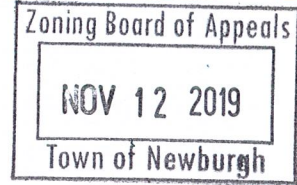




# TOWN OF NEWBURGH

*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: November 12, 2019

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

I (WE) Emma Lynn Gasparini PRESENTLY

RESIDING AT NUMBER 300 Walnut Avenue, New Windsor, NY 12553

TELEPHONE NUMBER (845) 629-2998

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

- X\*\* A USE VARIANCE (\*\*In the alternative)
- AN AREA VARIANCE
- X INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

2-1-64 (TAX MAP DESIGNATION)

125 Mill Street (STREET ADDRESS)

RR (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

§185-19,  
\_\_\_\_\_  
\_\_\_\_\_



# 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: September 27, 2019
- 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: Allow a two-family dwelling in a district where only single family dwellings are permitted.

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:  
See attached.

**(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:  
See attached.

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
See attached.



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
See attached.

---

---

---

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:

---

---

---

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:

---

---

---

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

---

---

---

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

---

---

---

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

---

---

---

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Emilio J. Gaspar*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF November 20 19

*Emily R. Grandolfo*  
\_\_\_\_\_  
NOTARY PUBLIC

*WORDEN*  
EMILY R. GRANDOLFO  
Notary Public, State of New York  
Qualified in Sullivan County  
No. 02GR6348075  
Commission Expires September 19, 2020

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  
ZONING BOARD OF APPEALS**

PROXY

Emma Lynn Gasparini, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 300 Walnut Avenue, New Windsor  
IN THE COUNTY OF ORANGE AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
125 Mill Street, Wallkill, NY (Town of Newburgh)  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Dake Loeb PLLC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/1/19 Emma L Gasparini

OWNER'S SIGNATURE

Peter A Gasparini  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1st DAY OF November 2019

Emily R. Grandolfo  
NOTARY PUBLIC

WORDEN  
**EMILY R. GRANDOLFO**  
Notary Public, State of New York  
Qualified in Sullivan County  
No. 02GR6348075  
Commission Expires September 19, 2020

## 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.

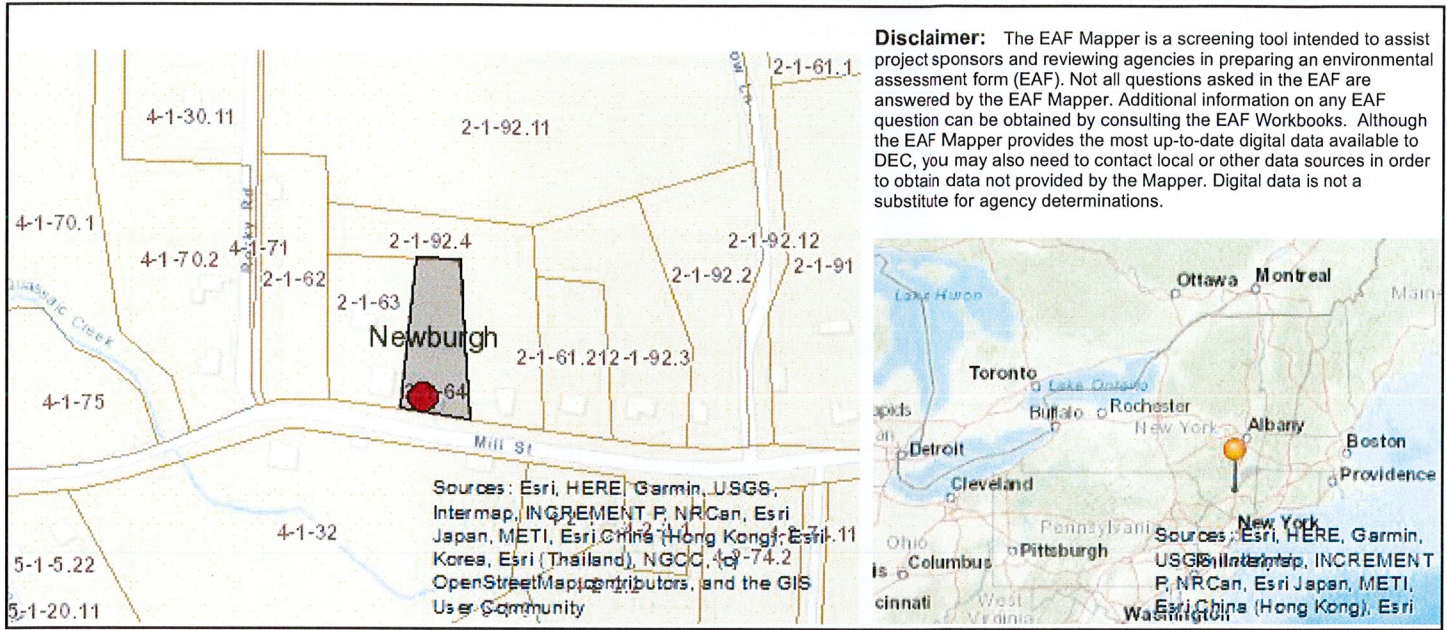
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Use of property as a two family dwelling by Emma Lynn Gasparini.							
<b>Name of Action or Project:</b> 125 Mill Street, Wallkill, New York (Town of Newburgh)							
<b>Project Location (describe, and attach a location map):</b>							
<b>Brief Description of Proposed Action:</b> Use of an existing dwelling as a two family dwelling in a district where only one family dwellings are permitted.							
<b>Name of Applicant or Sponsor:</b> Emma Lynn Gasparini		<b>Telephone:</b> 845-629-2998					
		<b>E-Mail:</b>					
<b>Address:</b> 300 Walnut Avenue							
<b>City/PO:</b> New Windsor		<b>State:</b> NY	<b>Zip Code:</b> 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> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </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?		0.95 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?		0.95 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/>	<input 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: Name: Chadwick Lake Reservoir, Reason: Development threat to public health, Agency: Newburgh, Town of, Date: 5-21-87	NO	YES		
	<input type="checkbox"/>	<input checked="" 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:	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? 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 checked="" 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 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 checked="" 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: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

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)? If Yes, explain purpose and size: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <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? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <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? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____	Date: <u>11/1/19</u>	
Signature: <u>Emma L. Gaspari</u>		





Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Chadwick Lake Reservoir, Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
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

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

Alana R. Bartley  
Aaron C. Fitch  
Emily R. Worden  
Judith A. Waye

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

November 12, 2019

Town of Newburgh ZBA  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Application of Emma Lynn Gasparini  
125 Mill Street, Town of Newburgh  
Our Matter ID: 15189-69674

Dear Chairman Scalzo and ZBA Members:

This office represents Emma Lynn Gasparini in regard to the application submitted herewith seeking an interpretation and/or variance based on the Building Inspector's referral letter of September 27, 2019. A copy of the referral letter is enclosed.

### **BACKGROUND**

The property located at 125 Mill Street in the Town of Newburgh is a lot of approximately improved by a large two-story house. The house was constructed in 1900 and contains 2,796 sq. ft. of living space split between two floors. Each floor has been developed as a separate apartment, with its own entrance, kitchen, bathroom and three bedrooms.

The property was owned by Herbert Trubenbach and his family from 1966 through 2017. Trubenbach used the property as a two-family home. The Town of Newburgh has been taxing it as a two-family home for many years. A copy of the Town Assessor's card for the property is enclosed.

However, the property is located in the "Reservoir Residence" ("RR") zoning district in which only single family dwellings and municipal buildings are permitted uses. Thus, the use of house on the property as a two-family dwelling does not conform to the current zoning.

Our client, Ms. Gasparini, purchased the property at property at 125 Mill Street on July 10, 2017 from the Estate of Herbert Trubenbach for \$100,000. At that time, the property was being advertised for sale as a two-family dwelling. Prior to purchasing the house, Ms. Gasparini obtained a title search, a municipal search, and reviewed the assessor's card. The title report included a tax search which listed the property under property classification "220" (i.e., as a two-family dwelling). The municipal search report received from the Town's Code Compliance officer stated that there were no known violations on the property. Copies of the title report and municipal search report are enclosed herewith.

When Ms. Gasparini purchased the property, the second floor was in poor condition. On February 21, 2018, the Town of Newburgh Building Department issued a Building Permit (#18-0987) to Gasparini to install an electric meter for the second floor apartment. Between June, 2018 and July, 2018, Gasparini invested \$18,000.00 in renovation of the second floor apartment.

Since purchasing the property and renovating the second floor, Gasparini has been renting out both apartments on the property since August, 2018.

On April 10, 2019, Gasparini applied for a Building Permit to install a "landlord panel" electric meter at the property. That is, she sought a building permit to add a third electric meter solely for electric service related to common elements on the property, such as the well pump. Without the landlord panel electric meter the cost of electricity for the common elements would be charged to the tenants, which was contrary to the terms under which she was renting the apartments.

The Town Building Department reviewed Ms. Gasparini's application for a building permit and, in response, sent her the enclosed letter dated April 16, 2019 seeking additional information. Among the information sought by Building Department was "further information regarding the property's use as a two family dwelling". Apparently the Town Code Compliance Officer felt that the use of the property as a two-family dwelling was not sufficiently documented in the Building Department's records.

On July 15, 2019, this office sent a letter behalf of Gasparini, to the Town's Building Department responding to its requests for additional information and, again, requesting that the building permit for the landlord panel electric meter be granted. A copy of the letter is attached hereto.

