



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: 6/5/17

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

I (WE) MICHELLE HIERONYMI (CONTACT) AND MICHAEL J. CERONE, JR. PRESENTLY
RESIDING AT NUMBER 82 WINCHESTER DRIVE, MONROE, NY 10950 (MICHELLE)
25 WHITE STREET, NEWBURGH, NY 12550 (MIKE)
TELEPHONE NUMBER 845-551-6449 (MICHELLE)

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

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

1. LOCATION OF THE PROPERTY:

100-5-50.1 (TAX MAP DESIGNATION)

32 D'ALFONSO RD. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A-4
185-18C-1



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 6/5/2017
- 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: AREA VARIANCE

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

THE STRUCTURES ATTACHED TO THE GARAGE (WHICH WAS BUILT IN 1950) ARE IN THE BACKYARD AREA OF THE HOUSE; NOT ADTRUSIVE TO NEIGHBORS.

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:

STRUCTURES ARE ALREADY EXISTING AND ARE PART OF THE ~~THE~~ BUYERS' ATTRACTION TO THE HOUSE. THEY ARE WELL-CONSTRUCTED AND ENHANCE THE CHARACTER & CHARM OF THE PROPERTY.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE STRUCTURES DO NOT EXCEED PROPERTY LINES.

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

STRUCTURES CANNOT BE SEEN FROM THE ROAD.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

NOT UNDERSTANDING WHAT "HARDSHIP" MEANS HERE.



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Michelle Hieronymi
Michelle Hieronymi

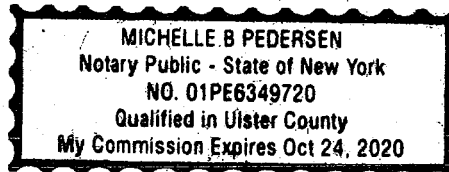
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF June 20 17

Michelle B. Pedersen

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 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)

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: AREA VARIANCE			
Project Location (describe, and attach a location map): EXISTING GARAGE ADDITION AND SIDE PORCH BOTH ATTACHED TO			
Brief Description of Proposed Action: ORIGINAL GARAGE BUILT IN 1950. SEE SURVEY LOOKING TO OBTAIN AREA VARIANCE FOR EXISTING STRUCTURES BUILT WITHOUT A PERMIT.			
Name of Applicant or Sponsor: MICHELLE HIERONYMI 845-551-6449 MICHAEL J. CERONE, JR. 845-565-6236		Telephone: 845-551-6449 845-565-6236	
Address: 82 WINCHESTER DR, MONROE, NY 10950 25 WHITE STREET, NEWBURGH, NY 12550		E-Mail: rhier@frontiernet.net	
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: CODE COMPLIANCE DEPT., TOWN OF NEWBURGH PERMITS FOR PORCH AND WORKSHOP ADDITIONS		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____	acres
b. Total acreage to be physically disturbed?		_____	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____	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?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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: _____ <i>NOT SURE</i>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ <i>N/A</i>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <i>N/A</i>			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____ <input type="checkbox"/> NO <input type="checkbox"/> YES			

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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>MICHELLE HIERONIMI</u>	Date: <u>6/5/17</u>	
Signature: <u>Michelle Hieronimi</u>		

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:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

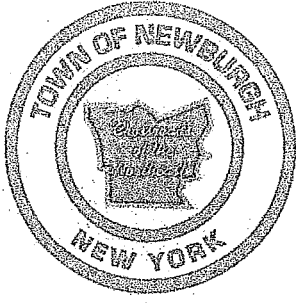
Agency Use Only [If applicable]

Project:	
Date:	

Short Environmental Assessment Form
Part 3 Determination of Significance

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



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

2629-07

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/30/2017

Application No. 16-1162

**To: Michelle Hieronymi
82 Winchester Drive
Monroe, NY 10950**

**SBL: 100-5-50.1
ADDRESS: 32 D Alfonso Rd**

ZONE: R2

PLEASE TAKE NOTICE that your application dated 12/21/2016 for permit to keep a 672 s.f. accessory building that was built without permits on the premises located at 32 D Alfonso Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code sections:

- 1) 185-15-A-4 Total square footage shall be limited to the formula.
- 2) 185-19-C-1 Shall not increase the degree of non-conformity. (side yard 5')


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

NAME: Michelle Hieronymi Building Application # 16-1162

ADDRESS: 82 Winchester Dr. Monroe NY 10950

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: Prior built accessory building @ 32 D'Alfonso Rd.

