

# 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: 2/27/19

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

I (WE) KATHY FELICECLO PRESENTLY  
RESIDING AT NUMBER 89 CROWNED HEIGHTS DRIVE  
TELEPHONE NUMBER 845-629-0943

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:

75-1-34.14 (TAX MAP DESIGNATION)

89 CROWNED HTS. DR. (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-43-E (POOL)  
185-15-A (ACCESSORY BUILDING)



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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: 2/20/18
- 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: TO ALLOW AN EXISTING POOL AND SHED TO REMAIN IN A FRONT YARD

*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:

THE POOL AND SHED ARE EXISTING  
AND WELL SCREENED BY EXISTING  
VEGETATION AND TOPOGRAPHY

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 PROPERTY HAS MULTIPLE FRONT  
YARDS

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE POOL IS ALMOST 100' FROM THE ROAD.  
THE SHED IS ONLY 80' AND IS 35' FROM  
THE ROAD

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

THE POOL AND SHED ARE EXISTING  
AND SIMILAR TO OTHERS IN THE  
NEIGHBORHOOD

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

THE LOT HAS MULTIPLE FRONT YARDS



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OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

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

*Kathy Felcell*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27 DAY OF FEBRUARY 2018

*Andrew J. Zarutskie*  
\_\_\_\_\_  
NOTARY PUBLIC

ANDREW J. ZARUTSKIE  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2021

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 10 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)



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## PROXY

Kathy Felicello, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 89 Cronomer Heights Drive

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 89 Cronomer Heights Drive

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Charles T Brown PE Talcott Engineering Design PLL TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 02/27/18

