTION 34 BLOCK 1 LOT 1.2



RECORD AND RETURN TO:  
(name and address)

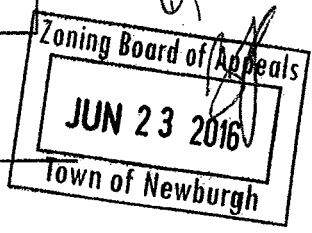
Central Hudson Gas & Electric Corporation  
ATTN: Veronica Bardunias, Special Svcs.  
284 South Avenue  
Poughkeepsie, NY 12601

*Submitted by Ken Lytle 6/23/16*

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 ATTY

**PROPERTY LOCATION**

- |  |  |
|--|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN)      | <input type="checkbox"/> 4289 MONTGOMERY (TN)          |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)    | <input type="checkbox"/> 4201 MAYBROOK (VLG)           |
| <input type="checkbox"/> 2003 SO. BLOOMING GROVE (VLG) | <input type="checkbox"/> 4203 MONTGOMERY (VLG)         |
| <input type="checkbox"/> 2289 CHESTER (TN)             | <input type="checkbox"/> 4205 WALDEN (VLG)             |
| <input type="checkbox"/> 2201 CHESTER (VLG)            | <input type="checkbox"/> 4489 MOUNT HOPE (TN)          |
| <input type="checkbox"/> 2489 CORNWALL (TN)            | <input type="checkbox"/> 4401 OTISVILLE (VLG)          |
| <input type="checkbox"/> 2401 CORNWALL (VLG)           | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2600 CRAWFORD (TN)            | <input type="checkbox"/> 4800 NEW WINDSOR (TN)         |
| <input type="checkbox"/> 2800 DEERPARK (TN)            | <input type="checkbox"/> 5089 TUXEDO (TN)              |
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| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG)        | <input type="checkbox"/> 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. \$ \_\_\_\_\_

- 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.UN1 OR 2
  - (K) CONDO

*Donna L. Benson*  
**DONNA L. BENSON**  
ORANGE COUNTY CLERK

Received From Central Hudson

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ORANGE COUNTY, NY  
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TTX# 004393 T TAX 0.00  
Receipt#1439437 marse



In consideration of the sum of \$1.00 and other valuable considerations, the receipt whereof from Central Hudson Gas & Electric Corporation, a domestic corporation having its principal office (residence) at 284 South Avenue, Poughkeepsie, New York and Verizon New York, Inc., a domestic corporation having its principal office (residence) at 140 West Street, New York, NY is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporation(s), and each of them, their respective successors, assigns and lessees (hereinafter collectively referred to as the "Corporations"), an easement for any use relating to the electric, gas, or communication industry, including, but not limited to, the installation, operation and maintenance of overhead and/or underground electric, gas or communication facilities which easement shall be 20 feet in width throughout its extent, in, upon, under, over and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the Town of Newburgh, County of Orange, State of New York.

Said easement shall extend from Disano Drive on the West and from the property line known as SBL 15-2-11 on the North in an Easterly direction to the property known as SBL 34-1-4.2 on for approximately 385' with utilities.

Together with the permanent right at all times to have access thereto within the easement and across the remaining premise(s) of the undersigned, and to enter thereon, and to construct, excavate, place, relocate, extend, operate, maintain and to protect, repair, replace and remove, in, over and under the property covered by said easement, such facilities, including, but not limited to, lines or poles, cables, cross arms, wires, guys, braces, underground conduits, pipes, mains and ducts, and all other appurtenances and fixtures adaptable to the present and future needs, uses and purposes of said corporations, their respective successors, assigns and lessees, and provided that physical damage to the property owned by the undersigned caused solely by said corporations, their respective successors, assigns or lessees, shall be adjusted at the expense of the person or entity so causing such damage.

Together with the permanent right to also trim, cut, clear cut to ground level and at the election of either Corporation remove at any time such brush, trees and other objects, thereon or on adjacent property of the undersigned, including trees, brush and other objects located outside the easement, as in the sole judgment of either Corporation may fall upon or come in contact with the facilities or may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, facilities and other appurtenances and fixtures or any thereof, which may hereafter be constructed in, over, or across said easement. Said right shall include the right to use chemical means of brush and tree removal within the limits of said easement.

