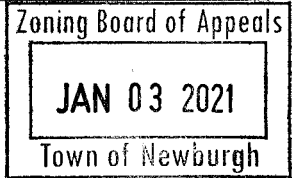


TOWN OF NEWBURGH

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: 12/6/2021

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

I (WE) KEVIN GAGLIANO PRESENTLY
55 SOUTH PLANK ROAD, NEWBURGH, NY 12550
RESIDING AT NUMBER _____
TELEPHONE NUMBER (845) 797-5477

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

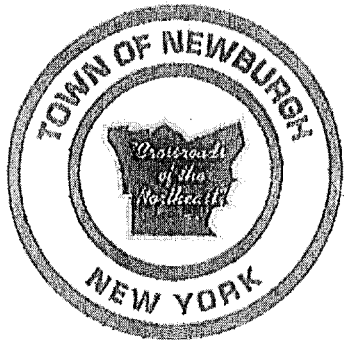
- _____ A USE VARIANCE
- x AN AREA VARIANCE
- _____ INTERPRETATION OF THE ORDINANCE
- _____ SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

71-5-8 & 71-5-18.1 (TAX MAP DESIGNATION)
55 S. PLANK RD. & 18 BROOKSIDE AVE. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Table of Use and Bulk Requirements R-3 District Schedule 5



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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: _____ x _____

4. DESCRIPTION OF VARIANCE SOUGHT: LOT LINE CHANGE BETWEEN TWO LOTS

WITH PRE-EXISTING NON-CONFORMANCE.

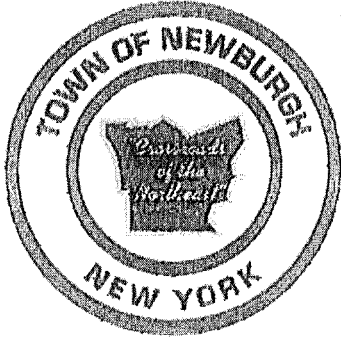
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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:

A SMALL PORTION OF LAND WOULD CHANGE HANDS BETWEEN NEIGHBORS (.05 ACRES).
~~THIS WOULD NOT CHANGE THE CHARACTER OF THE PROPERTIES IN QUESTION.~~

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:

SEEKING LOT LINE CHANGE TO MAKE LOT DIMENSIONS OF 71-5-8 MORE EVEN AND TO

ADD TO BACK YARD A LITTLE BIT.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
ONLY .05 ACRES, WOULD NOT AFFECT CHARACTER OR USE OF LAND.

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

NOTHING CHANGING, SIMPLY A SMALL LOT LINE ADJUSTMENT.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
LOT LINE WAS ESTABLISHED LONG AGO.



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

THIS LOT LINE CHANGE WILL ENABLE THE OWNER OF 71-5-8 TO CARE FOR AND TEND TO LAND THAT LIES BEYOND THE FENCE OF 71-5-18.1 WHICH WOULD IMPROVE THE CHARACTER OF THAT SMALL PIECE OF LAND AND EXTEND THE BACK YARD OF 71-5-8

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5TH DAY OF DECEMBER 20 21

NOTARY PUBLIC

ROBERT WALLS, NOTARY PUBLIC STATE OF NEW YORK
ID: 01WA6358373
QUALIFIED IN ORANGE COUNTY
MY COMMISSION EXPIRES: 05/08/2025

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)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

KEVIN GAGLIANO, NINE MONTH DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 57 S PLANK ROAD, NEWBURGH
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 55 S. PLANK
Rd. Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED KEVIN GAGLIANO
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12/6/2021

[Signature]
OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF DECEMBER 2021

[Signature]
NOTARY PUBLIC
ROBERT WALES, NOTARY PUBLIC STATE OF NEW YORK
ID: 01WA 6358373
QUALIFIED IN ORANGE COUNTY
MY COMMISSION EXPIRES: 05/02/2025