Kathy Felicello

OWNER'S SIGNATURE

Raymond B. Gavin

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27 DAY OF FEBRUARY 2018

Andrew J. Zarutskie

NOTARY PUBLIC

**ANDREW J. ZARUTSKIE**  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2021

# Short Environmental Assessment Form

## Part 1 - Project Information

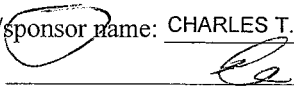
### Instructions for Completing

**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.

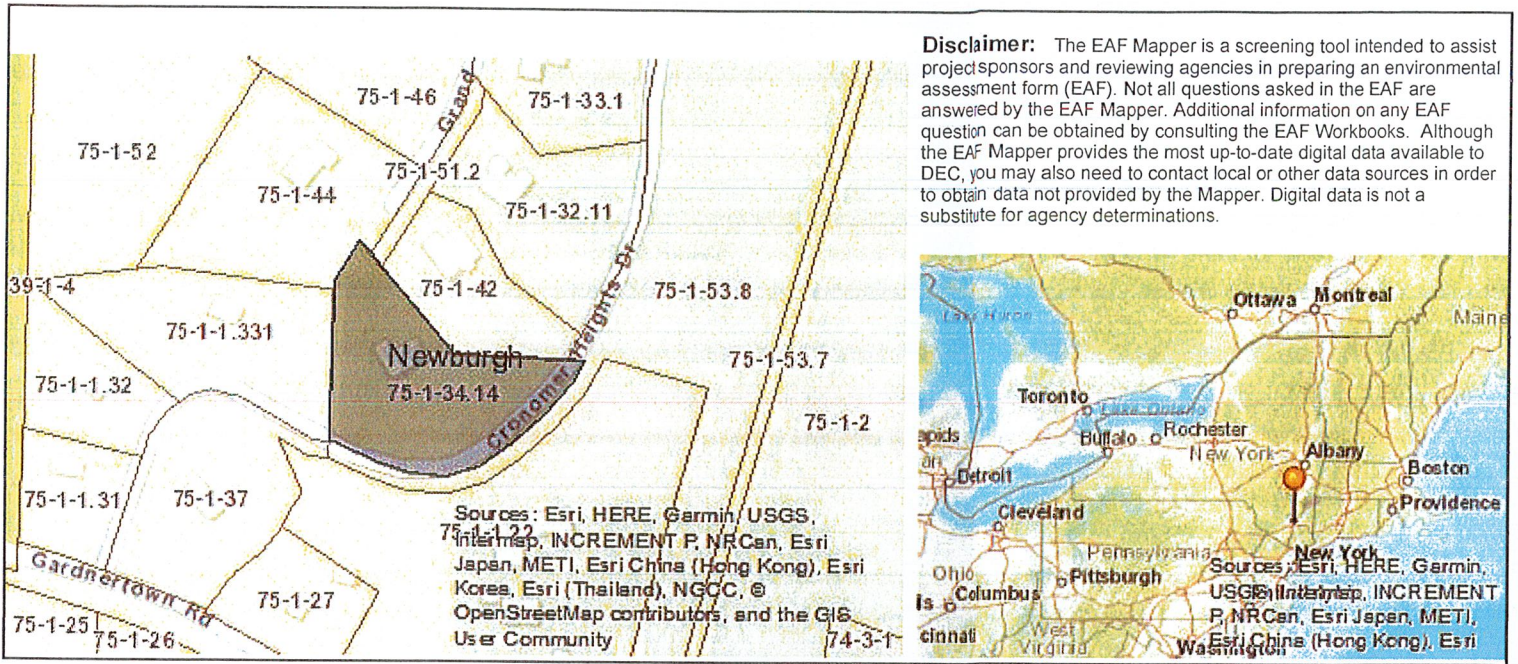
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: KATHY FELICELLO VARIANCES		JOB # 18020	
Project Location (describe, and attach a location map): 89 CRONOMER HEIGHTS DRIVE, NEWBURGH, NY 12550			
Brief Description of Proposed Action: VARIANCES TO ALLOW A PPREVIOUSLY BUILT POOL AND SHED			
Name of Applicant or Sponsor: KATHY FELICELLO		Telephone: 845-629-0943	
		E-Mail: KATRUCKINGINC@VERIZON.NET	
Address: 89 CRONOMER HEIGHTS DRIVE			
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 governmental Agency? If Yes, list agency(s) name and permit or approval: BUILDING PERMIT			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 1.67 acres	
b. Total acreage to be physically disturbed?		_____ 0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.67 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 type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input checked="" 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?	NO	YES		
	<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"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ NOT APPLICABLE	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES		
	<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	YES		
	<input type="checkbox"/>	<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 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 checked="" type="checkbox"/>	<input 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 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

<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>25,000 GALLON SWIMMING POOL _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" 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>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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: CHARLES T. BROWN, PE _____ Date: 2/27/2018 _____</p> <p>Signature:  _____</p>		





**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 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]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project:

[Empty box for Project name]

Date:

[Empty box for 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: 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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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

971017



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

EAST ROCK CORP.  
TO  
KATHY FELICELLO

SECTION 75 BLOCK 1 LOT 34

RECORD AND RETURN TO:  
(Name and Address)

