

*file*

*Daniel Hesidence  
28 Waring Rd*

*65-3-13*

June 28<sup>th</sup> 2010

*ZBA  
rec'd*

JUL 19 2010

Al & Kris Realty Co. LLC  
28 Waring Road  
Newburgh, New York 12550

Dear Sir:

This will confirm that we agree to accept the sum of \$1,500.00 from your company as full and complete satisfaction of any obligation which your company, its successors and/or assigns, may have for the abandonment/removal of the septic tank from our premises which was originally installed for the benefit of your property.

Very truly yours,

*Edward A. Sottile*  
Edward A. Sottile

*Janet M. Sottile*  
Janet M. Sottile

*We received the cash sum of \$1,500.00  
from Al + Kris Realty Co., LLC in  
regards to the above matter.*

65-3-13

File



Dear Grace Cardone,

I am writing to seek an extension on the ZBA "approval" to convert 28 Waring Rd (65-3-13) into a single family residence.

During the ZBA meeting on April 22, 2010 (as stated in the minutes) the neighbors to right of my property (Ed and Janet Sottile, 30 Waring Rd) demanded an empty septic tank located on their property be filled by me. This was the first I had heard of such a tank, or any tank, and remedied the situation so no animosity would exist. After the approval was granted I learned the Sottiles had withheld information from myself and the board that they have a 550 gallon oil tank fueling their house that encroaches on my property. Given the potential liability and immediate decrease in property value I am unable to begin construction. I hope the board would give due consideration of this unusual situation and grant a new extension in hopes that an agreement could be reached with the Sottiles and the project will move forward.

Many thanks for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Hesidence". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel Hesidence May 8, 2011  
5-43 47<sup>th</sup> Rd Apt 2L  
Long Island City, NY 11101

cc: Betty Gennarelli  
cc: Gerald Canfield



65-3-13 1

ZBA MEETING -OCTOBER 28, 2010 (TIME NOTED 8:56 PM)

RECEIVED  
NOV 18 2010  
TOWN OF NEWBURGH  
TOWN CLERK'S OFFICE

**OTHER BOARD BUSINESS**

DANIEL HESIDENCE

28 WARING ROAD, NBGH  
(65-3-13) R-3 ZONE

Chairperson Cardone: And while we're waiting for the other information we have two other items under Other Board Business. The first is Daniel Hesidence who is at 28 Waring Road.

I am seeking an extension on the ZBA approval to convert 28 Waring Road into a single-family residence. I am waiting on my engineer to complete and submit the design. Once the plans are stamped I will be able to properly bid this project out. Many thanks for your help. Sincerely,  
Daniel Hesidence

And he was here April 22; he is well within the time seeking a six-month extension.

Mr. McKelvey: I'll make a motion we grant it.

Mr. Manley: I would second that motion.

Chairperson Cardone: O.K. Roll call.

John McKelvey: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

**PRESENT ARE:**

GRACE CARDONE  
JOHN MC KELVEY  
RUTH EATON  
RONALD HUGHES  
MICHAEL MAHER  
JAMES MANLEY

DAVID A. DONOVAN, ESQ.



ZBA MEETING – May 26, 2011

(Time Noted – 9:37 PM)

DANIEL HESIDENCE

28 WARING ROAD, NBGH  
(65-3-13) R-3 ZONE

RECEIVED

JUN - 9 2011

TOWN OF NEWBURGH  
TOWN CLERK'S OFFICE

#### OTHER BOARD BUSINESS

Mr. McKelvey: We have one other item here.

Ms. Gennarelli: Do you want to do that now John, or after the other votes?

Mr. McKelvey: It's up to you; we have another request here for ...

Ms. Gennarelli: Hesidence.

Mr. McKelvey: Yeah, Daniel Hesidence wants an extension on their variance.

Mr. Hughes: I believe he's already received one and we are prohibited from allowing this.

Mr. Donovan: And the problem is 185-55-D says unless construction is commenced and diligently pursued within six months of the granting of the variance or Special Permit, such variance or Special Permit shall become null and void. This six-month period may be extended for one additional six-month period. So we don't have any...

Mr. Hughes: Is there an outset date on completion of 18-months on that as well?

Mr. Donovan: No it would just be the Building Permit, dictated by the Building Permit, the length of the Building Permit.

Mr. Hughes: I don't think we can so I'm going to move that we deny it.

