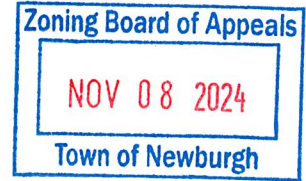




# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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



OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: November 7, 2024

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

I (WE) Sara Gould PRESENTLY

RESIDING AT NUMBER 7 Eastview Road, Newburgh NY 12550

TELEPHONE NUMBER 513-288-6608

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

70-2-7 (TAX MAP DESIGNATION)

7 Eastview Road (STREET ADDRESS)

R3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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:

9/24/2024

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:** Change in use. A change of use to a conforming use subject to site plan review of the Planning Board of a building which remains nonconforming as to the district regulations for bulk shall not be permitted without an area variance from the Zoning Board of Appeals and site plan approval by the Planning Board in accordance with the requirements of this chapter.

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:

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

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

- a) **THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:**

The almost 100 year old original enclosed porch is staying the same size. Neighborhood character has not changed and repairs do not cause detriment to nearby properties.

- 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:**

Moving the almost 100 year old home and foundation back 40 ft would cost \$100,000+. Porch roof cannot be removed and egress cannot be moved to any other location.

- c) **THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**

The 100 year old enclosed porch and steps being repaired are not expanding beyond the old footprint. It still remains about 45 sq. ft.

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

The enclosed porch/steps requiring a variance for repairs has been in existence for almost 100 years. Footprint is not changing. No updates impact current physical or environmental conditions.

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

The house and enclosed porch was built almost 100 years ago, before the 40 ft. distance was required between house and road.

7. ADDITIONAL REASONS (IF PERTINENT):

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PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7 DAY OF November 20 24

  
NOTARY PUBLIC



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 13 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)

# 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: <i>Repair enclosed porch + steps</i>			
Project Location (describe, and attach a location map): <i>7 Eastview Rd Newburgh NY 12550 70-2-4</i>			
Brief Description of Proposed Action: <i>Replace rotted wood/floor replace steps</i>			
Name of Applicant or Sponsor: <i>Sara Gould</i>		Telephone: <i>513-288-4608</i>	
Address: <i>7 Eastview Rd</i>		E-Mail: <i>g.sara499@gmail.com</i>	
City/PO: <i>Newburgh NY</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
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:			YES <input checked="" type="checkbox"/>
<i>Permit/Variance Town of Newburgh</i>			
3.a. Total acreage of the site of the proposed action?		<i>.29</i> acres	
b. Total acreage to be physically disturbed?		<i>.6792</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.289</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Sara Gravel</u></p>	<p>Date: <u>11/8/2024</u></p>	
<p>Signature: <u>Sara Gravel</u></p>		

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

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

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



Agency Use Only [If applicable]

Project:

Date:

### *Short Environmental Assessment Form Part 3 Determination of Significance*

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

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)



ORANGE COUNTY – 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: 13928 / 1333  
 INSTRUMENT #: 20150050856

Receipt#: 1987975  
 Clerk: LM  
 Rec Date: 08/06/2015 11:16:25 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 5  
 Rec'd Frm: ROSICKI, ROSICKI & ASSOCIATES,  
 P.C.

Party1: FANNIE MAE  
 Party2: GOULD SARA LYN  
 Town: NEWBURGH (TN)  
 70-2-4

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 180.00

Sub Total: 180.00

Total: 375.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 126  
 Transfer Tax  
 Consideration: 45000.00

Transfer Tax - State 180.00

Total: 180.00

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

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

STATE OF NEW YORK, COUNTY OF ORANGE ss:  
 I, Kelly A. Eskew, 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 8/6/2015 and the same is a correct  
 transcript thereof in witness whereof, I have hereunto set my  
 hand and affixed my official seal 11/07/2024.

*Kelly A. Eskew*  
 County Clerk & Clerk of the Supreme County Courts  
 Orange County

*Ann G. Rabbitt*  
 Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

NYDIA E PADILLA-BARHAM  
 62 MALLOY ROAD  
 WALLKILL, NY 12589

**BARGAIN AND SALE DEED**

THIS INDENTURE, dated as of July 29, 2015

Effective as of July 30, 2015

BETWEEN

Fannie Mae A/K/A Federal National Mortgage Association  
Having an address at: PO Box 650043, Dallas, TX 75265

party of the first part,

Sara Lynn Gould  
residing at: 50 South Montgomery St, Walden, NY 12586

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of \$ **45,000.00** (Forty-Five Thousand and 00/100 Dollars) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the County of Orange, State of New York, bounded and described as follows:

See Attached Schedule A, annexed hereto and made a part hereof, said property being commonly known as: **7 Eastview Road Newburgh, NY 12550**

Being and intended to be the same as in deed dated July 23, 2015 from Randall Coffill, Esq. as Referee to Fannie Mae A/K/A Federal National Mortgage Association to be recorded simultaneously herewith.