TIMOTHY TAMSEN, ESQ.  
11 Carroll Street  
Newburgh, New York 12550

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

- PROPERTY LOCATION**
- 2089 BLOOMING GROVE (TN)
  - 2001 WASHINGTONVILLE (VLG)
  - 2289 CHESTER (TN)
  - 2201 CHESTER (VLG)
  - 2489 CORNWALL (TN)
  - 2401 CORNWALL (VLG)
  - 2600 CRAWFORD (TN)
  - 2800 DEERPARK (TN)
  - 3089 GOSHEN (TN)
  - 3001 GOSHEN (VLG)
  - 3003 FLORIDA (VLG)
  - 3005 CHESTER (VLG)
  - 3200 GREENVILLE (TN)
  - 3489 HAMPTONBURGH (TN)
  - 3401 MAYBROOK (VLG)
  - 3689 HIGHLANDS (TN)
  - 3601 HIGHLAND FALLS (VLG)
  - 3889 MINISINK (TN)
  - 3801 UNIONVILLE (VLG)
  - 4089 MONROE (TN)
  - 4001 MONROE (VLG)
  - 4003 HARRIMAN (VLG)
  - 4005 KIRYAS JOEL (VLG)
  - 4289 MONTGOMERY (TN)
  - 4201 MAYBROOK (VLG)
  - 4203 MONTGOMERY (VLG)
  - 4205 WALDEN (VLG)
  - 4489 MOUNT HOPE (TN)
  - 4401 OTISVILLE (VLG)
  - 4600 NEWBURGH (TN)
  - 4800 NEW WINDSOR (TN)
  - 5089 TUXEDO (TN)
  - 5001 TUXEDO PARK (VLG)
  - 5200 WALLKILL (TN)
  - 5489 WARWICK (TN)
  - 5401 FLORIDA (VLG)
  - 5403 GREENWOOD LAKE (VLG)
  - 5405 WARWICK (VLG)
  - 5600 WAWAYANDA (TN)
  - 5889 WOODBURY (TN)
  - 5801 HARRIMAN (VLG)
- CITIES**
- 0900 MIDDLETOWN
  - 1100 NEWBURGH
  - 1300 PORT JERVIS
  - 9999 HOLD

NO. PAGES 7 CROSS REF   
CERT. COPY  AFFT. FILED   
PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

CONSIDERATION \$ 50,000  
TAX EXEMPT

MORTGAGE AMT \$   
DATE

- MORTGAGE TYPE:**
- (A) COMMERCIAL
  - (B) 1 OR 2 FAMILY
  - (C) UNDER \$10,000.
  - (E) EXEMPT
  - (F) 3 TO 6 UNITS
  - (I) NAT.PERSON/CR.UNION
  - (J) NAT.PER-CR.UN/1 OR 2
  - (K) CONDO
- Recorded Courtesy of:  
**AFFIRMATIVE ABSTRACT INC.**  
P.O. Box 4552  
NEW WINDSOR, NEW YORK 12553-4552  
(914) 562-0162

*Joan A. Macchi*

JOAN A. MACCHI  
Orange County Clerk

RECEIVED FROM NEW WINDSOR, NEW YORK 12553-4552  
(914) 562-0162

LIBER 4558 PAGE 187

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREON FILED OR RECORDED IN MY OFFICE  
ON 4/23/97 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY  
2128118

LIBER 4558 PAGE 187

ORANGE COUNTY CLERKS OFFICE 20102 FLT  
RECORDED/FILED 04/23/97 10:19:05 AM  
FEES \$6.00 EDUCATION FUND \$5.00  
CERTAIN NUMBER: 006947  
DEED CNTL NO. 54047 RE TAX 200.00

*John Tamsen*  
*5/28/18*  
*BT*

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

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 10<sup>th</sup> day of April, 1997.

BETWEEN EAST ROCK CORP., a domestic corporation, with offices at 313 Broadway, Newburgh, New York 12550, party of the first part, and KATHY FELICELLO, residing at 110 Meadow Avenue, Newburgh, New York 12550, 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.

BEING the same premises described in that certain deed dated January 31, 1996 from Hill Investments to East Rock Corp., which deed was recorded in the Orange County Clerk's Office on February 7, 1996 in Liber 4337 of Deeds at Page 338.

The premises are not in an agricultural district and that the subject premises is entirely owned by the transferor(s).

The above described premises does not constitute all or substantially all of the assets of the Seller and this conveyance is made in the ordinary course of business of the Seller.

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon obtained at a meeting duly called.

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.

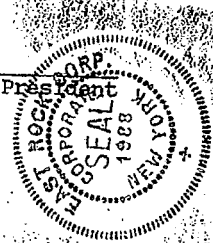
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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: EAST ROCK CORP.  
By: *Richard F. Lease*  
RICHARD F. LEASE, Vice President



STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 10<sup>th</sup> day of April, 1997, before me personally came RICHARD F. LEASE, who, being by me duly sworn, deid depose and say that he resides at 219A Lakeside Road, Newburgh, NY; that he is the Vice President of EAST ROCK CORP., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by like order.