On July 26, 2019, the Town Attorney sent a response letter (a copy of which is enclosed) advising that the Town's Building Department still did feel that it had enough proof of the established use of the property as a two-family dwelling and that the Building Inspector would refer the building permit application to the Zoning Board of Appeals for an interpretation as to the status of the property. A copy of the Building Inspector's September 27, 2019 referral letter is enclosed.

Ms. Gasparini has now submitted this application for an interpretation that the building permit for the "landlord panel" electric meter at the property may issue because the property is benefitted by a legal nonconforming use for a two-family dwelling or, in the alternative, a use variance to permit use of the property as a two-family dwelling.

**REQUEST FOR INTERPRETATION**

Ms. Gasparini is requesting an interpretation that 125 Mill Street is a legal two family dwelling. The house appears, in all respects, to be a two family dwelling. A visual inspection of the house gives no indication that it has ever been anything other than a two family dwelling. It contains two entirely independent units with separate entrances to the apartments. The first floor is served by the front door and the second floor is served by a set of stairs and a deck leading to a second floor entrance at the rear of the house. Photographs of the separate entrances are enclosed herewith.

The Town of Newburgh Assessor's Office has recognized the property as a two-family dwelling and for many years has taxed the property as being a two-family dwelling. Indeed, the Town Assessor's card classifies the property as a two family dwelling.

Although the Town's files have a few pieces of paperwork scattered within them which list "210" (i.e., single family dwelling) as the property's use, those documents directly conflict with other Town records indicating that the property is a two family dwelling. Any ambiguity in the status of the property in the Town's records should be resolved in favor of the property owner.

Since the property was built in 1900, prior to the Town of Newburgh's adoption of the zoning code, and given that the property was marketed by the previous owner as a two family dwelling, taxed by the town as a two family dwelling, and already designed as a two family dwelling, we respectfully request that this board render an interpretation that 125 Mill Street is a legal, two family dwelling as a pre-existing non-conforming use.

**ALTERNATIVE RELIEF : REQUEST FOR USE VARIANCE**

If the ZBA determines that the property at 125 Mill Street is not a legal nonconforming two-family dwelling, then, in the alternative, Ms. Gasparini requests that the ZBA grant a use variance permitting use of the property as a two family dwelling.

As will be detailed more fully at the public hearing:

Ms. Gasparini purchased the property for \$100,000 based upon the understanding that it was a two family dwelling. In addition to Gasparini's initial investment, she invested an additional \$18,000.00 in reliance on that belief in order to renovate the second floor.

In order to use the property as a single family dwelling, extensive additional renovations would be required at significant cost. The investment on the renovations to the second floor apartment would be largely lost and the changes necessary to convert the building into a single

family home would be upwards of \$39,000.00. A copy of the letter prepared by Peter Gasparini as member of Shera Associates, LLC which detailing the necessary renovations this enclosed.

Further, upon completion of the renovations, Ms. Gasparini could expect to receive significantly lower total rent income. As a two family dwelling, she can let the property for a combined \$3,200.00; however, as a single family dwelling, she could only expect to receive \$2,000.00 in rental income. The significantly reduced rental income, in conjunction with the property's carrying costs and the high maintenance expenses of an older home would make it difficult or impossible for Gasparini to recoup her investment in the property as a single family dwelling. There are no other permissible uses in this district. As such, the increased costs and reduced rents would make it impossible to receive a reasonable return on this property if it is required to be used as a single family dwelling.

Ms. Gasparini's situation is also unique. This property was previously designed as a two-family dwelling, was advertised as a two family dwelling, and was taxed as a two-family dwelling. A copy of the paid tax bill for 2019 is enclosed herewith. Despite reasonable investigation prior to purchasing the property, Ms. Gasparini was never made aware that any conflict existed in the Code Compliance department's records. These facts make this a unique situation and not common to the area.

The requested variance will not alter the essential character of the neighborhood because the dwelling as existed on the property in its current state for many, many years. The neighborhood is exclusively residential and this property will continue to be used only for residential purposes. Most homes in this area are single family dwellings; however, approximately one and one-half miles away at 70 East Road, also in the RR district, is another large house built prior to the adoption of zoning that is listed as a multiple residence structure and contains four residential units according to the assessor's card. Using this property to house two families will not have any effect on the quiet and residential character of the neighborhood.

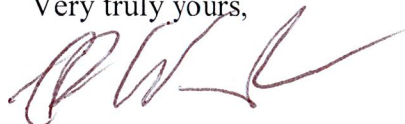
Lastly, the hardship herein is not self-created because Ms. Gasparini reasonably relied upon public documents and representations from the Town in purchasing the property as a two-family dwelling.

In Schaeffer v. Zoning Bd. of Appeals of Town of Esopus, 142 A.D.2d 848, 531 N.Y.S.2d 56 (2<sup>nd</sup> Dept. 1988), the purchaser of property improved by a large barn received a letter from the Town Building Inspector stating that, although the property was zoned for residential uses, it was benefitted by a preexisting nonconforming commercial use. It was later determined that, in fact, the nonconforming commercial use had lapsed, and the property owner applied for a use variance. In the litigation arising from the application, the Courts held that the property owner's reasonable reliance on the letter from the Building Inspector precluded a finding that the hardship was self-created.

In Paplow v. Minsker, 43 A.D.2d 122, 350 N.Y.S.2d 238 (4<sup>th</sup> Dept. 1973), a property owner purchased land at a foreclosure sale that was, apparently, benefitted by a legal nonconforming use for a two-family dwelling. The house on the property had originally been built as a large single family home, but had been converted to apartments prior to enactment of local zoning and had been used and taxed as a two family-home for many years. After the property owner had purchased the property, the local Building Department took the position that the legal nonconforming use had lapsed due to non-use by the former (deceased) owner of the property; and the new property owner had to apply for a use variance in order to continue to use his land as two-family dwelling. In the litigation arising from the application, the Courts held that the hardship was not self-created because, even though the property had been vacant at the time of purchase, the buyer could not have reasonably known that the legal nonconforming use had lapsed. The local building department had no records indicating that the use had lapsed, the property was to all outward appearances still a two-family dwelling and was being taxed as such. The Court's decision states, in pertinent part: "While [a property owner] is bound to know the law, there is a reasonable limitation upon the factual knowledge of prior uses which may be constructively charged to a stranger purchasing property in good faith." (Brackets added).

In our case, the property at 125 Mill Street was developed as a two-family dwelling and was taxed as a two-family dwelling by the Town. The Town's Tax Assessor's records indicated that the property was a two-family dwelling (by virtue of the "220") property code and the Town Building Department issued a letter to Ms. Gasparini stating that there were on Code violations at the property even though it had obviously been used as a two-family dwelling for many years. On these fact, like the buyers in Schaeffer and Paplow, Ms. Gasparini's hardship is not self-created.

Very truly yours,



EMILY R. WORDEN

ERW/sjg/795580

Enclosures

## Municipality of Newburgh

SWIS:	334600	Tax ID:	2-1-64
-------	--------	---------	--------

### Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	125 Mill St		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zonning Code:	-	Bldg. Style:	Colonial
Neighborhood:	21400 -	School District:	Wallkill
Property Description:	Huc		
Total Acreage/Size:	135 x 308	Equalization Rate:	----
Land Assessment:	2019 - \$8,100	Total Assessment:	2019 - \$35,000
Full Market Value:	2019 - \$108,700		
Deed Book:	14257	Deed Page:	474
Grid East:	607973	Grid North:	1002607
Bank Code:	N/A		

### Special Districts for 2019

Description	Units	Percent	Type	Value
FD033-Plattekill fire	0	0%		0

### Land Types

Type	Size
Primary	0.72 acres



## 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

# 2802-19

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/27/2019

Application No. 19-0314

To: Emma Gasparini  
125 Mill Street  
Walkill, NY 12589

SBL: 2-1-64  
ADDRESS: 125 Mill St

ZONE: RR

PLEASE TAKE NOTICE that your application dated 04/10/2019 for permit to install a 100 Amp landlord meter & panel on a 2 family dwelling unit on the premises located at 125 Mill St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-7-F/ Any use not specifically permitted shall be deemed to be prohibited.
- 2) 158-10-B / Permitted uses are listed in column C of the applicable bulk tables.
- 3) Bulk table schedule 1 does not permit 2 family dwelling units in an RR zoning district.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT**

**YES / NO**

NAME: Emma Gasparini Building Application # 19-0314

ADDRESS: 125 Mill St. Walkill NY 12588

**PROJECT INFORMATION:**

**AREA VARIANCE**

**USE VARIANCE**

TYPE OF STRUCTURE: 2 Family dwelling unit

SBL: 2-1-64 ZONE: RR ZBA Application # 2802-19

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: An application was submitted for a landlord electrical panel for a two family dwelling unit. No permit or aprovals on file to create a 2 family dwelling unit

**VARIANCE(S) REQUIRED:**

- 1 185-7-F / Any use Not specifically permitted shall be deemed to be prohibited
- 2 185-10-B / Permitted uses are listed in column C of the applicable bulk tables
- 3 Bulk table schedule 1 / Does not permit 2 family dwelling units in an RR zoning district
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 27-Sep-19



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: 14257 / 474  
INSTRUMENT #: 20170048222

Receipt#: 2347969  
Clerk: KP  
Rec Date: 07/12/2017 11:57:08 AM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 5  
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: MALDONADO KAITLYN  
Party2: GASPARINI EMMA LYNN  
Town: NEWBURGH (TN)  
2-1-64