This transaction is made in the regular course of grantors business.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part.

**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.

S: 70  
B: 2  
L: 4

## Schedule A Description

Title Number **PL11-020785R**

Page **1**

Section **70**

Block **2**

Lot **4**

**ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, known and designated as Lot No. 5, as shown on a certain map entitled, "Map of Lots owned by John Whitehead," dated September 25, 1929 by Charles A. Gridley, C.E., and filed in the Office of the Orange County Clerk on July 25, 1957 as Map No. 1718, said lot being more particularly bounded and described as follows:**

**BEGINNING at an iron pipe found in the Northerly bounds of a 20 foot wide private Right of Way known as East View Road, said pipe being the Southwesterly corner of Lot No. 9, lands now or formerly Vautrin, (Liber 2804 Page 30);**

**RUNNING THENCE with said road bounds, North 74 degrees 25 minutes 00 seconds West, 66.30 feet to the Southeasterly corner of Lot No. 3, lands now or formerly of Tarter, (Liber 11958 Page 748);**

**RUNNING THENCE with the Easterly bounds of same, North 12 degrees 08 minutes 00 seconds East, 62.93 feet to a point in a corner of stone walls and being 0.30 feet Northeast of a pipe found, said point being Southeast corner of lands now or formerly of Velez, (Liber 5313 Page 75);**

**RUNNING THENCE with the Easterly bounds of said Velez, North 13 degrees 58 minutes 05 seconds East, 67.00 feet to an iron rod with survey cap found in said stone wall and at the Southeasterly corner of lands now or formerly of Villa, (Liber 5073 Page 333), said point is bearing along a tie line along the Southerly bounds of said Villa, South 72 degrees 54 minutes 55 seconds East, 204.90 feet from a railroad spike found in a macadam driveway and Southwesterly corner of said Villa;**

**RUNNING THENCE with the Easterly bounds of said Villa, North 10 degrees 52 minutes 05 seconds East, 67.00 feet to a stone wall corner and at the point in the Southerly bounds of lands now or formerly of Daigneault, (Liber 2195 Page 390), said point is bearing along a tie line of South 65 degrees 35 minutes 20 seconds East, 200.02 feet from an iron rod with survey cap found at the Northwest corner of the aforesaid lands of Villa;**

**RUNNING THENCE with the Southerly bounds of lands of said Daigneault and in part with the general course of a stone wall, South 62 degrees 25 minutes 22 seconds East, 66.36 feet to an iron pipe found at the Northwesterly corner of the aforesaid lands of Vautrin, (Lot 9);**

**FOR CONVEYANCING ONLY:**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**

Continued On Next Page

**Schedule A Description - continued**

Title Number **PL11-020785R**


Page **2**

Section **70**

Block **2**

Lot **4**

**RUNNING THENCE with the Westerly bounds of same, South 11 degrees 39 minutes 00 seconds West, 183.20 feet to the point or place of BEGINNING.**



*Insure*

**FOR CONVEYANCING ONLY:**

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.


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.

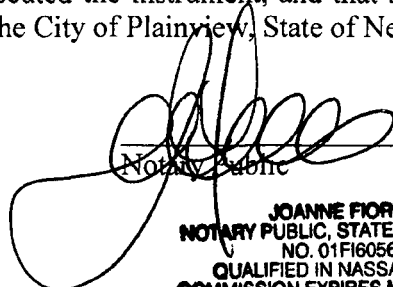
**Fannie Mae A/K/A Federal National Mortgage Association By:  
Rosicki, Rosicki & Associates, PC as Attorney in Fact**

By:

  
Name: Sumeet Sondhi, Esq.  
Title: Attorney

STATE OF NEW YORK     )  
  ) ss.  
COUNTY OF NASSAU     )

On the 20<sup>th</sup> Day of July in the year 2015 before me, the undersigned, personally appeared Sumeet Sondhi, Esq. of Rosicki, Rosicki & Associates, P.C. as Attorney in Fact for **Fannie Mae A/K/A Federal National Mortgage Association**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) described in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), 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, and that such individual made such appearance before the undersigned in the City of Plainview, State of New York.

