



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: 2/14/17

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

I (WE) ANTHONY FABRIZIO PRESENTLY

RESIDING AT NUMBER 39 HARTH DRIVE, NEW WINDSOR, NY 12553

TELEPHONE NUMBER 845-728-1873

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

- NO A USE VARIANCE
- X AN AREA VARIANCE
- NO INTERPRETATION OF THE ORDINANCE
- NO SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

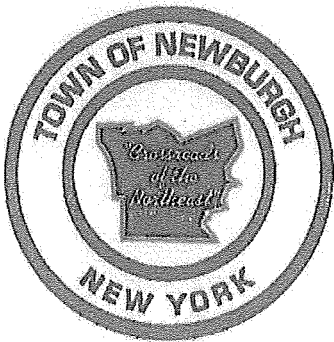
51-9-9 (TAX MAP DESIGNATION)

GARDNERTOWN ROAD (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BUCK TABLE - DIMENSIONS AND AREAS



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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: 2/7/17

4. DESCRIPTION OF VARIANCE SOUGHT:

AREA VARIANCES FOR LOT #2
 lot#2 area 83,795 (40,000 required)
 width 116' (150 required)

COT AREAS AND SOME SETBACKS
 lot #1, front yard 26' (50' required)
 Area 23,573 (40,000 required)
 Rear 34' (40' required)
 width 127' (150 required)

N/A

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:



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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:

PROPOSED LOT SIZES AND SETBACKS EXCEED
LOT SIZES AND SETBACKS FOR ALL DEVELOPED
LOTS BETWEEN SUBJECT PARCEL AND TOWN ROADS

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:

EXISTING LOT IS NOT LARGE ENOUGH FOR SUBDIVISION
IN R-1 ZONE, LAYOUT PROPOSED MINIMIZES
VARIANCES REQUESTED

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

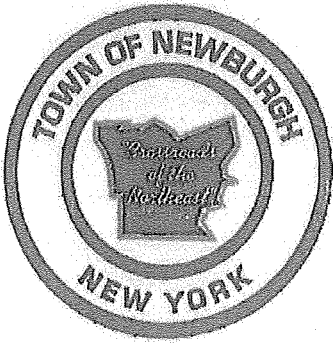
PARCEL WAS ZONED R-3, ALL LOT REQUIREMENTS
FOR R-3 ZONE W/ TOWN SEWER ARE MET

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

PROPOSED DEVELOPMENT IS CONSISTENT
WITH NEIGHBORHOOD AND HAS NEGLIGIBLE

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

APPLICANT OWNED THE LOT BEFORE IT WAS
REZONED FROM R-3 TO R-1

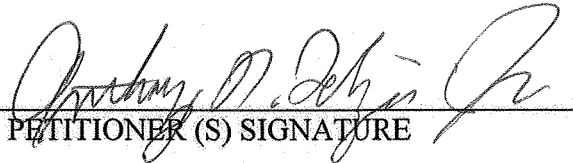


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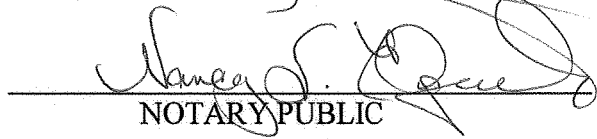
ZONING BOARD OF APPEALS
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NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

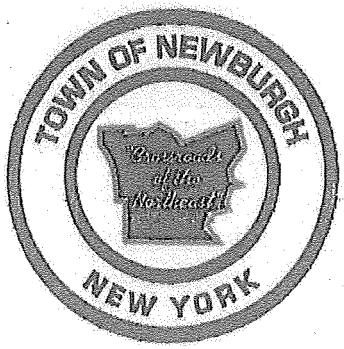
SWORN TO THIS 16th DAY OF February 2017


NOTARY PUBLIC

NANCY L ELGUETA
NOTARY PUBLIC, STATE OF NEW YORK
LIC. NO. 01EL6215588
ORANGE COUNTY
MY COMMISSION EXPIRES 01-04-2018

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



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PROXY

ANTHONY FABRIZIO, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 39 HARTW OAKS, NEW WINDSOR
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF GARONSETOWN
ROAD, S/R/L 51-9-8

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED CHARLES T. BROWN, PE
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 02/16/17

Anthony Fabrizio
OWNER'S SIGNATURE

Raymond B. McEvoy
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16th DAY OF February 2017