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
Orange County Clerk

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 400.00

Sub Total: 400.00

Total: 595.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 11102  
Transfer Tax  
Consideration: 100000.00

Transfer Tax - State 400.00

Total: 400.00

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 FILED OR RECEIVED IN MY OFFICE  
ON 7/12/17 AND THE SAME IS A CORRECT  
TRUE AND FAITHFUL COPY AND IN WITNESS WHEREOF I HAVE  
HEREBY SET MY HAND AND AFFIXED MY OFFICIAL SEAL.  
10/7/19  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS  
ORANGE COUNTY

Record and Return To:

EMMA LYNN GASPARINI  
300 WALNUT AVE  
NEW WINDSOR, NY 12553

**Executor's Deed**

HNS8799

**THIS INDENTURE** made the 10<sup>th</sup> day of July, 2017

2-1-64

**BETWEEN**

KAITLYN MALDONADO, having an address of 120 Channingville Road, Apt. 5C, Wappingers Falls, New York, 12590, AS EXECUTRIX OF THE LAST WILL AND TESTAMENT OF HERBERT A. TRUBENBACH, late of Orange County, who died on the 27<sup>th</sup> day of November, 2015,

party of the first part,

and

EMMA LYNN GASPARINI, having an address of 300 Walnut Avenue, New Windsor, New York 12553

party of the second part,

**WITNESSETH**, that the party of the first part, to whom letters testamentary were issued by the Surrogate's Court, Orange County, New York on August 29, 2016 and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of One Hundred Thousand and 00/100 (\$100,000.00) Dollars lawful money of the United States, 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, State of New York as more particularly described on Schedule "A" attached hereto and made a part hereof,

**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 which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

**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.

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

**Schedule A Description**

Title Number **HN 58799**

Page **1**

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 part of the farm of said Charles Pickens and lies opposite to the well of the said Andreas P. Valey and is described as follows, to wit: Bounded South on the highway leading West from Rossville to the Forest; on the East and North by lands of Charles Pickens; on the West by lands of Robert Hanmore, later of Oliver Lozier, as the same is now enclosed and containing two acres of land be the same more or less. Said premises consist of two lots and are in the shape of a square and sixteen rods and eighteen feet long on the side fronting the road or highway.

EXCEPTING AND RESERVING THEREFROM HOWEVER, All that certain portion thereof conveyed by John Serrano and Alma Serrano to Aida Martinez by deed dated October 12, 1957, recorded October 14, 1957 in Liber 1442 of Deeds at page 564, Orange County Clerk's Office and more particularly bounded and described as follows:

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

BEGINNING at an iron pipe in the southerly line of grantors at a point on the northerly side of Mill Street (formerly known as the road leading west from Rossville to the Forest) and which point is 145 feet easterly of the southwesterly corner of the lands conveyed by August Beccu to John and Alma Serrano by deed dated July 18, 1956, recorded July 25, 1956 in Liber 1394 of Deeds at page 441, Orange County Clerk's Office and from said point of beginning running thence into and through grantors' lands in a straight line for 300 feet more or less to a point in the rear of northerly boundary of grantors and which point is easterly 170 feet more or less to the aforesaid; running thence westerly along the northerly boundary of the last mentioned parcel for 170 feet more or less to its said northwesterly corner; running thence southerly and along the westerly boundary of said parcel conveyed by Beccu to Serrano for 290 feet more or less to its southwest corner which is a point on the northerly side of Mill Street; running thence along said northerly side of Mill Street for 145 feet more or less to the point or place of beginning.

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

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.

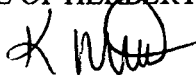
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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:

ESTATE OF HERBERT A. TRUBENBACH

By:   
KAITLYN MALDONADO, Executrix

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

On July 10, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared KAITLYN MALDONADO, 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.

  
Notary Public

**AARON C. FITCH**  
Notary Public, State of New York  
No. 02F16295253  
Qualified in Orange County  
Commission Expires December 30, 2017

EXECUTOR'S DEED

\*\*\*\*\*

KAITLYN MALDONADO,  
AS EXECUTRIX OF THE ESTATE OF HERBERT A. TRUBENBACH

To

EMMA LYNN GASPARINI

\*\*\*\*\*

SECTION: 2  
BLOCK: 1  
LOT: 64  
COUNTY OF ORANGE/ TOWN OF NEWBURGH

RECORD & RETURN TO:

Emma Lynn Gasparini  
300 Walnut Ave  
New Windsor Ny  
12553





QUANTITY  
WASTE  
3000

QUANTITY  
WASTE  
3000

10-1-10

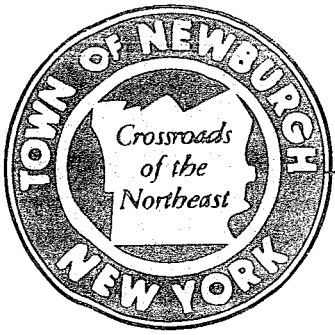












OFFICE OF ZONING BOARD  
(845) 566-4901

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

September 27, 2019

Emma Gasparini  
125 Mill St  
Wallkill, NY 12589

Re: 125 Mill St, Wallkill  
2-1-64 RR Zone

Dear Ms. Gasparini:

Enclosed please find Notice of Disapproval of Building Permit Application together with Application and Instructions for the Zoning Board of Appeals.

To install a 100 amp landlord meter and panel on your property in the Town of Newburgh you must obtain a variance from the Zoning Board of Appeals.

The next scheduled available meeting of the Zoning Board of Appeals is Thursday, October 24, 2019. If this Agenda is full, the next meeting will be Tuesday, November 25, 2019. If you plan on applying to the Zoning Board of Appeals for variances, the application and all material requested must be submitted to this office no later than 10 business days prior to the hearing date. Also all mailings must be completed at least 10 business days prior to that date.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Siobhan Jablesnik, Secretary  
Zoning Board of Appeals

/BG

Encl. NYS GML Section 239 requires the Zoning Board of Appeals 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.



HILL-N-DALE ABSTRACTERS, INC.  
 20 Scotchtown Avenue  
 PO Box 547  
 Goshen, NY 10924  
 Tel (845) 294-5110  
 Fax (845) 294-9581

**ESTIMATED TITLE BILL**

Date Closed \_\_\_\_\_ Title Number **HN 58799**  
 Location Of \_\_\_\_\_

**Christlyn Maldonado, Executrix of the Estate of Herbert Trubenbach**  
**Emma Lynn Gasparini**  
 125 Mill Street

County **Orange** Closing County **Orange**

2/1/64

	Purchaser	Seller	Lender
100,000.00	658.00		
Commissions*	250.00		
Notaries*	50.00		
Recording Deed Fee	20.00		
Sales Tax on \$300.00	24.38		
Disbursements			
<b>TOTAL OF ABOVE:</b>	<b>1,002.38</b>		
Recording Chgs **			
State Transfer Tax		400.00	
Recording Deed	190.00		
Recording Mortgage			
Consolidation			
Mortgage Assignments			
Assignment Leases/Rents			
Power Of Attorney			
ICC Recording			
Cost of Mtg			
Escrow			
Escrow Service Charge			
Doc. Chgs			
Pickup Fee			
<b>TOTAL</b>	<b>1,192.38</b>	<b>400.00</b>	<b>0.00</b>

Checks to Hill-N-Dale Abstracters,

Payable to Company	
Premium	
Recording Fees	
<b>Total Payable to Company</b>	

Underwriter: **Westcor Land Title Insurance Company**

Premium/Endorsement Split: 85% - 15%

	Ag. Split	Und. Split
Fee Pm		
658.00	559.30	98.70
Tot. Mtg Pm		
0.00	0.00	0.00
Tot. Ends.		
0.00	0.00	0.00
<b>Totals</b>		
658.00	559.30	98.70



\*\* - Recording Charges may also include Service Fees.

Note: Rates and charges herein are subject to change based on the rates in effect at the time of closing.

**NOTICE STATEMENT**

Lender or other party may require the performance of additional services which are not necessary services in connection with the issuance of the title policy. Please note that the issuance of the title policy is not dependent upon the performance of such additional services.

**CONSUMER ACKNOWLEDGMENT OF TITLE INSURANCE PREMIUMS,  
FEES, AND SERVICE CHARGES**

This Statement should be attached to all final invoices.

Date: June 23, 2017  
Title No: HN 58799  
The Property: 125 Mill Street  
Borrower: Emma Lynn Gasparini

I acknowledge that I have reviewed the premium calculations, fees and service charges being charged to me. I acknowledge that these charges have been explained to me and that I understand them as set forth on this memorandum.

NOTE: You are required to sign this memorandum of acknowledgment pursuant to New York State Insurance Law.

TO BE SIGNED BY BUYER/BORROWER

---

Buyer/Borrower/Seller/Lenders Representative

---

Buyer/Borrower/Seller/Lenders Representative

**HILL-N-DALE ABSTRACTERS, INC.**

**20 Scotchtown Avenue**

**PO Box 547**

**Goshen, NY 10924**

**Tel (845) 294-5110**

**Fax (845) 294-9581**

Application Date **06/21/2017**

Report Due **07/06/2017**

Title Number **HN 58799**

---

Representing **Westcor Land Title Insurance Company**

Applicant

**Peter Gasparini**  
**300 Walnut Avenue**  
**New Windsor, NY 12553**  
**Tel (845) 629-2998**

Seller's Atty

**Drake Loeb, PLLC**  
**Glen L. Heller, Esq.**  
**555 Hudson Valley Avenue**  
**Suite 100**  
**New Windsor, NY 12553**  
**Tel (845) 458-7373 Fax (845) 458-7374**  
**gheller@drakeloeb.com**



# BANKRUPTCY SEARCH

Title Number: HN 58799

Date: 6/21/17

Individual Name: **Emma Lynn Gasparini**

County of: Orange

---

The entire NEW YORK SOUTHERN DISTRICT of New York has been checked:

---

The result of the investigation as per last posted date: 6/21/17

---

There is no record of a Bankruptcy Filing for the above mentioned individual or company.