  
Notary Public  
**JOANNE FIORELLO**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01F16056210  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES MARCH 19, 2019

Record + Return to:  
Nydia E. Padilla-Barham  
62 Malloy Road  
Wallkill NY 12589



# TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT**  
21 HUDSON VALLEY PROFESSIONAL PLAZA  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

#2024-47

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 09/24/2024**

**Application No. 24-0995**

**To: Sara Lyn Gould**  
7 Eastview Rd  
Newburgh, NY 12550

**SBL: 70-2-4**  
**ADDRESS: 7 Eastview Rd**

**ZONE: R3**

PLEASE TAKE NOTICE that your application dated 09/13/2024 for permit to keep an existing non-conforming front porch on the premises located at 7 Eastview Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Nonconformity with bulk requirements: Shall not increase the degree of non-conformity. (Requires 40' Actual 13.5')

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

1/3

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Sara Gould, being duly sworn, depose and say that I did on or before

November 12, 2024, post and will thereafter maintain at

7 Eastview Rd 70-2-4 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.

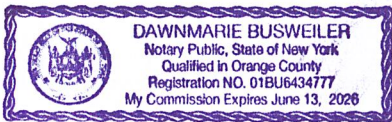
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Sara Gould

Sworn to before me this 8<sup>th</sup>

day of November, 2024.