Short Environmental Assessment Form

Part 1 - Project Information

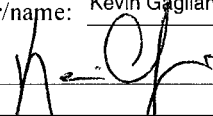
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project: Lot Line Change granting portion of 18 Brookside Avenue, Newburgh, NY to owner of 55 S. Plank Rd. Newburgh, nY				
Project Location (describe, and attach a location map): 18 Brookside Avenue (S/B/L: 71-5.18.1)				
Brief Description of Proposed Action: Lot line change conveying 0.059 acres to owner of adjacent parcel.				
Name of Applicant or Sponsor: Kevin Gagliano		Telephone: (845) 527-6427 E-Mail: info@gaglianolaw.com		
Address: 100 Stony Brook Ct.				
City/PO: Newburgh		State: NY	Zip Code: 1550	
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.059 acres		
b. Total acreage to be physically disturbed?		0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.2334 acres		
4. Check all land uses that occur on, are adjoining or 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 type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	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 type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____	NO	YES	
	<input 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: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Kevin Gagliano</u> Date: <u>10/5/2021</u>		
Signature:  Title: <u>MEMBER / APPLICANT</u>		

PRINT FORM

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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?		
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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)

PRINT FORM



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14320 / 1630
INSTRUMENT #: 20170082084

Receipt#: 2409601
Clerk: RB
Rec Date: 11/16/2017 03:11:20 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 5
Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: FLYNN LINDA A
Party2: BOWEN GEORGE L
Town: NEWBURGH (TN)
71-5-18.1

Recording:
Recording Fee 45.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 Residential/Agricu 116.00
RP5217 - County 9.00
Sub Total: 195.00
Transfer Tax
Transfer Tax - State 0.00
Sub Total: 0.00
Total: 195.00
**** NOTICE: THIS IS NOT A BILL ****
***** Transfer Tax *****
Transfer Tax #: 3721
Transfer Tax
Consideration: 0.00
Total: 0.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

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 THEREOF FILED OR RECORDED IN MY OFFICE ON November 16, 2017
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

December 7, 2021 Ann G. Rabbitt

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

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

DRAKE LOEB PLLC
555 HUDSON VALLEY AVENUE SUITE 100
NEW WINDSOR, NY 12553

#14854-68660

Bargain & sale deed, with covenant against grantor's acts

THIS INDENTURE, made the 1st day of November, 2017
BETWEEN

LINDA A. FLYNN, having an address at 18 Brookside Avenue, Newburgh, New York 12550
party of the first part, and

GEORGE L. BOWEN and TERRI A. BOWEN, husband and wife, both having an address at 14
Brookside Avenue, Newburgh, New York 12550, as to the fee ownership and LINDA A.
FLYNN, as to a life estate,
party of the second part,

S: 71
B: 5
L: 18.1

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00)
DOLLARS, lawful money of the United States and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part,
the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon
erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New
York, being further bounded and described in Schedule A attached hereto and made a part
hereof.

**The party of the first part hereby retains for herself a life estate in the above described
premises for so long as she resides there, and the party of the first part will continue to
reside in the above described premises and will continue to have the premises adequately
insured against fire loss and damage, pay all taxes and assessments levied upon the
property, pay all county charges and maintenance expenses, and maintain the premises in
good condition and repair during the term of her life estate.**

SUBJECT TO any and all covenants, grants and restrictions of record.

BEING AND INTENDED TO BE the same premises conveyed in a certain deed dated August
17, 2012 by Deborah A. Kukkonen, as Executrix of the Last Will and Testament of Norma E.
Wood to Terrence K. Flynn and Linda A. Flynn, husband and wife, and recorded in the office of
the Orange County Clerk in Liber 13397 of deeds at page 538 on August 22, 2012. The said
Terrence K. Flynn having died a resident of Orange County on December 15, 2014 leaving the
said Linda A. Flynn as surviving tenant by the entirety.

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,

Schedule A

PARCEL ONE

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, State of New York being known and designated as lots 32, 33, 34, and 35 on a map entitled "Section D - Winona Lake Development Co, Town of Newburgh, Orange County, NY", dated October 24, 1925 and filed in the Orange County Clerk's Office on November 9, 1925 as Map #968.

PARCEL TWO

ALL that certain plot, piece or parcel or land with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York more particularly described as shown on a prior Orange County Tax Map Parcel as Section 71, Block 5, Lot 17, Town of Newburgh, New York and as shown on the current Tax Map as the balance of Parcel Section 71 Block 5 Lot 18.1.