Hill-N-Dale Abstracters, Inc. does hereby certify that the records of the above governmental agency was examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This search was conducted for a period of at least five years. This report is submitted for information purposes only. Liability is limited to errors and omissions of information properly indexed, filed and recorded with the above governmental agency. The liability under this search shall not exceed \$1,000.00 and shall be confined to the applicant for whom the search was made. This search does not include filings in areas other than the Microfiche or Index Sections of the United States Bankruptcy Clerk's Office.

# BANKRUPTCY SEARCH

Title Number: HN 58799

Date: 6/21/17

Individual Name: **Kaitlyn Maldonado**

County of: Orange

---

The entire NEW YORK SOUTHERN DISTRICT of New York has been checked:

---

The result of the investigation as per last posted date: 6/21/17

---



There is no record of a Bankruptcy Filing for the above mentioned individual or company.

Hill-N-Dale Abstracters, Inc. does hereby certify that the records of the above governmental agency was examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This search was conducted for a period of at least five years. This report is submitted for information purposes only. Liability is limited to errors and omissions of information properly indexed, filed and recorded with the above governmental agency. The liability under this search shall not exceed \$1,000.00 and shall be confined to the applicant for whom the search was made. This search does not include filings in areas other than the Microfiche or Index Sections of the United States Bankruptcy Clerk's Office.

# CERTIFICATION PAGE

Title Number: **HN 58799**  
Effective Date: **03/13/2017**  
Recertified Date: \_\_\_/\_\_\_/\_\_\_

ALTA Owner's Policy 2006 (with N.Y. Endorsement Modifications) \$ **100,000.00**  
ALTA Loan Policy 2006 (with Endorsement Modifications) \$  
Purchaser **Emma Lynn Gasparini**  
Proposed Insured

**THIS COMPANY CERTIFIES** that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in Schedule B in this certificate may be conveyed and/or mortgaged by:

**Kaitlyn Maldonado, Executrix of the Last Will and Testment of Herbert Trubenbach (Deceased)**

Source of Title:

**Who acquired title from Herbert A. Trubenbach and Karen L. Trubenbach by deed dated 3/5/93 and recorded 3/12/93 in Orange County Clerk's Office in Liber 3778 at page 67.**

Title Recertified In:

The land referred to in this Certificate is described as follows:

**SCHEDULE "A" DESCRIPTION ATTACHED**

Premises **125 Mill Street**  
Town/Village/City **Town of Newburgh**  
County **Orange**  
Section 2 Block 1 Lot **64**



John M. Wood





**HILL-N-DALE ABSTRACTORS, INC.**  
*Where Accuracy is the Best Policy*

P.O. Box 547 · 20 Scotchtown Ave · Goshen NY 10924 · Office: 845-294-5110 · Fax: 845-294-9581  
Web: [www.hillndaleabstractors.com](http://www.hillndaleabstractors.com)

as agent for:

**Westcor Land Title Insurance Company**

**THIS REPORT IS NOT A TITLE INSURANCE POLICY! PLEASE READ IT CAREFULLY. THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY. YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

## Schedule A Description

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 part of the farm of said Charles Pickens and lies opposite to the well of the said Andreas P. Valey and is described as follows, to wit: Bounded South on the highway leading West from Rossville to the Forest; on the East and North by lands of Charles Pickens; on the West by lands of Robert Hanmore, later of Oliver Lozier, as the same is now enclosed and containing two acres of land be the same more or less. Said premises consist of two lots and are in the shape of a square and sixteen rods and eighteen feet long on the side fronting the road or highway.

EXCEPTING AND RESERVING THEREFROM HOWEVER, All that certain portion thereof conveyed by John Serrano and Alma Serrano to Aida Martinez by deed dated October 12, 1957, recorded October 14, 1957 in Liber 1442 of Deeds at page 564, Orange County Clerk's Office and more particularly bounded and described as follows:

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

BEGINNING at an iron pipe in the southerly line of grantors at a point on the northerly side of Mill Street (formerly known as the road leading west from Rossville to the Forest) and which point is 145 feet easterly of the southwesterly corner of the lands conveyed by August Beccu to John and Alma Serrano by deed dated July 18, 1956, recorded July 25, 1956 in Liber 1394 of Deeds at page 441, Orange County Clerk's Office and from said point of beginning running thence into and through grantors' lands in a straight line for 300 feet more or less to a point in the rear of northerly boundary of grantors and which point is easterly 170 feet more or less to the aforesaid; running thence westerly along the northerly boundary of the last mentioned parcel for 170 feet more or less to its said northwesterly corner; running thence southerly and along the westerly boundary of said parcel conveyed by Beccu to Serrano for 290 feet more or less to its southwest corner which is a point on the northerly side of Mill Street; running thence along said northerly side of Mill Street for 145 feet more or less to the point or place of beginning.

# TAX SEARCH

Account Number:

Title Number: **HN 58799**

Municipality **125 Mill Street**  
**Town of Newburgh**

Year of Roll **2017**

Section **2** Block **1** Lot **64** Grid **334600**

Assessed Valuation **\$8,100.00** Full Value **\$35,000.00** Full Market Val **\$97,200.00**

Assessed To **Herbert Trubenbach**

Lot Size **135 x 308**

Class **220**

School District **Wallkill CSD** Code

## Taxes

**2017 State, County and Town Tax \$4,247.19 OPEN**

**Taxes include releived 16/17 Scool Tax 3223.31**

**2016/17 School Tax \$2,924.70 BASE**

**Taxes are releived into 2017 State, County and Town Tax**

**2016 & 2017 STATE COUNTY AND TOWN TAXES WITH RELEIVED SCHOOL TAXES**

**ARE OPEN - JUNE PAYOFF \$6097.86**

Note: **Proof of payment of all water and/or sewer charges.**  
**2017/18 School Taxes are a lien 7/1/17 and payable 9/1/17.**

**Town of Newburgh**  
**1496 Route 300**  
**Newburgh, NY 12550**  
**(845) 564-4553**

**Wallkill CSD**  
**PO Box 310**  
**Wallkill, NY 12589**  
**(845) 895-7111**

**Our policy does not insure against taxes, water charges, sewer charges, special assessments or other like items which have not become liens up to the date of closing, or installments due after such date. Neither our tax search nor our policy covers any part of the streets on which the premises to be insure abuts.**

**State, County and Town Taxes: Lien Period 1/1 to 12/31 (Lien Date 1/1 Due Date 1/1)**

**School Taxes: Lien Period 7/1 to 6/30 (Lien Date 7/1 Due Date 9/1)**  
**Except for Newburgh and Middletown: Due 10/1**

**Village Taxes: Lien Period 6/1 to 5/31 (Lien Date 6/1 Due Date 6/1)**  
**Except for Cornwall-on-Hudson and Washingtonville: Lien Period 3/1 to 2/28 (Lien Date 3/1 Due Date 3/1)**

## **Mortgages**

Title Number **HN 58799**

**NONE OF RECORD**

Title Company will require a written payoff statement prior to closing.

These mortgage returns, unless the mortgage is to be insured, will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes the provisions of a mortgage may be modified by agreements which are not recorded. We suggest that you communicate with the mortgagee if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

## Schedule B

Title Number: **HN 58799**

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

1. Grants, Easements, Rights of Way: None of Record (except as may be set forth herein)
2. Any state of facts a survey of the premises described in Schedule "A" would disclose.
3. The exact acreage of the premises are not insured.
4. The Company does not insure that the building or other erections upon the premises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
5. Rights, if any, in favor of an electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
6. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
7. As of September 1, 2003 Section 663 of the Tax Law requires a non resident transferor (Individual estate or trust) to pay estimated personal income tax on the gain, if any, resulting from the sale of real property in New York State. If any of the certified owner(s) are a non resident you must notify this company prior to any closing being scheduled.
8. 2017/18 School Taxes are a lien 7/1/17 and payable 9/1/17.
9. 2016 and 2017 State, County and Town Tax with releived School Taxes are open. See Tax page for June payoff.
10. Proof of payment of all water and/or sewer charges.
11. Policy excepts any loss, damages or reassessment due to the removal of the STAR exemption currently benefitting the premises insured hereunder.
12. Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein, and in, to and over the street adjacent thereto.

FOR MORTGAGE PURPOSES ONLY: Policy insures such grants do not create any rights that would result in any reversion or forfeiture of title.

13. We have not been furnished a certified survey of the premises and, in absence of same, the exact courses, distances and acreage of the premises are not insured.
14. No lands lying in the bed or right of way of any street or road abutting or bounding the premises are insured.