Dawn Marie Busweiler









20 m

Camera: 260 m



EAST VIEW

7 EASTVIEW RD, NEWBUI X Q



567

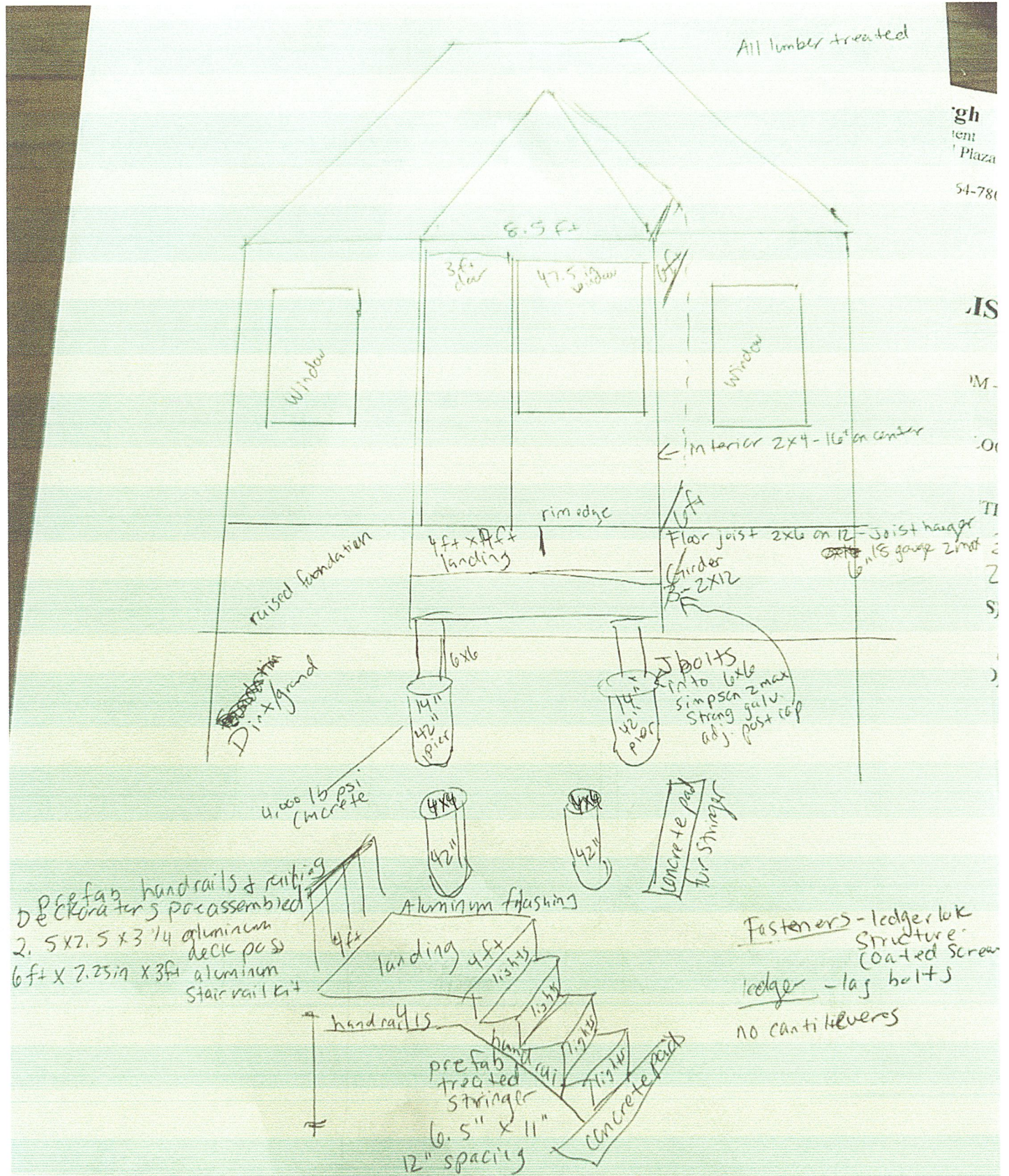


40 ft

P 309-16 EAST VIEW

106.7

New steps come out 48 inches and are directed toward driveway on right side of property. Prior steps came out 72 inches and required walking into the road to get to driveway. Adjustment is due to safety reasons; I've almost been hit several occasions walking to my car because drivers speed coming up the hill. DIMENSIONS OF ENCLOSED PORCH HAVE NOT CHANGED. THE ROOF/GUTTERS/SOFFIT HAVE NOT BEEN TOUCHED.



Letter from Town of Newburgh Code Compliance dated a couple of months before I purchased home and included in sale documents stating the enclosed porch is original to the home.

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

05/28/2015

River Realty Services  
117 Executive Drive  
New Windsor, NY 12553

Owner: Nemesio Santos  
Address: 7 Eastview Rd  
SBL# 70-2-4  
Title #

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 our keeping records, therefore, there is no Certificate of Occupancy for this structure, nor is one needed.

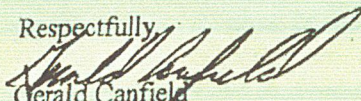
Please be advised that the above named road is a private road, which is not maintained by the Town.

Our records indicate the Enclosed Porch, Detached Garage and Covered Porch are part of the original construction.

In searching our files, we find no record of any open violations on this 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.

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-2015-195  
Code # NCPRPR

Sent to Code Compliance 9/23/2024:

Upon review of the code, I would like further explanation as to why §185-19 (C) has not been applied to the permit application. As noted in the attached letter dated May 28, 2015 from the Town of Newburgh Code Compliance Department, the enclosed porch was part of the original home/structure. The repaired porch is in the exact same footprint and has not changed in size or use, so I'm unsure why it's stated I have to request a variance for an increase in the degree of non-conformity (per code reference below).

It appears that my attempt to prevent bodily harm to anyone entering my home (and prevent litigation) by having the porch repaired will now be delayed until spring/summer 2025 due to the application process, document request processing time, lack of zoning board meetings and the fact that my brother(contractor) is being sent overseas for six months. This denial is creating undue financial hardship since the surveyor quoted \$1,500 plus the fees the town requires for the variance request.

*B. Nonconforming buildings. A nonconforming building or a building housing a nonconforming use shall not be modified in any way described below, except as provided in Subsection C below:*

*C. Nonconformity with bulk requirements. [Amended 9-23-1998 by L.L. No. 10-1998]  
(1) Maintenance, repair, structural alteration, relocation, reconstruction or enlargement. Normal maintenance and repair, structural alteration, relocation, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to district regulations for lot area, lot width, lot depth, front, side or rear yards, building height, lot coverage, habitable floor area or other such dimensional regulation, is permitted if the same does not increase the degree of or create any new nonconformity with such regulations in such buildings.*

*D. Normal maintenance. Nothing in this chapter shall be deemed to prevent normal maintenance and repair of any building or the carrying out, upon the issuance of a building permit, of major structural alteration or demolition in the interest of public safety. In granting such a permit the Building and Code Enforcement Officer shall state the precise reason why such alteration or demolition was deemed necessary.*

#### NONCONFORMING BUILDING OR USE

*A use or building, whether of a building or land or both, which does not conform to the requirements respecting permitted uses or coverage as set forth in this chapter for the district in which it is situated but which lawfully existed prior to the enactment of a zoning law or any revision or amendment thereto which would prohibit the use and which is maintained after the effective date thereof although it does not conform to the use or coverage regulations of the district in which it is located.*

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Discovered hidden carpenter ant damage to load bearing support under tongue and groove oak flooring that had to be addressed immediately to prevent bodily injury and further property damage.



Shared insulated attic space over enclosed porch



No attic space over non-enclosed stoop/covered porch