SBL: 100-5-50.1 ZONE: R-2

TOWN WATER: **YES** / NO

TOWN SEWER: **YES** / NO

2629-07

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
SQUARE FOOTAGE	483 SF	1320 SF		837 SF	173.29%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD	5'	2.3'	Increasing the degree of non-conformity		
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:

**1320 Square foot accessory building, 672 Square foot built without permits.
 There has been no building code inspection of this structure.**

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 Accessory Square footage limited to the formula.
- 2 185-19-C-1 Non-conforming building shall not increase the degree of non-conformity. (side yard 5')
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 30-May-17

OR.

OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

Michael + Dorothy Croone
TO
Michelle Hieronymi +
Michael J Croone, Jr.

Law signed 6/6/17

SECTION 100 BLOCK 5 LOT 50.1

RECORD AND RETURN TO:
(Name and Address)

THIS IS PAGE ONE OF THE RECORDING
TACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

MARY FERN BREHENY
Attorney At Law
P.O. Box 2507
Newburgh, NY 12550

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

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

NO. PAGES 4 CROSS REF
CERT. COPY 1 ADD'L X-REF
MAP # PGS.
PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

CONSIDERATION \$
TAX EXEMPT
MORTGAGE AMT \$
DATE

MORTGAGE TAX TYPE:
— (A) COMMERCIAL/FULL 1%
— (B) 1 OR 2 FAMILY
— (C) UNDER \$10,000
— (E) EXEMPT
— (F) 3 TO 6 UNITS
— (I) NAT. PERSON/CR. UNION
— (J) NAT.PER-CR.UN/1 OR 2
— (K) CONDO

- CITIES
- 0900 MIDDLETOWN
 - 1100 NEWBURGH
 - 1300 PORT JERVIS
 - 9999 HOLD

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: Mary Fern Breheny

RECORDED/FILED
11/16/2005/ 14:54:57
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050120056
DEED R / BK 11992 PG 0238
RECORDING FEES 122.00
TTX# 003496 T TAX 0.00
Receipt#498698 suemay

STATE OF NEW YORK, COUNTY OF ORANGE
DONNA L. BENSON, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON NOV 16 2005 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL NOV 16 2005
DONNA L. BENSON
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY



**BARGAIN AND SALE DEED: Ind. or Corp. with covenants
against grantor's acts**

THIS INDENTURE, made the 9 day of September, 2005.

BETWEEN,

MICHAEL J. CERONE and DOROTHY T. CERONE, husband and wife, residing at D'Alfonso Road in the Town of Newburgh, Orange County, New York, *reserving unto themselves a life estate*

party of the first part, and

MICHELLE HIERONYMI residing at 82 Winchester Drive, Monroe New York, 10950 and MICHAEL J. CERONE, Jr. residing at 25 White Street, Newburgh, New York, as

Remainderman

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the parties 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, known and designated and more particularly bounded and described in:

SCHEDULE A annexed hereto

GRANTOR herein specifically reserves the right to the exclusive use and occupancy of the premises during the Grantor's lifetime, with the Grantor to pay for all maintenance and repairs, water and sewer charges, insurance charges, and taxes relating to said premises. Said life use shall be personal to Grantor, and shall not be subject to assignment or lease, except as otherwise provided in this deed.

The Grantor reserves the power to appoint the remainder and/or Grantor's life estate to any one or more of the issue of the Grantor. This power shall be exercisable or may be relinquished during the Grantor's lifetime by a deed to the Grantee herein or to others who are members of the class of appointees set forth herein, making express reference to this power and executed and recorded in the County Clerk's Office where this deed is recorded, prior to the Grantor's death. No exercise of this power shall be deemed to release the Grantor's life estate unless such a release is explicitly made in a deed. The exercise of this power shall not exhaust it, and unless the power is specifically released in such a deed, the deed recorded last shall control as to any ambiguities or inconsistencies.

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,

SCHEDULE A

ALL that parcel of land situate in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the west line of the Town Highway leading from the Cohecton Turnpike to the Old Little Britain Road, known as D' Alfonso Road, which point is 65 feet northerly from the northeasterly corner of lands now of Bardin, and running thence north 64 degrees 06 minutes west 246.27 feet to a point in the east line of lands of Fred W. Herrmann; thence running northerly along the east line of lands of said Herrmann 65 feet more or less; thence running south 64 degrees 06 minutes east 247.32 feet to a point in the west line of said D' Alfonso Road; thence running southerly along the westerly line of said D' Alfonso Road 65 feet to the point of beginning.

SUBJECT, HOWEVER, to the rights of way, if any, now held by Central Hudson Gas and Electric Corporation and the New York Telephone Company.

The foregoing premises are subject to the following restrictions:

1. That said premises shall not be used for the storage of junk, refuse or other unsightly materials.
2. That no buildings or structures shall be erected within 30 feet of the east line of said premises.
3. That one dwelling only shall be erected on said premises and at a cost of not less than \$5,000.00.
4. That not more than one house shall be erected on any one lot.