Continued On Next Page

## Schedule B

Title Number: **HN 58799**

15. Record description is rather vague. A new metes and bounds description from a licensed surveyor is recommended. In absence of same, policy excepts any loss or damage due to said vagueness.
16. Proof the Estate of Herbert A. Trubenbach has been considered for NYS Estate taxes and all such taxes are paid.
17. Proof the Estate of Herbert A. Trubenbach has been considered for Federal Estate taxes and all such taxes are paid.
18. Closing deed to be in the form of an Executors Deed and to recite a full consideration.
19. For Information Only, not to be included in policy to be insured:  
We find the following deeds of record, pertaining to the insured premises, recorded in the Orange County Clerk's Office during the preceding twenty-four (24) months. **NONE**
20. Proof is required to show that the persons certified as owners herein have not been known by any other names in the ten years last past. If they have been known by another name, all searches must be amended and run against such names and title is subject to returns, if any, on such amended searches.
21. We have conducted a Judgment and Federal Tax Lien Search against the proposed purchaser(s) and/or certified owner(s) and show: nothing found.
22. We have conducted a Patriot Search against the proposed purchaser(s) and the certified owner(s) on the Specially Designated Nationals and Blocked Persons List published by the Office of Foreign Assets Control (OFAC) and show: nothing found
23. Your attention is directed to attached sheet "For Information Only".



**Homeowners Notice and Waiver  
Optional Market Value Policy Rider**

TITLE NUMBER **HN 58799**

IN ACCORDANCE WITH NEW YORK STATE LAW, WESTCOR LAND TITLE INSURANCE COMPANY IS REQUIRED TO OFFER RESIDENT HOMEOWNERS OF ONE TO FOUR FAMILY DWELLINGS, CONDOS AND CO-OP LEASEHOLD UNITS AN OPTIONAL MARKET VALUE POLICY RIDER. FOR A SMALL ADDITIONAL TITLE INSURANCE PREMIUM, THIS RIDER WILL PROVIDE ADDITIONAL INSURANCE TO PROTECT YOUR HOME FOR ITS FUTURE MARKET VALUE AT THE TIME OF LOSS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THE RIDER. YOU MAY ELECT TO PURCHASE THIS COVERAGE AT OR BEFORE THE CLOSING. THIS OFFER IS MADE PURSUANT TO CHAPTER 502, LAWS OF 1902 AND AMENDMENTS THEREOF.

THE MARKET VALUE POLICY RIDER HAS BEEN FILED AND APPROVED BY THE NEW YORK INSURANCE DEPARTMENT. THE APPROVED RATE FOR THE ISSUANCE OF THIS RIDER IS 10% OF THE REGULAR FEE OR CO-OP LEASEHOLD PREMIUM APPLICABLE TO THE AMOUNT OF SAID INSURANCE.

PLEASE CHECK A OR B:

A:  I CHOOSE TO ACCEPT THE ADDITIONAL MARKET VALUE POLICY RIDER

DATED: \_\_\_\_\_

\_\_\_\_\_  
HOMEOWNER

\_\_\_\_\_  
HOMEOWNER

B:  I DO NOT WISH TO ACCEPT THE MARKET VALUE POLICY RIDER WHICH WOULD PROVIDE TITLE INSURANCE COVERAGE FOR FUTURE INCREASED MARKET VALUE OF MY HOME IN THE EVENT OF A LOSS.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HOMEOWNER

\_\_\_\_\_  
HOMEOWNER

## FOR INFORMATION ONLY

HN 58799

New York State Real Property Transfer Report for the State Board of Real Property Services must accompany each deed for recording.

That for all Deed Transactions, the Social Security Number or TIN Number of all parties will be required for forms which must accompany all Deed Transactions.

Combined Real Estate Transfer Tax Return to be executed on each closing.

Company to be advised if mortgage to be insured hereunder is under Federal Graduated Mortgage Plan and if so the maximum amount to be insured.

Invoice shows amount to be provided for Optional Future Market Value Insurance - fee insured - to initial      Yes              No              if  
such insurance is requested.

The reporting requirements regarding the transfer of interests in real estate, pursuant to the Tax Reform Act of 1986, must be compiled with to the satisfaction of this company.

All portions (Printed forms, descriptions, acknowledgments, signatures) of all instruments submitted for recording must be CLEAR, SHARP and LEGIBLE or the instruments will be refused by the County Clerk.

Identity of all persons executing the papers delivered on the closing must be established to the satisfaction of the Company.

In order to facilitate the closing of title, please notify the closing department at least 48 hours prior to the closing, of the date and place of closing, so that searches may be continued.

Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

## **SPECIAL NOTE REGARDING FEES**

HN 58799

In addition to charges for title insurance, we will impose charges for municipal searches, flood reports, tax searches and any other special searches required by the lender, the purchaser, or the attorney for either. We will also impose appropriate charges for (a) personal inspection and (b) handling payoffs of mortgages and/or other liens. We make every effort to set forth all charges on our original invoice but many times this is not possible to do at the time your title report is prepared.

## **SPECIAL NOTE REGARDING MUNICIPALS**

If requested by applicant or by proposed mortgagee, we will have municipals searches (ie: Street Report, Violation Search, Certificate of Occupancy Search) conducted by the officials of the municipality in which the premises are located. Such Searches are not continued to date of closing. Additional Fees are charges for such Searches when requested. In no event, do we insure that the buildings or other erections upon the premises or their use comply with Federal, State and/or other municipal laws, regulations and ordinances, and therefore assume no liability whatsoever by reason of the ordering of such and do not insure their accuracy.

**Town of Newburgh**  
Code Compliance Department  
308 Gardnertown Road  
Newburgh, NY 12550  
(845) 564-7801

06/29/2017

HILL N DALE ABSTRACTERS  
PO BOX 547  
GOSHEN, NY 10924

Owner: Herbert Trubenbach  
Address: 125 Mill St  
SBL# 2-1-64  
Title # HN 58799

To Whom it May Concern:

This letter is in answer to your inquiry regarding the above mentioned parcel.

Our files indicate that the above named structure was built prior to the Town adopting the Zoning Ordinance in 1956. Therefore, there is no Certificate of Occupancy for this structure, nor is one needed.

Please be advised that the above named road is a public road.

In searching our records we find no other open violations against the property. No inspection of the premises has been performed and the statement concerning our records should not be relied upon as meaning no violations in fact exist.

Our records indicate a permit for Repairs to Fire Damage (#2981) from 1975 was Closed Out as Completed. If there are any further question or concerns regarding this matter, please contact our office at the number above.

Respectfully,

  
Gerald Canfield  
Code Compliance Department

Abstract# AB-2017-356  
Code # CO BZ

# **THIS IS NOT A BUILDING PERMIT**

**Submit all items listed below @ the same time, partial submittals will not be reviewed**

**APPLICATION #19-0314**  
**125 Mill St**  
**Town of Newburgh**  
**Code Compliance Department**

308 Gardnertown Road Newburgh, NY 12550  
845-564-7801 Phone 845-564-7802 Fax

**MAILED TO: Rudy Valentino, PO Box 245 , Marlboro, NY 12542 - 914-755-1451**  
**PROJECT: Install 100 Amp lanlord meter & panel**  
**SBL: 2-1-64**  
**APPLICATION DATE: 04/10/2019      REVIEW DATE: 4-16-2019**

**Residential:** All smoke and co alarms shall be upgraded.  
**Commercial:** Carbon Monoxide Detection is required. Section 915.3 2017 NY Supplement.

Dig Safe New York Call 811/ [www.DigsafelyNewYork.com](http://www.DigsafelyNewYork.com)

## ***ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED***

- 1) Submit a detailed scope of work.
- 2) Why is there a landlord panel? This should be a 3 bedroom single family dwelling unit!
- 3) If this is incorrect please submit any building permits or certificate of occupancies so our records can be updated.

*Joseph Mattina*  
Code Compliance

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

Alana R. Bartley  
Aaron C. Fitch  
Emily R. Worden  
Judith A. Waye

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

July 15, 2019

ATTN: JOSEPH MATTINA, Code Compliance  
Town of Newburgh Building Department  
308 Gardnertown Road  
Newburgh, New York 12550

Re: 125 Mill Street – Permit for "Landlord" Electric Meter  
Town of Newburgh Application No. 19-0314  
Our File No.: 15189-69674

Dear Mr. Mattina:

This office represents Emma Lynn Gasparini, the owner of real property located at 125 Mill Street in the Town of Newburgh (SBL: 2-1-64). On April 10, 2019, our client's contractor, Rudy Valentino, submitted to the Town Building Department an application for a building permit to install a third electrical meter (a so-called "landlord panel") at the 125 Mill Street property. On or about April 16, 2019, you provided the enclosed response requesting a detailed scope of work plan. Enclosed please find the requested document.

Your response also questions why a landlord panel was being installed on the building because "This should be a 3 bedroom single family dwelling". Your response goes on to state that if the house is not a 3 bedroom single family dwelling, then Ms. Gasparini should submit "any building permits or certificate of occupancies" so indicating so that the Building Department's records can be updated.

As may be seen from the enclosed letter from the Town of Newburgh Building Department to our client's title company dated June 29, 2017, according to the Town's files the residential dwelling at 125 Mill Street was built prior to 1956. Therefore, as is noted in the correspondence, there is no building permit and no certificate of occupancy for it; but none is required.

Enclosed please find a copy of the Town Assessor's property card for the 125 Mill Street property. As you can see, the residential dwelling at 125 Mill Street is a two-story building consisting of a total of 2,796 square feet; with 1,452 s.f. on the first floor and 1,344 s.f. on the second floor. As is noted on the Assessor's Card, it is a two-family residence; and the first floor and the second floor have been constructed as separate apartments, with each having a separate entrance. In all, there are five (5) bedrooms, two (2) kitchens and two (2) full bathrooms in the building. Since, as per the above-mentioned letter from the Building Department, no building permits have been requested or issued to alter the building, it seems clear that it has always been a two-family residence (i.e., otherwise the Assessor's records wouldn't indicate that it was).