The exact location of said easement and lines is to be as determined by said corporations having regard to the origin, general direction and destination of said facilities and the requirements of said corporations.

Reserving unto the undersigned the right to only plant and cultivate lawn grass and low growing ornamental shrubs within said easement, and the right to cross and recross said easement, provided that any such cultivation and/or use of said easement shall not in the sole judgment of said Corporations interfere with, obstruct or endanger any of the rights granted as aforesaid and provided that no house, shed, garage, outbuilding, pool, road, driveway or other structures or above or in ground improvements shall be erected, constructed placed, installed, or located and no excavating, mining or blasting shall be undertaken or performed within the limits of said easement without the prior written consent of said Corporations.

This easement and the provisions hereof shall be binding upon and inure to the benefit of the heirs, legal representatives, successors, assigns and lessees of the undersigned and said Corporations, respectively.

Signed, sealed and delivered, on DECEMBER 13<sup>th</sup>, 2011 [Signature] (L.S.)  
(Sign & Print Name) JOHN Taylor

[Signature] (L.S.)  
(Sign & Print Name) Melissa J Costa

In the presence of: [Signature]  
Robert E. Hogan  
(Print Name)

Residing at 1 DISANO DRIVE  
Number Street  
Newburgh N.Y. 12550  
Town, City or Village State  
Orange  
County

RIGHT OF WAY

No. 2116 Tom. Newburgh (032)

Village: \_\_\_\_\_  
City: \_\_\_\_\_

Granted by

John Taylor  
Melissa J Costa

Central Hudson Gas & Electric Corporation

Date: December 13, 2011

Map: 912509 Line: 4015

Pole No: N30623

Work Order #: H09249R/M#: 8-08720

SBL: 34-1-12

Address of ROW: 1 DISANO DR, NEWburgh, NY

RECORD AND RETURN TO:  
Central Hudson Gas & Electric Corporation  
284 South Avenue  
Poughkeepsie, NY 12601  
Attn: Special Services

Notary Public

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they resides in \_\_\_\_\_ that he/she/they know(s) \_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said \_\_\_\_\_ execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