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.

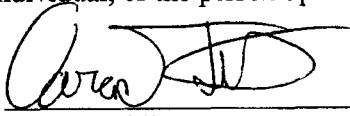
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


LINDA A. FLYNN

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

On the 1 day of November, in the year 2017, before me, the undersigned, a Notary Public in and for the State, personally appeared, LINDA A. FLYNN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

AARON C. FITCH
Notary Public, State of New York
No. 02FI6295253
Qualified in Orange County
Commission Expires December 30, 2017

SB/608479
14854-68660

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

LINDA A. FLYNN

to

GEORGE L. BOWEN and
TERRI A. BOWEN

SECTION 71
BLOCK 5
LOT 18.1
ORANGE COUNTY
TOWN OF NEWBURGH

Record and Return to:

Drake Loeb PLLC
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553
Attention: Aaron C. Fitch, Esq.



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14638 / 366
INSTRUMENT #: 20190072754

Receipt#: 2713169
Clerk: KOD
Rec Date: 10/11/2019 03:15:05 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 3
Rec'd Frm: THE GAGLIANO LAW FIRM PLLC

Party1: RISIO RALPH
Party2: MYNAH ENTERPRISES LLC
Town: NEWBURGH (TN)
71-5-8

Recording:
Recording Fee 35.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 Residential/Agricu 116.00
RP5217 - County 9.00

Sub Total: 185.00

Transfer Tax
Transfer Tax - State 356.00

Sub Total: 356.00

Total: 541.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 2326
Transfer Tax
Consideration: 89000.00

Transfer Tax - State 356.00

Total: 356.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

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 THEREOF FILED OR RECORDED IN MY OFFICE ON October 11, 2019
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

December 7, 2021 *Ann G. Rabbitt*

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

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

KEVIN GAGLIANO
100 STONY BROOK CT
NEWBURGH, NY 12550

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 11 day of October, 2019

Section 71, Block 5, Lot 8
Town of Newburgh, County of Orange

BETWEEN, **Ralph Risio** residing at 55 South Plank Road, Newburgh, NY 12550,
party of the first part, and

Mynah Enterprises LLC with a principal place of business at 100 Stony Brook Ct.,
Newburgh, NY 12550 party of the second part;

WITNESSETH, that the party of the first part, in consideration of Eighty Nine Thousand Dollars (**\$89,000.00**) lawful money of the United States, 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 tract or parcel of land, with the buildings and improvements thereon erected, situated in the Town of Newburgh, County of Orange and State of New York as follows:

SEE ATTACHED LEGAL DESCRIPTION

TAX ACCOUNT NO.: 71-5-8
PROPERTY ADDRESS: 55 South Plank Road, Newburgh, NY 12550

BEING and intended to be the same premises conveyed to the party of the first part by deed from Peter W. Hogan, Daniel J. Hogan and Louis D'eri dated November 22, 1999 and recorded December 1, 1999 in Liber 5196 page 93.

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.

BY: [Signature]
RALPH RISIO

ACKNOWLEDGMENT:

State of ny)
) ss.:
County of Orange)

On the 11 day of October in the year 2019 before me, the undersigned, personally appeared Ralph Risio 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.

[Signature]

Notary Public

RECORD & RETURN BY MAIL TO:

KEVIN GAGLIARDI
100 STONY BROOK CT
NEWBURGH, NY 12550

SANDRA L. POWER
Notary Public, State of New York
Qualified in Ulster County
Reg. No. 01PO6073338
My Commission Expires 04/22/2022

SCHEDULE A

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, State of New York, being more accurately bounded and described as follows:

BEGINNING at a point in the westerly line of New York State Route 52, said point being the northeasterly most corner of lands now or formerly Risio, Liber 1427, Page 409, and runs thence along the northerly line of said lands now or formerly Risio, south $70^{\circ}-20'-45''$ west 152.50'; thence along the easterly line of lands now or formerly Wood, Liber 2169, Page 158, north $8^{\circ}-25'-00''$ east 56.00' to a pipe; thence along the southerly line of lands now or formerly Green, Liber 1362, Page 20, north $70^{\circ}-04'-55''$ east 126.75' to a pipe; thence along the westerly line of New York State Route 52, south $18^{\circ}-57'-59''$ east 50.00' to the point or place of beginning.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

December 15, 2021

BY EMAIL ONLY

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

Re: Lot Line Change for 55 South Plan Road and 18 Brookside Avenue
Planning Board Project No. 21-30

Dear Chairman Scalzo and Board Members:

At the Planning Board's November 18, 2021 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals.