ATTN: JOSEPH MATTINA, Code Compliance  
June 13, 2019  
Page 2

---

The residential dwelling at 125 Mill Street was marketed by the prior owner as a two-family dwelling, and our client purchased it and has been using it as two-family dwelling. Enclosed please find a copy of the real property tax bill for the 125 Mill Street property issued by the Town in which, as you can see, the Town has been taxing the property as a two-family residence.

Clearly, the residential dwelling at 125 Mill Street was constructed as a two-family dwelling, has been used as such, and is recognized and taxed by the Town of Newburgh as a two-family dwelling. Please update the Building Department's records to reflect the correct status of the property as a two-family dwelling.

Our client has installed separate electrical meters for each of the two apartments (a building permit for the same was issued by the Building Department on August 21, 2018). She now wishes to install a "landlord panel" so that her tenants are not charged for electrical service for certain common functions, such as running the pump for the well. If you require anything further in order to issue the requested building permit please let us know.

Thank you.

Very truly yours,



STEPHEN J. GABA

ERW/sjg/751639  
Enclosures  
cc: Town Attorney

# **THIS IS NOT A BUILDING PERMIT**

**Submit all items listed below @ the same time, partial submittals will not be reviewed**

**APPLICATION #19-0314**  
**125 Mill St**  
**Town of Newburgh**  
**Code Compliance Department**

308 Gardnertown Road Newburgh, NY 12550  
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: Rudy Valentino, PO Box 245 , Marlboro, NY 12542 - 914-755-1451

PROJECT: Install 100 Amp landlord meter & panel

SBI: 2-1-64

APPLICATION DATE: 04/10/2019

REVIEW DATE: 4-16-2019

**Residential:** All smoke and co alarms shall be upgraded.

**Commercial:** Carbon Monoxide Detection is required. Section 915.3 2017 NY Supplement.

Dig Safe New York Call 811/ [www.DigsafelyNewYork.com](http://www.DigsafelyNewYork.com)

## **ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED**

- 1) Submit a detailed scope of work.
- 2) Why is there a landlord panel? This should be a 3 bedroom single family dwelling unit!
- 3) If this is incorrect please submit any building permits or certificate of occupancies so our records can be updated.

*Rudy Valentino*  
Code Compliance





[www.RAVelectric.com](http://www.RAVelectric.com)

Tel: 845.236.7356  
Fax: 845.236.7356  
E-Mail: [info@RAVelectric.com](mailto:info@RAVelectric.com)

P.O. Box 245  
Marlboro, NY 12542

Emma Lynn Gasparini  
125 Mill Street  
Newburgh N.Y. 12550

7/8/2017

Re: 125 Mill Street

The work that was completed at the above address included a new 100 amp riser and meter pan and landlord panel so the well pump, basement lights and washer and dryer can be separated off of the existing tenant panels.

If you have any questions concerning the above please feel free to call anytime.

If you have any questions, please feel free to call anytime @914-755-1451

Thank you,  
Rudy Valentino  
RAV Electric

Town of Newburgh  
Code Compliance Department  
308 Gardnertown Road  
Newburgh, NY 12550  
(845) 564-7801

06/29/2017

HILL N DALE ABSTRACTERS  
PO BOX 547  
GOSHEN, NY 10924

Owner: Herbert Trubenbach  
Address: 125 Mill St  
SBL# 2-1-64  
Title # HN 58799

To Whom it May Concern:

This letter is in answer to your inquiry regarding the above mentioned parcel.


Our files indicate that the above named structure was built prior to the Town adopting the Zoning Ordinance in 1956. Therefore, there is no Certificate of Occupancy for this structure, nor is one needed.

Please be advised that the above named road is a public road.

In searching our records we find no other open violations against the property. No inspection of the premises has been performed and the statement concerning our records should not be relied upon as meaning no violations in fact exist.

Our records indicate a permit for Repairs to Fire Damage (#2981) from 1975 was Closed Out as Completed. If there are any further question or concerns regarding this matter, please contact our office at the number above.

Respectfully,

  
Gerald Canfield  
Code Compliance Department

Abstract# AB-2017-356  
Code # CO BZ



# Property Description Report For: 125 Mill St, Municipality of Newburgh

*No Photo Available*

<b>Total Acreage/Size:</b>	135 x 308	<b>Status:</b>	Active
<b>Land Assessment:</b>	2019 - Tentative \$8,100	<b>Roll Section:</b>	Taxable
<b>Full Market Value:</b>	2019 - Tentative \$108,700	<b>Swis:</b>	334600
<b>Equalization Rate:</b>	----	<b>Tax Map ID #:</b>	2-1-64
<b>Deed Book:</b>	14257	<b>Property Class:</b>	220 - 2 Family Res
<b>Grid East:</b>	607973	<b>Site:</b>	RES 1
		<b>In Ag. District:</b>	No
		<b>Site Property Class:</b>	220 - 2 Family Res
		<b>Zoning Code:</b>	-
		<b>Neighborhood Code:</b>	21400
		<b>School District:</b>	Wallkill
		<b>Total Assessment:</b>	2019 - Tentative \$35,000
		<b>Property Desc:</b>	Huc
		<b>Deed Page:</b>	474
		<b>Grid North:</b>	1002607

## Area

<b>Living Area:</b>	2,796 sq. ft.	<b>First Story Area:</b>	1,452 sq. ft.
<b>Second Story Area:</b>	1,344 sq. ft.	<b>Half Story Area:</b>	0 sq. ft.
<b>Additional Story Area:</b>	0 sq. ft.	<b>3/4 Story Area:</b>	0 sq. ft.
<b>Finished Basement:</b>	0 sq. ft.	<b>Number of Stories:</b>	2
<b>Finished Rec Room:</b>	0 sq. ft.	<b>Finished Area Over Garage:</b>	0 sq. ft.

## Structure

<b>Building Style:</b>	Colonial	<b>Bathrooms (Full - Half):</b>	2 - 0
<b>Bedrooms:</b>	5	<b>Kitchens:</b>	2
<b>Fireplaces:</b>	0	<b>Basement Type:</b>	Full
<b>Porch Type:</b>	Porch-enclsd	<b>Porch Area:</b>	72.00
<b>Basement Garage Cap:</b>	0	<b>Attached Garage Cap:</b>	0.00 sq. ft.
<b>Overall Condition:</b>	Normal	<b>Overall Grade:</b>	Average
<b>Year Built:</b>	1900		

## Owners

Emma Lynn Gasparini  
300 Walnut Ave  
New Windsor NY 12553

## Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Add. Parcels	Deed Book and Page
7/10/2017	\$100,000	220 - 2 Family Res	Land & Building	Trubenbach, Herbert A	Yes	Yes	No	14257/474

## Utilities

<b>Sewer Type:</b>	Private	<b>Water Supply:</b>	Private
<b>Utilities:</b>	Gas & elec	<b>Heat Type:</b>	Hot wtr/stm
<b>Fuel Type:</b>	Oil	<b>Central Air:</b>	No

## Improvements

Structure	Size	Grade	Condition	Year
Porch-encisd	72.00 sq ft	Average	Normal	1900

## Special Districts for 2019 (Tentative)

Description	Units	Percent	Type	Value
FD033-Plattekill fire	0	0%		0

## Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
------	-------------	--------	----------	----------	--------	--------	--------	-------

## Taxes

Year	Description	Amount
2019	County	\$1,077.48
2018	County	\$1,850.59
2018	School	\$2,740.23

**\* Taxes reflect exemptions, but may not include recent changes in assessment.**



# Image Mate Online

Navigation GIS Map Tax Maps | DTF Links

Help Log In

- Residential
- Property Info
- Owner/Sales
- Inventory
- Improvements
- Tax Info
- Report
- Comparables
- Request Change

<b>Municipality of Newburgh</b>			
SWIS:	334600	Tax ID:	2-1-64
<b>Structure</b>			
Building Style:	Colonial		
Number of Baths:	2 (Full)		
Number of Bedrooms:	5		
Number of Kitchens:	2		
Number of Fireplaces:	0		
Overall Condition:	Normal		
Overall Grade:	Average		
Porch Type:			
Porch Area:			
Year Built:	1900		
Basement Type:	Full		
Basement Garage Cap.:	0		
Attached Garage Cap.:	0 sq. ft.		
<b>Area</b>			
Living Area:	2,796 sq. ft.		
First Story Area:	1,452 sq. ft.		
Second Story Area:	1,344 sq. ft.		
Half Story Area:	0 sq. ft.		
Additional Story Area:	0 sq. ft.		
Three-Quarter Story Area:	0 sq. ft.		
Finished Basement:	0 sq. ft.		
Finished Rec Room:	0 sq. ft.		
Finished Area Over Garage:	0 sq. ft.		
Number of Stories:	2		
<b>Utilities</b>			
Sewer Type:	Private		

**Photographs**

No Photo Available

**Pictometry Connect**

**Documents**

No documents found for this parcel

**Maps**

View Tax Map

Pin Property on GIS Map

View in Google Maps

View in Bing Maps

Map Disclaimer

Water Supply:	Private
Utilities:	Gas & elec
Heat Type:	Hot water
Fuel Type:	Oil
Central Air:	No