State of New York  
County of \_\_\_\_\_  
} ss: \_\_\_\_\_

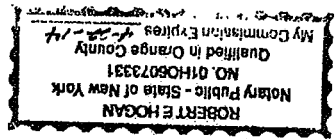
CERTIFICATE OF SUBSCRIBING WITNESS

Notary Public

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

State of New York  
County of \_\_\_\_\_  
} ss: \_\_\_\_\_

NEW YORK ALL-PURPOSE ACKNOWLEDGMENT



Notary Public

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

State of New York  
County of ORANGE  
} ss: \_\_\_\_\_

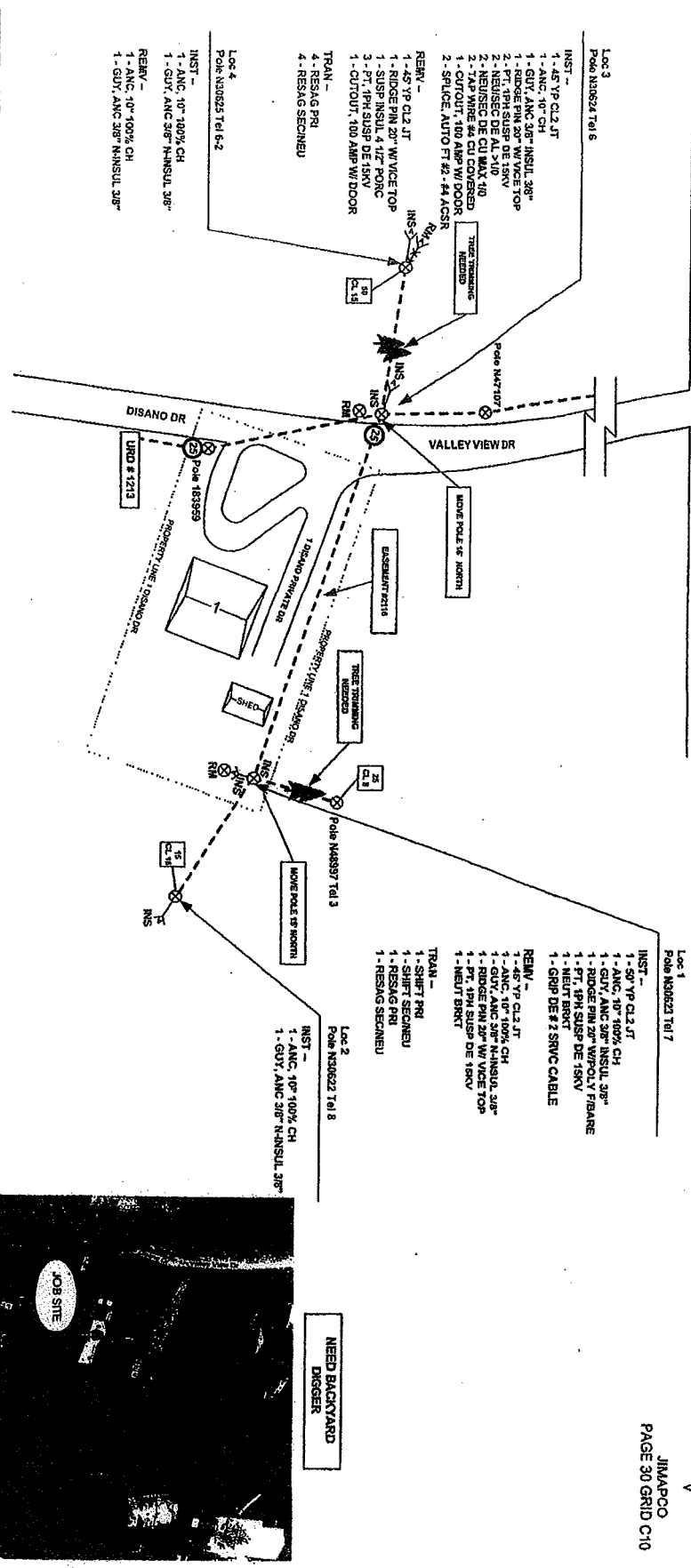
ACKNOWLEDGEMENT OF CONVEYANCE



**Central Hudson**  
Gas & Electric Corporation

**REPLACE DEFECTIVE POLES AND INSTALL ANCHOR**  
1 DISANO RD, NEWBURGH  
MELISSA COSTA

<b>SCALE</b>	N/A	<b>DATE</b>	11/15/11
CH W/O NO	H852AR N	LOG NO	JB-08720
WTSI PROJ NO	N11720	DIVISION	Newburgh
WTSI W/O NO	JB-08720	<b>REV</b>	
DRAWN	PGALLIGAN	PHONE PROPOSAL	ND 39076
CIRCUIT	4015	CH MAP	Map 148 GRID D-3
VOLTAGE	7.62KV	<b>SHEET</b>	1 OF 1
APPROVED			



***Dickover, Donnelly & Donovan, LLP***  
**Attorneys and Counselors at Law**

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

**28 Bruen Place**  
**P.O. Box 610**  
**Goshen, NY 10924**  
**Phone (845) 294-9447**  
[mail@dddllp.com](mailto:mail@dddllp.com)  
**Fax (845) 294-6553**  
(Not for Service of Process)

August 2, 2016

Melissa Costa & John Taylor  
1 Disano Drive  
Newburgh, NY 12550

RE: Application before the Town of Newburgh Zoning Board of Appeals

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Dear Ms. Costa and Mr. Taylor:

As you will recall, you appeared before the Town of Newburgh Zoning Board of Appeals on June 23, 2016 in connection with your application for certain variances that you were requesting from the Board.