The proposed project involves a lot line change that will convey a total of 0.059 acres of land to Tax Parcel 71-5-8 (Lot 8) from Tax Parcel 71-5-18.1 (Lot 18.1). There are bulk area deficiencies for both lots which will require the following variances:

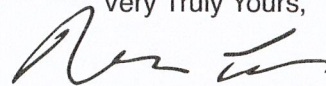
Lot 8: (1) 15,000 square feet is required for the lot size, where 9,525.25 is proposed; (2) 100 feet is required for lot width, with 50 feet existing; (3) 40 feet is required for the front yard setback, with 30.7 feet existing; and (4) for both side yards 15/30 feet is required, and 9/19.3 feet is existing.

For Lot 18.1, a front yard of 40 feet is required, with 36.8 feet exists.

It should be noted that the proposed lot line change will not increase the degree of the existing nonconformities.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer









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

STATE OF NEW YORK: COUNTY OF ORANGE:

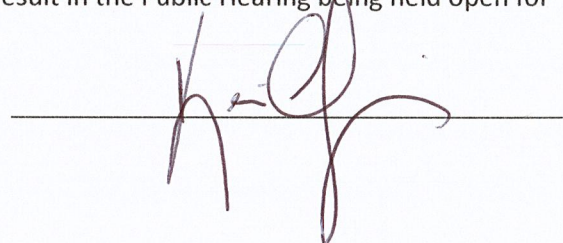
I KEVIN GAGLIANO, being duly sworn, depose and say that I did on or before

January 13, 2022, post and will thereafter maintain at

55 S Plank Rd & 18 Brookside Ave 71-5-8 & 71-5-18.1 R3 Zone in the Town of Newburgh, New York, at or near the front

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

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



Sworn to before me this 10th

day of JANUARY, 2022.

Robert Walls
Robert Walls, Notary Public
ID: 01 WA 6354373
Qualified in Orange County
My Commission expires: 05/08/2025



TOWN OF NEWBURGH
Committee of the Board
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE: 845-564-4961
FAX LINE: 845-564-7802

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) (2) (iii) of the Town Law of the State of New York and Section 185-55A (1) of the Zoning Ordinance of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday, the 20th day of December, 2013 at 7:00 P.M. in the Town Hall, 2590 Westhill Town of Newburgh, New York upon the following appeal:

APPLICANTS: Kevin Sullivan, Francis Road Builders, for a lot line change of property located at 2100 Westhill Town of Newburgh, New York.
PROPERTY: 2100 Westhill Town of Newburgh, New York.
ASSESSOR: 2013-14 3520 Westhill Town of Newburgh Assessor's Map 304-2013-013.

PROBATIONARY ZONING APPEAL. A hearing and statement of reasons therefor will appear in the Town Law Journal.

It is noted that the Town Law Journal is published weekly.

BY ORDER OF THE ZONING BOARD OF APPEALS:

[Handwritten signature]

[Handwritten name]

Chairman



TOWN OF NEWBURGH

Committee of 16
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-366-4977
FAX 845-366-4944

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a(1) of the Town Law, State of New York and Section 249-254 (3) of the Zoning Ordinance of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the _____ day of _____, 2022 at 7:00 P.M. in the Town Hall, 1474 Route 200, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of **Kevin Costello - Planning Board Referral** for a **Special Use Zoning** pursuant to **§ 249-254(3)(b)** and **§ 249-254(3)(c)** of the Zoning Ordinance of the Town of Newburgh, New York.

PROPOSED LOCATIONS: 25A Cook Rd. 18 Newburgh Ave. 715-88-715-141, 83 Cook _____ in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the _____ day of January, 2022.

[Signature]
DATE

Any members of the public that plan on attending the hearing are requested to wear a mask.