ORANGE COUNTY - Newburgh  
2019 COUNTY AND TOWN REAL PROPERTY TAX BILL

For Fiscal Year 01/01/2019 to 12/31/2019 Warrant Date 12/28/2018

BILL No: 4180  
SEQUENCE No: 2541  
PAGE No: 1 of 1

**MAKE CHECKS PAYABLE TO**

RECEIVER OF TAXES  
1496 ROUTE 300  
NEWBURGH NY 12550

334600 2-1-64

**TO PAY IN PERSON**

MON-FRI 8:30AM-4:30PM  
SAT JAN 26, 9AM-1PM  
PHONE 845-564-4553  
Deborah A. Smith  
Rec. of Taxes

**PROPERTY ADDRESS & LEGAL DESCRIPTION**

SWIS: 334600 SBL: 2-1-64  
Address: 125 Mill St  
TOWN OF: Newburgh  
School: 515201-Walldell Central  
NYS Tax & Finance School District Code: 662  
2 Family Res Roll Sect. 1  
Parcel Dimensions: 135.00 X 308.00  
Account No: Bank Code:  
Estimated State Aid: CNTY: 96,579,906 TOWN: 738,500

**IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK**

Gasparini Emma Lynn  
300 Walnut Ave  
New Windsor, NY 12553

**PROPERTY TAXPAYER'S BILL OF RIGHTS**

The assessor estimates the full Market Value of this property as of July 1, 2017 was \$ 102,900.00  
The Assessed Value of this property as of July 1, 2018 was \$ 35,000.00  
The uniform Percentage of Value used to establish assessments was 34%  
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your Assessor for the booklet "How to File a complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed. SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Exemption	Value	Tax Purpose	Full Value Estimate	Exemption	Value	Tax Purpose	Full Value Estimate
-----------	-------	-------------	---------------------	-----------	-------	-------------	---------------------

**PROPERTY TAXES**

Taxing Purpose	Total Tax Levy	% Levy Change From Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
COUNTY	126,020,609	3.0	35,000.00	11.030500	386.07
TOWN	9,962,524	3.3	35,000.00	9.413200	329.46
HIGHWAY	5,775,913	4.6	35,000.00	5.458400	191.04
Plattekill fire	288,064	0.5	35,000.00	4.883100	170.91

RECEIPT PAID TO

JAN 30 2019

RECEIVER OF TAXES  
TOWN OF NEWBURGH

THIS IS A 1 PAYMENT BILL. NO INSTALLMENTS.

TOTAL TAXES DUE \$ 1,077.48

IF PAID BY	Penalty %	Amount	Penalty	Total Due
JAN 2019	0.00%	1,077.48	0.00	1,077.48
FEB 2019	1.00%	1,077.48	10.77	1,088.25
MAR 2019	2.00%	1,077.48	22.55*	1,100.03

TAXES PAID BY

*Owner*

CA CH



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

July 26, 2019

P: 845.562.9100  
F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Donna M. Badura  
Amber L. Camio

*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk  
(1942-2018)

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

Stephen J. Gaba, Esq.  
Drake Loeb PLLC  
555 Hudson Valley Avenue, Suite 100  
New Windsor, NY 12553

RE: Town of Newburgh Building Permit Application No. 19-0314  
Issued and Open Building Permit No. 18-0987  
Section 2 Block 1 Lot 64  
125 Mill Street Electrical Work/Installation  
Your File No. 15189-69674  
OUR FILE NO. 800.1(C)(25)(2019)

Dear Steve:

Thank you for copying me on your letter dated July 15, 2019 to Joe Mattina of the Code Compliance Department.

Enclosed are copies of the following records which the Department forwarded to me:

1. a building permit to restore fire damage stamped "Received" on June 2, 1975; and
2. assessment records including cards showing the building's classification and number of bedrooms and a notice of change in assessed value dated April 10, 1981.

The Department advises that the records pertain to the subject premises and were the basis for Mr. Mattina's inquiry. Each states or indicates that the house was "one family." Code Compliance Supervisor Canfield advises that the records supplied with your letter are insufficient to modify Mr. Mattina's statement that "This should be a 3 bedroom single family dwelling." In the event your client wishes to apply to the Zoning Board of Appeals for an interpretation or variance, please advise so that the Department may provide the necessary determination.





Stephen J. Gaba, Esq.  
July 26, 2019  
Page -2-

Also enclosed is a copy of the open building permit for the premises issued in 2018, which appears to be the one referenced in the last paragraph of your letter with regard to the installation of separate electrical meters. The building permit indicates it is for: "Restoring Power to Home and upgrade all smoke and co alarms only!!" The Department has not yet been requested to perform an inspection in order to close out the open permit.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Mark C. Taylor".

Mark C. Taylor

MCT:kac  
Enclosures

cc: Gilbert J. Piaquadio, Supervisor (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)  
Joseph Mattina, Building Inspector/Fire Investigator (via e-mail)

LEGAL DESCRIPTION  
 TOWN OF NEIBURGH  
 N 8 HILL ST

ACRES 1.2533  
 DEED DATE 06/17/68  
 2102-121 61115 Kennedy

OWNERSHIP & MAILING ADDRESS  
 [Illegible]

RECORD OF OWNERSHIP

DATE	TYPE	PROPERTY ADDRESS	SOURCE	VALUED

LAND COMPARISONS

0 NONE	1	2	3	4	5	6	7	8	9	10
0 NONE	1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10	
2	3	4	5	6	7	8	9	10		
3	4	5	6	7	8	9	10			
4	5	6	7	8	9	10				
5	6	7	8	9	10					
6	7	8	9	10						
7	8	9	10							
8	9	10								
9	10									
10										

ACRES	RESIDENTIAL VALUE	INFLUENCE FACTORS	LAND VALUE
1.2533	1080	1.00	1184

GENERAL PROPERTY FACTORS	RESIDENTIAL PROPERTY FACTORS
1. NEIGHBORHOOD I.D.	1. NEIGHBORHOOD I.D.
2. STREET FRONTAGE	2. STREET FRONTAGE
3. LOT AREA	3. LOT AREA
4. LOT DEPTH	4. LOT DEPTH
5. LOT WIDTH	5. LOT WIDTH
6. LOT AREA	6. LOT AREA
7. LOT AREA	7. LOT AREA
8. LOT AREA	8. LOT AREA
9. LOT AREA	9. LOT AREA
10. LOT AREA	10. LOT AREA

UTILITIES	DESIRABILITY RATING	COMPARISON TO NEIGHBORING PROPERTIES
1. WATER	1. WATER	1. WATER
2. SEWER	2. SEWER	2. SEWER
3. GAS	3. GAS	3. GAS
4. ELECTRICITY	4. ELECTRICITY	4. ELECTRICITY
5. TELEPHONE	5. TELEPHONE	5. TELEPHONE
6. CABLE TV	6. CABLE TV	6. CABLE TV
7. OTHER	7. OTHER	7. OTHER

GENERAL PROPERTY FACTORS	RESIDENTIAL PROPERTY FACTORS
1. NEIGHBORHOOD I.D.	1. NEIGHBORHOOD I.D.
2. STREET FRONTAGE	2. STREET FRONTAGE
3. LOT AREA	3. LOT AREA
4. LOT DEPTH	4. LOT DEPTH
5. LOT WIDTH	5. LOT WIDTH
6. LOT AREA	6. LOT AREA
7. LOT AREA	7. LOT AREA
8. LOT AREA	8. LOT AREA
9. LOT AREA	9. LOT AREA
10. LOT AREA	10. LOT AREA

UTILITIES	DESIRABILITY RATING	COMPARISON TO NEIGHBORING PROPERTIES
1. WATER	1. WATER	1. WATER
2. SEWER	2. SEWER	2. SEWER
3. GAS	3. GAS	3. GAS
4. ELECTRICITY	4. ELECTRICITY	4. ELECTRICITY
5. TELEPHONE	5. TELEPHONE	5. TELEPHONE
6. CABLE TV	6. CABLE TV	6. CABLE TV
7. OTHER	7. OTHER	7. OTHER

DISTRICT	SECTION	BLOCK	LOT

PROPERTY CLASSIFICATION CODE	ASSESSMENT RECORD
1. 1100	2. 1100
2. 1100	3. 1100
3. 1100	4. 1100
4. 1100	5. 1100
5. 1100	6. 1100
6. 1100	7. 1100
7. 1100	8. 1100
8. 1100	9. 1100
9. 1100	10. 1100

DATE	TYPE	AMOUNT	NUMBER
6/75	11875	2981-75	

MEMORANDA

11/21/75  
 [Illegible handwritten notes]

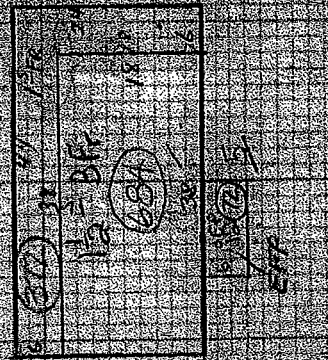
# COMMERCIAL BUILDING DATA & COMPUTATIONS

VACANT LOT		DWELLING DATA		CONSTRUCTION		CONCRETE		STEEL		STONE		MASONRY		METAL		GLASS		OTHER	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1. BRICK		2. FRAME		3. BR. & FT.		4. CONC. BLK.		5. STUCCO		6. TILE		7. STONE		8. METAL		9. CONCRETE		10. OTHER	
11. 1-1/2		12. 1-1/2		13. 1-1/2		14. 1-1/2		15. 1-1/2		16. 1-1/2		17. 1-1/2		18. 1-1/2		19. 1-1/2		20. 1-1/2	