*John Lease III*  
Notary Public

JOHN LEASE III  
Notary Public, State of New York  
Qualified in Orange County  
No. 51-315  
Expires May 26, 1999

BARGAIN & SALE DEED

EAST ROCK CORP.

Section 75  
Block 1  
Lot 34

-TO-

KATHY FELICELLO

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SCHEDULE A

Title #AA971017

ALL that piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being designated as Lot No. 4 on a map entitled "Subdivision Plan Lands of Hill Investments," dated November 18, 1994, last revised September 7, 1995 and filed in the Orange County Clerk's Office on January 22, 1996 as Map No. 5-96, and being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Grande Vista Court (a private road) as set forth on the above described Filed Map; said point being the easterly corner of lands now or formerly of Hill Investments (L 2639 Cp. 262) and the northerly corner of the herein described premises; thence along the end of said Grande Vista Court and lands now or formerly of Favino (L 3090 Cp. 148) South 26 degrees 51 minutes 50 seconds East 227.52 feet to a point; thence along lands now or formerly of Splendor (L 4112 Cp. 205) and through the western portion of Cronomer Heights Drive (a private road and fifty (50') foot right of way as described below) South 74 degrees 40 minutes 03 seconds East 201.59 feet to a point near the centerline of said Cronomer Heights Drive; thence at slight variation with the centerline of said Cronomer Heights Drive, the following nine (9) courses and distances: (1) South 41 degrees 57 minutes 56 seconds West 38.03 feet to a point; thence (2) South 53 degrees 54 minutes 35 seconds West 66.84 feet to a point; thence (3) South 61 degrees 26 minutes 17 seconds West 66.57 feet to a point; thence (4) South 68 degrees 13 minutes 49 seconds West 61.29 feet to a point; thence (5) South 86 degrees 28 minutes 02 seconds West 52.90 feet to a point; thence (6) North 71 degrees 52 minutes 45 seconds West 55.82 feet to a point; thence (7) North 57 degrees 56 minutes 11 seconds West 50.13 feet to a point; thence (8) North 52 degrees 09 minutes 59 seconds West 75.03 feet to a point; and thence (9) North 69 degrees 36 minutes 42 seconds West 6.35 feet to a point; thence lands now or formerly of Weinheim (L 4147 Cp. 206) North 14 degrees 38 minutes 39 seconds East 233.57 feet to a point; thence along lands now or formerly of said Hill Investments North 40 degrees 21 minutes 06 seconds East 83.55 feet to the point or place of BEGINNING.

TOGETHER WITH, along with others, the rights of ingress and egress, as well as the right to place utilities over the 50 foot right-of-ways shown on Subdivision Map No. 5-96 and designated thereon as "Cronomer Heights Drive" and "Grand Vista Court", until such time as said right-of-ways have been dedicated to the municipally, and SUBJECT TO the terms of the Amended Private Road Maintenance Declaration for "Cronomer Heights Drive" and "Grande Vista Court" duly filed in the Office of the Orange County Clerk's on September 13, 1995 in Liber 4270 page 191. In the events that the right-of-ways known as Cronomer Heights Drive and Grande Vista Court are accepted in whole or in part by the Town of Newburgh for dedication as public highway the terms and conditions of the Private Road Maintenance Declaration shall be canceled and no longer binding on this lot. The portion of said Cronomer Heights Drive which lies within the southerly portion of the above described premises is hereby described as follows:

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

**SCHEDULE A (continued)**

Title #AA971017

BEGINNING at a point near the centerline of Cronomer Heights Drive where the southern corner of said lands now or formerly of Splendor on the easterly corner of the above described premises the following twenty (20) courses and distances: (1) South 41 degrees 57 minutes 56 seconds West 38.03 feet to a point; thence (2) South 53 degrees 54 minutes 35 seconds West 66.84 feet to a point; thence (3) South 61 degrees 26 minutes 17 seconds West 66.57 feet to a point; thence (4) South 68 degrees 13 minutes 49 seconds West 61.29 feet to a point; thence (5) South 86 degrees 28 minutes 02 seconds West 52.90 feet to a point; thence (6) North 71 degrees 52 minutes 45 seconds West 55.82 feet to a point; thence (7) North 57 degrees 56 minutes 11 seconds West 50.13 feet to a point; thence (8) North 52 degrees 09 minutes 59 seconds West 75.03 feet to a point; and thence (9) North 69 degrees 36 minutes 42 seconds West 6.35 feet to a point; thence along said lands now or formerly of Weinheim and along a portion of southwesterly boundary line of the above described premises (10) North 14 degrees 38 minutes 39 seconds East 25.13 feet to a point; thence turning into the above described premises (11) South 69 degrees 36 minutes 42 seconds East 12.70 feet to a point; thence (12) South 52 degrees 09 minutes 59 seconds East 77.60 feet to a point; thence (13) South 57 degrees 56 minutes 11 seconds East 45.81 feet to a point; thence (14) South 71 degrees 52 minutes 45 seconds East 47.98 feet to a point; thence (15) North 86 degrees 28 minutes 02 seconds East 46.11 feet to a point; thence (16) North 68 degrees 13 minutes 49 seconds East 55.79 feet to a point; thence (17) North 61 degrees 26 minutes 17 seconds East 63.45 feet to a point; thence (18) North 53 degrees 54 minutes 35 seconds East 62.58 feet to a point; thence (19) North 41 degrees 57 minutes 56 seconds East 22.88 feet to a point on the southern most northeasterly boundary line of the above described premises; thence along a portion of the aforesaid northeasterly boundary of the above described premises (20) South 74 degrees 40 minutes 03 seconds East 27.96 feet to the point or place of BEGINNING.

TOGETHER WITH AND SUBJECT TO easements for purposes of placing utilities to service the premises herein as shown on subdivision Map No. 5-96.

RESERVING to Hill Investments, its heirs, legal representatives and/or assigns, the right to change the location of the above described rights of way and easements provided that Hill Investments shall always have access to the above described parcel of land.

SUBJECT TO covenants, easements and restrictions of record.

ALSO SUBJECT TO the following covenants and restriction which shall run with the title to the aforesaid premises forever: —

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New Windsor, NY 12553-0552

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

**SCHEDULE A (continued)**

Title #AA971017

1. No building or structure of any kind whatsoever other than single family residential dwelling house(s) shall be erected on the described real property and any such permitted buildings or structures shall be used for residential purposes only.
2. No structures of a temporary character, trailer, shack, shed, garage, barn or other out building shall be either temporarily or permanently erected. Exterior storage or display of all but living materials is prohibited. Exterior storage or parking of trucks, trailers, unregistered vehicles, boats and tents are expressly prohibited. Exterior storage of any objects or objects including the storage of such object or objects in open garage areas and/or carports, if visible from the street, shall be prohibited. Above ground pools are not permitted.
3. No trailers or mobile homes shall be placed, erected or utilized on the premises, either temporarily or permanently.
4. No private dwelling house erected upon the premises shall be occupied in any manner while in the course of construction, nor at any time prior to its being fully completed, nor shall any residence, when completed, be in any manner occupied until made to comply with the approved plans, the requirements herein and all other covenants, conditions and reservations.
5. Said premises shall not be used for any business or manufacturing purposes and no business or professional offices of any type shall be conducted or maintained thereon.
6. No animals, other than one dog or one cat shall be harbored or kept upon said premises.
7. No dwelling shall be erected upon said premises unless the construction thereof shall be completed within one year from the time such construction is commenced, unless written extension is granted by Hill Investments, its heirs, legal representatives and/or assigns.
8. No trucks, commercial or delivery vehicles shall be parked on said premises, except for short periods of time while loading or unloading. No basement or garage shall be used for residential purposes and no building designed for summer occupancy shall be erected thereon.