Because of an issue involving an easement that you had granted to Central Hudson Gas & Electric Corporation, your public hearing was adjourned until the Board's July meeting which was held on Thursday, July 28, 2016.

Your application was, accordingly, on the July 28, 2016 board agenda and your application was duly called by the Board Chairman at the July 28, 2016 meeting.

However, neither of you, nor any representative on your behalf, appeared at the Board's July 28, 2016 meeting.

As a result of the foregoing, the Board adjourned your application until the next board meeting which will be held on August 25, 2016 at 7:00 p.m.

Please be advised that if you fail to appear at the August 25, 2016 meeting, the Board will proceed to take such action as it may deem appropriate regarding your application.

Please be guided accordingly.

Very truly yours,

A handwritten signature in black ink, appearing to read "DA Donovan". The signature is stylized with a large initial "D" and a cursive "A".

DAVID A. DONOVAN

cc: Town of Newburgh Zoning Board of Appeals

ZBA MEETING – AUGUST 25, 2016

(Time Noted – 8:45 PM)

MELISSA COSTA & JOHN TAYLOR

1 DISANO DRIVE, NBGH  
(34-1-1.2) R-1 ZONE

Applicant is seeking area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23).

Mr. Manley: The next application before the Zoning Board that was also held over is the application of Melissa Costa and John Taylor, 1 Disano Drive, Newburgh requesting area variances for the maximum height of accessory buildings, the maximum allowed square footage of accessory structures and the maximum allowed (4) four vehicle storage to construct an accessory building (24 x 50 x 23). That had been adjourned pending the applicant trying to solve some issues with regard to a Central Hudson right-of-way. It was adjourned, the applicant was written a letter again by our Counsel because we had not had them appear at the July 28<sup>th</sup> meeting so a letter was drafted. Correct? Asking them to...

Mr. Donovan: That's correct, yeah. And...and again just to...that letter...

Please be advised that if you fail to appear at the August 25<sup>th</sup> meeting the Board will proceed to take such action as they deem appropriate regarding your application.

Meaning that you could either vote on the application or it would be deemed withdrawn, whatever the Board's pleasure is.

Mr. Manley: So at this point, the Board needs to determine whether or not they wish to move forward when we get to our deliberation stage, close the Public Hearing based on the information we have and then render a decision or a...vote to withdraw the application based on the failure of the applicant to come to the meeting. What is the consensus of the Board?

Mr. Levin: Withdraw the application.

Mr. Masten: Withdraw.

Mr. Bell: Withdraw.

Mr. Levin: For failure to come.

Mr. Bell: Yeah, withdrawn.

Mr. Manley: Okay, so at this point, it's the a by polling of the Board, the Board wishes to move forward and withdraw the application without voting on it based on the failure of the applicant to appear twice to our Hearing. Your letter I think said that it would that you know; it would be either withdrawn or voted on...

Mr. Donovan: That's right.

Mr. Manley: ...so I don't think there's any need to even notify the applicant.

Mr. Donovan: The Board's pleasure whatever you would like me to do. May I suggest this? Let me write to them just so there is finality, there's no question in the future. I'll just write to them indicating they didn't appear so in accordance with my letter of August 2<sup>nd</sup> their application has been deemed withdrawn.

Mr. Manley: Very good. At this point, the Board has reached the end of its Agenda and at this point in time what I would like is before we proceed with the evening's vote. We would like to take a short adjournment so that we can confer with our Counsel regarding legal questions raised by tonight's applications. If I could ask in the interest of time if you could wait in the hallway and we will call you in very shortly when we're ready to resume. Thank you.

PRESENT ARE:

DARRELL BELL  
RICHARD LEVIN  
MICHAEL MAHER  
JAMES MANLEY  
JOHN MC KELVEY  
DARRIN SCALZO

ABSENT:

JOHN MASTEN

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.  
BETTY GENNARELLI, ZBA SECRETARY  
GERALD CANFIELD, CODE COMPLIANCE  
JOSEPH MATTINA, CODE COMPLIANCE

(Time Noted – 8:48 PM)

*DB*  
*9/28/16*