Nancy L. Elgueta
NOTARY PUBLIC

NANCY L. ELGUETA
NOTARY PUBLIC, STATE OF NEW YORK
LIC. NO. 01EL6215588
ORANGE COUNTY
MY COMMISSION EXPIRES 01-04-2018

Short Environmental Assessment Form

Part 1 - Project Information

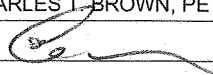
Instructions for Completing

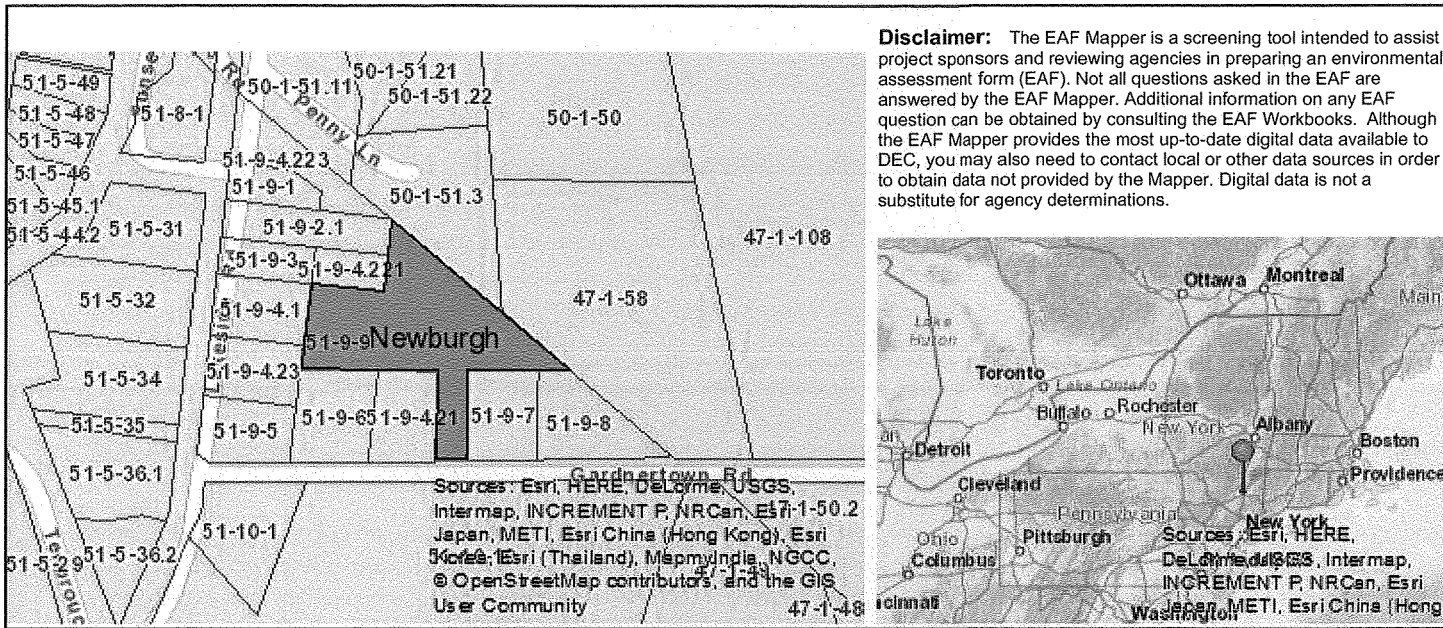
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: FABRIZIO LOT SUBDIVISION		TED # 16295					
Project Location (describe, and attach a location map): GARDNERTOWN ROAD							
Brief Description of Proposed Action: SUBDIVIDE AN EXISTING VACANT 1.40 ACRE LOT TO CREATE TWO NEW BUILDING LOTS. LOTS WILL BESERVED BY INDIVIDUAL WELLS AND TOWN SEWER. BOTHE LOTS WILL HAVE FRONTAGE ON AND BE ACCESSED FROM GARDNERTOWN ROAD WHICH IS A TOWN ROAD.							
Name of Applicant or Sponsor: TONY FABRIZIO		Telephone: 845-728-1873					
		E-Mail: TONYFABRIZ@AOL.COM					
Address: 39 HARTH DRIVE							
City/PO: NEW WINDSOR		State: NY	Zip Code: 12553				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: VARIANCES FROM THE TOWN ZBA			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		_____ 1.40 acres					
b. Total acreage to be physically disturbed?		_____ 0.80 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.40 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ INDIVIDUAL WELLS	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	<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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>CHARLES T. BROWN, PE</u></p>		<p>Date: <u>1-17-2017</u></p>
<p>Signature: _____ </p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
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 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- 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.