BEING the same premises conveyed to Michael T. Cerone and Dorothy T. Cerone, his wife, on July 14, 1950, and recorded in the Orange County Clerk's Office on July 15, 1950, in Liber 1164 of Deeds at page 544.

ALSO being conveyed herewith

ALL that certain parcel of land situate in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the west line of the Town Highway leading from the Cohecton Turnpike to the Old Little Britain Road, known as D' Alfonso Road, which point is 390.19 feet south of the north line of lands of Patsy D' Alfonso and Vincenza D' Alfonso, his wife, and running thence southerly along the west line of said D' Alfonso Road 65 feet; thence running north 64 degrees 06 minutes west 247.32 feet to the east line of lands of Fred W. Herrmann; thence running northerly along the said east line of lands of Herrmann 65 feet more or less; thence running south 64 degrees 06 minutes east 248.37 feet to the point of beginning.

SUBJECT, however, to the rights of way, if any, now held by Central Hudson Gas & Electric Corporation and the New York Telephone Company.

The forgoing premises are subject to the following restrictions:

1. That said premises shall not be used for the storage of junk, refuse or other unsightly materials.
2. That no buildings or structures shall be erected within 30 feet of the east line of said premises.
3. That one dwelling only shall be erected on said premises and at a cost of not less than \$5,000.00

BEING the same premises conveyed to Michael J. Cerone and Dorothy T. Cerone, husband and wife by deed dated July 5, 1956 and recorded in the Orange County Clerk's office on July 13, 1956, in Liber 1393, page 144.

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 of this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Michael J. Cerone Sr.
MICHAEL J. CERONE

Dorothy Cerone
DOROTHY T. CERONE

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

On the 9th day of September, in the year 2005, before me, the undersigned, a Notary Public in and for the State, personally appeared MICHAEL J. CERONE personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

MARY FERN BREHENY
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 02BR5086377
Commission Expires Oct. 14, 2005

Mary Fern Breheny
NOTARY PUBLIC

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

On the 9 day of September, in the year 2005, before me, the undersigned, a Notary Public in and for the State, personally appeared DOROTHY T. CERONE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

MARY FERN BREHENY
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 02BR5086377
Commission Expires Oct. 14, 2005

Mary Fern Breheny
NOTARY PUBLIC

RECORD AND RETURN TO:
Mary Fern Breheny
PO Box 2507
Newburgh NY 12550

HIERONYMI - CERONE JR.
32 D'ALFONSO RD (100-5-50.1)

STATE HIGHWAY NO. 17K
 SUB 849.9
 MAP 50-12
 214.5

22.22
 7.8A

5

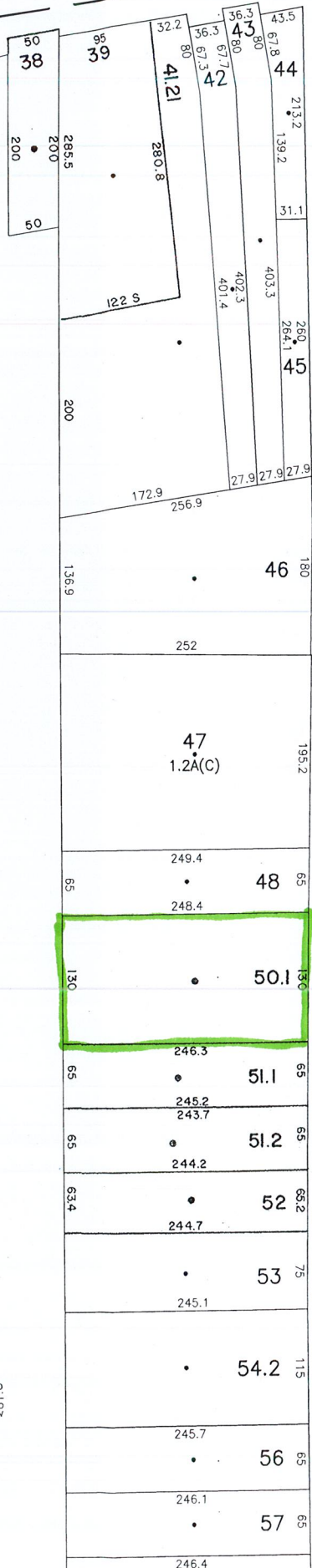
67.2
 18.7A

27
 1.3A(C)

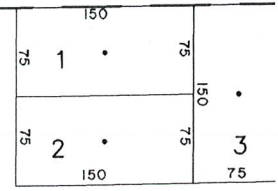
300 COLANDREA SUB 404.7 MAP 50-12

LEONARD AVENUE

100	100	100	112.5	112.5	100	32.1
31	32	33	34	35	36	
.	591



D'ALFONSO ROAD



VALENTINE