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

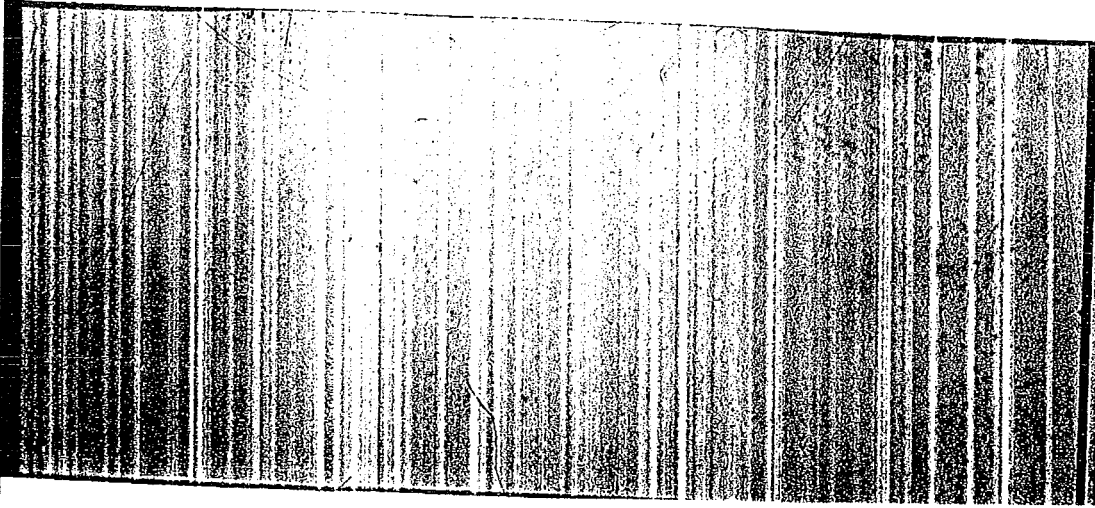
**SCHEDULE A (continued)**

Title #AA971017

- 9. Hill Investments reserves the right to dedicate to the public use any part or all of the streets, roads or driveways and the right to grant to utility companies or to the Town of Newburgh easements for the installation on the streets, roads or driveways utility, water and sewer lines.
- 10. That no discarded motor vehicle or parts thereon or motor vehicles without current license plates shall be left, permitted or accumulated upon the premises.
- 11. That no advertising or advertising signs of any kind shall be permitted upon the premises.
- 12. That all garbage, rubbish and refuse shall be removed from the premises promptly and the premises shall be kept clear and free of all debris.
- 13. That no clothes lines of any type or nature shall be erected, installed or strung on any part of the premises, nor shall any clothes be hung, draped or placed on the exterior of any part of the premises or any building erected thereon except for a clothes tree.
- 14. No billboards or advertising signs of any character shall be erected, placed, permitted or maintained on the premises or any improvement or vehicle, except that a nonilluminated name or address sign, not exceeding three square feet in area shall be permitted. No other sign of any kind shall be allowed on the premises.
- 15. Any garage constructed on the described real property shall be constructed for no less than two vehicles and any such garage shall be erected as part of the dwelling house.
- 16. No residence or additions thereto shall be erected on the subject premises until the plans and specifications for the proposed site have been submitted to and approved by Hill Investments as to the outward appearance, design, building height, roof pitch, exterior building materials, roof shingles, landscaping and building location and a written permit issued therefore, provided, however, that if the approving authority fails to approve or disapprove such plans or specifications within thirty days after they have been submitted, if no suit to enjoin the erection of such building or structure has been commenced prior to the completion of such building or structure, such approval shall not be required.