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)

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



James C Watt and
Thomas Watt Contracting
Inc
TO
Anthony Fabrizio, Jr
Kathleen M. Fabrizio

SECTION 51 BLOCK 9 LOT 9

RECORD AND RETURN TO:
(name and address)

David Martuscello, Esq
PO Box 727
Marlboro, NY 12542

Handwritten: Full Original
3/1/17

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

Handwritten: K041552

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)	NO PAGES <u>2</u> CROSS REF. _____
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)	CERT. COPY _____ ADD'L X-REF. _____
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)	MAP# _____ PGS. _____
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)	CASH _____
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input type="checkbox"/> 4401 OTISVILLE (VLG)	CHARGE _____
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input checked="" type="checkbox"/> 4600 NEWBURGH (TN)	NO FEE _____
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 4800 NEW WINDSOR (TN)	Taxable _____
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)	CONSIDERATION \$ <u>100,000</u>
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)	TAX EXEMPT _____
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALKILL (TN)	Taxable _____
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)	MORTGAGE AMT. \$ _____
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)	DATE _____
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)	MORTGAGE TAX TYPE:
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)	<input type="checkbox"/> (A) COMMERCIAL/FULL 1%
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)	<input type="checkbox"/> (B) 1 OR 2 FAMILY
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)	<input type="checkbox"/> (C) UNDER \$10,000
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)	<input type="checkbox"/> (E) EXEMPT
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	CITIES	<input type="checkbox"/> (F) 3 TO 6 UNITS
<input type="checkbox"/> 4089 MONROE (TN)	<input type="checkbox"/> 0900 MIDDLETOWN	<input type="checkbox"/> (I) NAT. PERSON/CR. UNION
<input type="checkbox"/> 4001 MONROE (VLG)	<input type="checkbox"/> 1100 NEWBURGH	<input type="checkbox"/> (J) NAT. PER-CR. UN/1 OR 2
<input type="checkbox"/> 4003 HARRIMAN (VLG)	<input type="checkbox"/> 1300 PORT JERVIS	<input type="checkbox"/> (K) CONDO
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)	<input type="checkbox"/> 9999 HOLD	

Signature of Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Kar - Vix

RECORDED/FILED
01/04/2005/ 09:56:53
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050000701
DEED C / BK 11711 PG 1134
RECORDING FEES 201.00
TTX# 005934 T TAX 400.00
Receipt#361400 juls



041552

Bargain and Sale Deed With Covenants Against Grantor's Acts

THIS INDENTURE, made this 28th Day of December, 2004

BETWEEN, James C. Watt, PO Box 386, Grahamsville, NY 12740, and Thomas Watt Contracting Inc., PO Box 7055, Newburgh, NY 12550, party of the first part, and Anthony N. Fabrizio, Jr. and Kathleen M. Fabrizio, as husband and wife, 24 Fabrizio Lane, Newburgh, NY 12550, party of the second part,

Witnesseth, that the party of the first part, in consideration of ten (\$10.00) dollars 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 known and designated as Lot No. 3 on a subdivision map entitled "Watt Subdivision - 3 Lots", filed in the Orange County Clerk's Office on April 9, 1987 as Map No. 8211.

This conveyance is made in the ordinary course of business and does not constitute all or substantially all of the assets of the Corporation.

The premises are vacant land. TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises: TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. And the party of the first part in compliance with Section 13 of the Lien Law covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

James C. Watt
James C. Watt
Thomas Watt
Thomas Watt Contracting Inc.
By: Thomas Watt, President

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On December 22, 2004, before me the undersigned, a Notary Public in and for said State, personally appeared James C. Watt and Thomas Watt, 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.

Tina M. Fassnacht
Notary Public

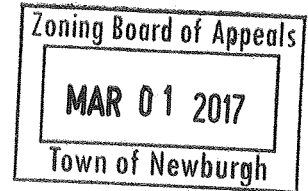
TINA M. FASSNACHT
Notary Public, State of New York
Qualified in Orange County
Registration No. 02FA6046769
Commission Expires August 21, 2006

Bargain And Sale Deed With Covenant Against Grantors Acts

Section/Block/Lot: 51-9-4-224-39
Street Address: Gardnertown Road
Municipality: Town of Newburgh
County of Orange

Recorded at the request of
Kar-Vin Abstract Corp.
New Windsor NY 12553
(845) 562-2622 FAX 565-8737

RETURN BY MAIL TO:
Daniel Martuscello, Esq.
1390 Route 9W
PO Box 727
Marlboro, NY 12542



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

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Michael H. Donnelly
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P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
Fax (845) 294-6553
(Not for Service of Process)

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

February 7, 2017

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Fabrizio 2-Lot Subdivision
51-9-9 (Zone R-1)
Gardnertown Road (17.05)

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of February 2, 2017. The applicant proposes a 2-lot line subdivision of the premises identified above. The proposed subdivision does not meet the bulk requirements of the code. Therefore, the planning board refers this matters to you for consideration of the following variances:

Proposed Lot #1:

- Area variance allowing a front yard setback of 26 feet where 50 feet is required;
- Area variance allowing a lot depth of 127 feet where 150 feet is required
- Area variance allowing a rear yard setback of 34 feet where 40 feet is required; and
- Area variance permitting a lot area of 23,543 square feet where 40,000 square feet is required.