Ms. Drake: Denying the request for an extension. I'll second that.

Ms. Gennarelli: Do we need a vote on that?

Mr. Donovan: We've got a motion and a second let's vote on it.

Mr. Hughes: Discussion? We have to offer it to discussion.

Mr. McKelvey: Yes, is there any discussion?

Mr. Manley: I would at least let him know that he would need to reapply?

Mr. McKelvey: Reapply.

Mr. Hughes: And he has to do the mailings and the whole soup to nuts.

Mr. McKelvey: Yes.

Mr. Hughes: They haven't started anything? Are there Permits issued for that?

Ms. Gennarelli: He doesn't have a Permit.

Mr. Hughes: Nothing?

Mr. Donovan: There's a letter indicating he's got some problems with his neighbors apparently.

Mr. Hughes: Yeah, the letter says the same.

Mr. McKelvey: There is nothing we can do about that though we already granted one extension.

Mr. Hughes: No further discussion?

Mr. McKelvey: Roll call.

Ms. Gennarelli: O.K.

Brenda Drake: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Mr. McKelvey: Yes

Mr. McKelvey: In the interest of saving time we want to converse with our attorney on anything that might be legal. We ask you to go out in the hallway and we'll call you back.

PRESENT ARE:

JOHN MC KELVEY  
BRENDA DRAKE  
RUTH EATON  
RONALD HUGHES  
MICHAEL MAHER

---

JAMES MANLEY

ABSENT: GRACE CARDONE

DAVID A. DONOVAN, ESQ.

ALSO PRESENT:

BETTY GENNARELLI, ZBA SECRETARY  
GERALD CANFIELD, CODE COMPLIANCE DEPT.

(Time Noted – 9:41 PM)

*BB*  
*6/6/11*

# CERTIFICATE OF COMPLIANCE

Location: 28 WARING RD

Building Permit No: 0-24029

Sec-Blk-Lot: 65-3-13.0

Cert. No: 16160

Cert. Date: 11/03/2011

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 10/12/2011, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material:STEEL

No. Stories:0.0

No. Families: 0

Dim. of Stru.:550 GAL

No. Bedrooms: 0

No. Toilets: 0

Use of Stru.:REMOVE TANK

Dim. of Lot:

Census Code:649

No. Bathrooms: 0.0

Heating Plant:OIL FOR :

RECEIPTS 60586 60587 REMOVAL OF 550 GAL OIL TANK

C.C.# 16160 11/3/11

This certificate is issued to: DAN HESIDENCE  
for the aforesaid structure.

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CODE COMPLIANCE DEPARTMENT

(The Certificate of Compliance will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Compliance).



TOWN OF NEWBURGH  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

GERALD F. CANFIELD  
CODE COMPLIANCE SUPERVISOR  
TELEPHONE: (845) 564-7801  
FAX LINE: (845) 564-7802

Permit No: 0-24029

File Date: 10/12/2011  
Expire Date: 04/12/2013

## BUILDING PERMIT

SEC-BLK-LOT: 65-3-13

Permit Fee: \$50.00  
C.O. Fee: \$25.00

A permit is hereby given by the Building Department, TOWN OF NEWBURGH, ORANGE COUNTY, N.Y., for the structure described herein:

Owner's Name: DAN HESIDENCE (330) 499-8272  
Address: 28 WARING RD NEWBURGH 718-874-2787

Architect's Name:  
Address:

Builder's Name: CROSSRIVER ENVIRONMENTAL (845) 222-4402  
Address: 11 FISCHER DR MONROE, NY 10952

Location of Structure: 28 WARING RD

Material: STEEL No. Stories: 0.0 No. Families: 0  
Dim. of Stru.: 550 GAL No. Bedrooms: 0 No. Toilets: 0  
Use of Stru.: REMOVE TANK Dim. of Lot:  
Census Code: 649 No. Bathrooms: 0.0 Heating Plant: OIL

Remarks: RECEIPTS 60586 60587 REMOVAL OF 550 GAL OIL TANK  
C.C.# 16160 11/3/11

Appx. Cost: \$1300.00

1. I am familiar with the Zoning and Building Ordinance of the TOWN OF NEWBURGH, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
CODE COMPLIANCE DEPARTMENT

### IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

SEPTIC PERMIT:

**Permit No: 0-24029**