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

**SCHEDULE A (continued)**

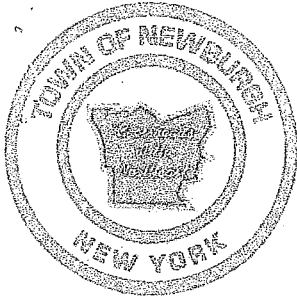
Title #AA971017

- 17. The ground floor area of the main structure, exclusive of open porches, garages and covered walks shall not be less than 2,000 square feet in the case of a one-story structure, nor less than 2,500 square feet in the case of a one and one-half story structure with a minimum of 1,500 square feet on the first floor.
- 18. No fence, wall or hedge higher than five feet shall be erected or maintained on the conveyed premises.
- 19. Not more than one television, radio or any other antenna of any type, or any other object shall be attached to the house, nor shall it be installed higher than six feet above the point of attachment to the house. No satellite dishes are permitted. As soon as cable television service is available to any point on any property line of the premises, no antenna shall thereafter be permitted any previously installed antenna shall immediately be removed.
- 20. No accessory structure shall be erected or maintained, nor shall any tree, shrub or other vegetation be permitted to grow higher than fifteen feet above the present ground level.
- 21. The invalidation of any one of these covenants or restrictions by judgment or Court Order shall in no way affect any of the other provisions which shall remain in full force and effect.

BEING a portion of the same premises as conveyed by William Stanwyck to Hill Investments by deed dated December 30, 1986 and recorded in the Orange County Clerk's Office on January 8, 1987 in Liber 2639 of Deeds at page 262.

BEING the same premises conveyed by Hill Investments to East Rock Corp. by deed dated January 31, 1996 and recorded in the Orange County Clerk's Office on February 7, 1996 in Liber 4337 of Deeds at page 338.

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New Windsor, NY 12553-0552



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

2670-18

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/20/2018

Application No. 18-0061

To: Kathy Felicello  
89 Cronomer Heights Dr  
Newburgh, NY 12550

SBL: 75-1-34.14  
ADDRESS: 89 Cronomer Heights Dr

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 02/06/2018 for permit to keep a 36' in-ground pool that was built without permits or approvals on the premises located at 89 Cronomer Heights Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code.

1) 185-43-F / No pool shall be located in a front yard.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

BUILT WITH OUT A PERMIT

YES

NAME: Kathy Felicello Building Application # 18-0061

ADDRESS: 89 Cronomer Heights Dr. Newburgh NY 12550

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 36' In-ground swimming pool

SBL: 75-1-34.14 ZONE: R-3 ZBA Application # 2670-18

TOWN WATER: YES / NO

TOWN SEWER: YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
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: Cronomer Heights Dr. wraps around the parcel creating 2 front yards

**VARIANCE(S) REQUIRED:**

- 1 185-43-F / No pool shall be located in a front yard.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina

DATE: 20-Feb-18



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

2671-18

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/20/2018

Application No. 18-0060

To: Kathy Felicello  
89 Cronomer Heights Dr  
Newburgh, NY 12550

SBL: 75-1-34.14

ADDRESS: 89 Cronomer Heights Dr

ZONE:

R-3

PLEASE TAKE NOTICE that your application dated 02/06/2018 for permit to keep an 8' x 10' accessory building that was built without permits or approvals on the premises located at 89 Cronomer Heights Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-15-A / Accessory building may be located in a side or rear yard.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

**YES**

NAME: \_\_\_\_\_ Kathy Felicello \_\_\_\_\_ Building Application # \_\_\_\_\_ 18-0060

ADDRESS: \_\_\_\_\_ 89 Cronomer Heights Dr. Newburgh NY 12550 \_\_\_\_\_

**PROJECT INFORMATION:**

**AREA VARIANCE**

USE VARIANCE

TYPE OF STRUCTURE: \_\_\_\_\_ 10' x 8' accessory building \_\_\_\_\_

SBL: \_\_\_\_\_ 75-1-34.14 \_\_\_\_\_ ZONE: \_\_\_\_\_ R-3 \_\_\_\_\_ ZBA Application # **2671-18**

TOWN WATER: YES / **NO**

TOWN SEWER: YES / **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
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:**

**Cronomer Heights Dr. wraps around the parcel creating 2 front yards**

**VARIANCE(S) REQUIRED:**

- 1 185-15-A / Shall be located in any required side or rear yard.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ Joseph Mattina \_\_\_\_\_

DATE: \_\_\_\_\_ 20-Feb-18 \_\_\_\_\_



**Felicello  
89 Crowned Heights Dr  
(75-1-34.14)**

SECTION 73