Proposed Lot #2:

- Area variance permitting lot area of 33,795 square feet where 40,000 square feet is required;
- Area variance allowing a lot width of 116 feet where 150 feet is required.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act is a Type II action. If it is not, the planning board suggests that uncoordinated review may be in order.

Very truly yours,

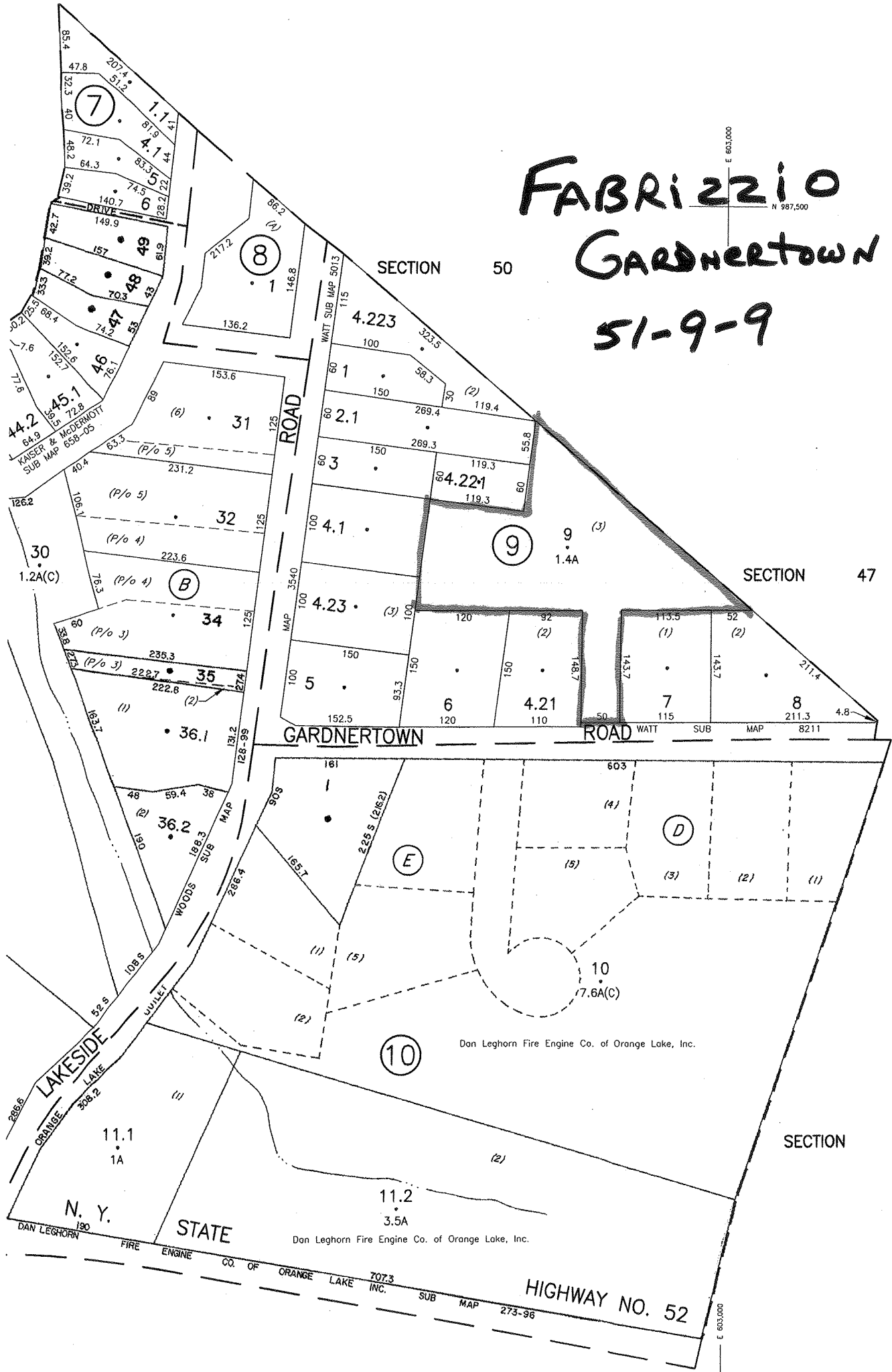


MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Talcott Engineering Design, PLLC
David A. Donovan, Esq.

FABRIZZIO GARDNERTOWN RD 51-9-9



E 603,000

N 987,500

SECTION 47

SECTION 50

GARDNERTOWN ROAD

WATT SUB MAP 5013

LAKESIDE DRIVE

ORANGE LAKE

DAN LEGHORN FIRE ENGINE

STATE

Dan Leghorn Fire Engine Co. of Orange Lake, Inc.

HIGHWAY NO. 52

E 603,000

N 986,000