LIVING CONDITIONS		BASEMENT		HEATING		ATTC		OTHER FEATURES		INTERIOR CONDITION		EXTERIOR CONDITION		RELATIVE DESIRABILITY		OCCUPANCY		DATA VERIFIED	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1. COMPLETE		2. PARTIAL		3. NONE		4. NONE		5. NONE		6. NONE		7. NONE		8. NONE		9. NONE		10. NONE	

DWG. COMPUTATIONS		PROOFING		CONSTRUCTION		FINISHES		FLOORS		ROOFING		MECHANICAL		ELECTRICAL		PLUMBING		PAINTING	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1. 1-1/2		2. 1-1/2		3. 1-1/2		4. 1-1/2		5. 1-1/2		6. 1-1/2		7. 1-1/2		8. 1-1/2		9. 1-1/2		10. 1-1/2	

GROSS-BUILDING SUMMARY		REPLACEMENT COST		DEPRECIATION		TOTAL GROSS VALUE		BUILDING VALUE	
1	2	3	4	5	6	7	8	9	10
1. 1-1/2	2. 1-1/2	3. 1-1/2	4. 1-1/2	5. 1-1/2	6. 1-1/2	7. 1-1/2	8. 1-1/2	9. 1-1/2	10. 1-1/2



- OTHER BUILDINGS AND YARD**
- 1. DRIVEWAY
  - 2. GARAGE
  - 3. DRIVEWAY
  - 4. DRIVEWAY
  - 5. DRIVEWAY
  - 6. DRIVEWAY
  - 7. DRIVEWAY
  - 8. DRIVEWAY
  - 9. DRIVEWAY
  - 10. DRIVEWAY
  - 11. DRIVEWAY
  - 12. DRIVEWAY
  - 13. DRIVEWAY
  - 14. DRIVEWAY
  - 15. DRIVEWAY
  - 16. DRIVEWAY
  - 17. DRIVEWAY
  - 18. DRIVEWAY
  - 19. DRIVEWAY
  - 20. DRIVEWAY

1	2	3	4	5	6	7	8	9	10
1. 1-1/2	2. 1-1/2	3. 1-1/2	4. 1-1/2	5. 1-1/2	6. 1-1/2	7. 1-1/2	8. 1-1/2	9. 1-1/2	10. 1-1/2

PERMIT — NOT TRANSFERABLE

No. 2981

1979



# BUILDING PERMIT

FEE

A permit is hereby given by the Zoning Officer of the Town of Newburgh, Orange County, N. Y., for building as described:

Owner's Name

Address

Architect's Name

Address

Builder's Name

Address

Location of Building

Material

Number of Stories

Number of Families

Dimensions of Building

Dimensions of Lot

Use of Building

Number of Toilets

Number of Baths

Heating Plant

The applicant agrees to comply with all rules and regulations of the New York State Construction Code and the Zoning Law of the Town of Newburgh.

Remarks

Approximate Cost \$

Signature of Applicant

Building Inspector

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.





**ORANGE COUNTY - Newburgh**  
**2019 COUNTY AND TOWN REAL PROPERTY TAX BILL**

For Fiscal Year 01/01/2019 to 12/31/2019 Warrant Date 12/28/2018

BILL No: 4180  
 SEQUENCE No: 2541  
 PAGE No: 1 of 1

**MAKE CHECKS PAYABLE TO**

RECEIVER OF TAXES  
 1496 ROUTE 300  
 NEWBURGH NY 12550

334600 2-1-64

**TO PAY IN PERSON**

MON-FRI 8:30AM-4:30PM  
 SAT JAN 26, 9AM-1PM  
 PHONE 845-564-4553  
 Deborah A. Smith  
 Rec. of Taxes

**PROPERTY ADDRESS & LEGAL DESCRIPTION**

**SWIS:** 334600 **SBL:** 2-1-64  
**Address:** 125 Mill St  
 TOWN OF: Newburgh  
**School:** 515201-Wallkill Central  
**NYS Tax & Finance School District Code:** 662  
 2 Family Res **Roll Sect.** 1  
**Parcel Dimensions:** 135.00 X 308.00  
**Account No:** **Bank Code:**  
 Estimated State Aid: CNTY: 96,579,906 TOWN: 738,500

**IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK**

**PROPERTY TAXPAYER'S BILL OF RIGHTS**

The assessor estimates the full Market Value of this property as of July 1, 2017 was \$ 102,900.00  
 The Assessed Value of this property as of July 1, 2018 was \$ 35,000.00  
 The uniform Percentage of Value used to establish assessments was 34%

If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your Assessor for the booklet "How to File a complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed. SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Gasparini Emma Lynn  
 300 Walnut Ave  
 New Windsor, NY 12553

<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>Tax Purpose</u>	<u>Full Value Estimate</u>
------------------	--------------	--------------------	----------------------------	------------------	--------------	--------------------	----------------------------

**PROPERTY TAXES**

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Levy Change From Prior Year</u>	<u>Taxable Assessed Value or Units</u>	<u>Rates per \$1000 or per Unit</u>	<u>Tax Amount</u>
COUNTY	126,020,609	3.0	35,000.00	11.030500	386.07
TOWN	9,962,524	3.3	35,000.00	9.413200	329.46
HIGHWAY	5,775,913	4.6	35,000.00	5.458400	191.04
Plattekill fire	288,064	0.5	35,000.00	4.883100	170.91

**RECEIPT PAID TO**

**JAN 30 2019**

**RECEIVER OF TAXES  
 TOWN OF NEWBURGH**

THIS IS A 1 PAYMENT BILL. NO INSTALLMENTS.

**TOTAL TAXES DUE \$ 1,077.48**

<u>IF PAID BY</u>	<u>Penalty %</u>	<u>Amount</u>	<u>Penalty</u>	<u>Total Due</u>
JAN 2019	0.00%	1,077.48	0.00	1,077.48
FEB 2019	1.00%	1,077.48	10.77	1,088.25
MAR 2019	2.00%	1,077.48	22.55*	1,100.03

TAXES PAID BY

*Owner*

CA CH

# SHERA ASSOC LLC

I HAVE BEEN A CONTRACTOR FOR 17 YRS  
AND I HAVE LOOKED AT 125 MILL ST.  
IT WAS BUILT AS A TWO ~~STORY~~ FAMILY HOME  
AND SHOWS ALL SIGNS. IN ORDER TO CONVERT  
THIS HOUSE TO A SINGLE FAMILY HOME IT WOULD  
TAKE A CONSIDERABLE AMOUNT OF REMOLDING  
AND MANY STRUCTURE CHANGES BRING THE COST  
~~UP TO~~ AROUND 39,000 OR THERE WOULD BE LOSS  
OF 2 BEDROOM & A LAUNDRY ROOM WITH MUCH  
REINFORCEMENT. DUE TO CHANGE IN STRUCTURE  
THERE WOULD BE OTHER WAYS TO GO BUT IT  
WOULD BE REMOLDING THE WHOLE DOWNSTAIRS AND  
UP STAIRS WHICH WOULD BRING THE COST ALOT

HIGHER.

Yours truly,  
Mr. Peter Sparrini



IN REGARDS TO 125 MILL ST WALKILL NY.  
THE HOUSE RENT ROLL IS 1600<sup>00</sup> EACH APT.  
IF IT WAS TURNED INTO A SINGLE FAMILY  
HOUSE THE RENT ROLL WOULD BE ABOUT 2000<sup>00</sup>  
AMOUNT DEPENDING ON AMOUNT OF BEDROOMS  
HOPEFULLY IT WOULD BE AROUND 4 BEDROOMS IF  
POSSIBLE. THE VALUE OF THE HOUSE WOULD DROP  
100,000 DOLLARS THEN WOULD TURN INTO A COMPLETE  
LOSS BETWEEN EXPENSE TO CHANGE IT AND DROP IN  
RENT ROLL.

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I EMILY R. WORDEN, being duly sworn, depose and say that I did on or before

November 12, 2019, post and will thereafter maintain at

125 Mill St 2-1-64 RR Zone in the Town of Newburgh, New York, at or near the front

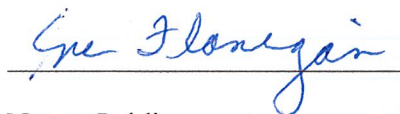
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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.

  
\_\_\_\_\_  
Emily R. Worden

Sworn to before me this 12th

day of November, 2019.

  
\_\_\_\_\_  
Notary Public


Notary Public

**EVE FLANIGAN**  
Notary Public, State of New York  
Qualified in Orange County  
No. 4771149  
Commission Expires February 28, 2023

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]





  
CITY OF NEW YORK  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF COMMUNITY CARE SERVICES  
100 SOUTH STREET, 10TH FLOOR  
NEW YORK, NY 10038  
TEL: (212) 312-2200  
WWW.DSS.NY.GOV  
A notice of violation has been issued to you for the following reason:  
The property is in violation of the following code section:  
§ 24-209.1 - Maintenance of exterior walls, roofs, gutters, downspouts, and other exterior features.  
The violation is described as follows:  
The exterior walls of the building are in poor condition and need to be repaired.  
The roof of the building is in poor condition and needs to be repaired.  
The gutters and downspouts of the building are in poor condition and need to be repaired.  
Other exterior features of the building are in poor condition and need to be repaired.  
You are required to correct the violation within the time period specified in the notice.  
If you fail to correct the violation within the time period specified in the notice, the City may take action to correct the violation on your behalf.  
If you have any questions or need more information, please contact the Office of Community Care Services at (212) 312-2200.  
Sincerely,  
[Signature]