



# CATANIA, MAHON & RIDER, PLLC

## ATTORNEYS AT LAW

JOSEPH A. CATANIA JR.\*  
RICHARD M. MAHON  
MICHELLE F. RIDER, CPA (FL)  
PAUL S. ERNENWEIN  
JOSEPH G. McKAY  
MICHAEL E. CATANIA (NJ)  
SEAMUS P. WEIR  
ARI I. BAUER  
JOHN W. FURST  
MICHAEL R. FRASCARELLI (NJ)

641 BROADWAY  
NEWBURGH, NEW YORK 12550  
TEL (845) 565-1100  
FAX (845) 565-1999  
TOLL FREE 1-800-344-5655

E-MAIL: [CMR@CMRLAW.COM](mailto:CMR@CMRLAW.COM)  
(FAX AND E-MAIL SERVICE NOT ACCEPTED)  
[WWW.CMRLAW.COM](http://WWW.CMRLAW.COM)

SHAY A. HUMPHREY\*\*  
JEFFREY S. SCULLEY\*\*  
GEORGE L. KIAMOS  
NICHOLAS C. LOZITO  
JONATHAN J. DeJOY  
JONATHAN S. BERCK (NJ, DC)\*\*  
DAVID E. DECKER  
MELISSA L. COWAN  
JUSTIN W. VAN HOUTEN

HOBART J. SIMPSON (1975-2016)

(ALSO ADMITTED IN)

\* Of Counsel  
\*\* Special Counsel

Writer's Direct No.  
(845) 569-4377

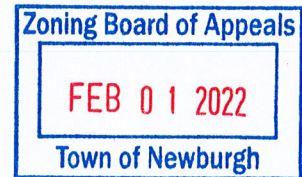
Writer's E-Mail  
[jfurst@cmrlaw.com](mailto:jfurst@cmrlaw.com)

January 28, 2022

**VIA E-MAIL ([zoningboard@townofnewburgh.org](mailto:zoningboard@townofnewburgh.org)) and Hand Delivery (11 copies)**

Town of Newburgh Zoning Board of Appeals  
Attention: Siobhan Jablesnik, ZBA Secretary  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

RE: Anthony C. Moriello Living Trust Variance Application  
45 Old Post Road/SBL# 8-2-14 (the "Property")  
Our File No.: 15454-66759



Dear Chairman Scalzo and Members of the ZBA:

**Introduction and the Property**

We represent the property owner, the Anthony C. Moriello Living Trust (hereinafter the "Applicant") in connection with the request for variances to legalize certain aspects of an existing single-family home at the above referenced Property. The Property consists of a single-family home, with one shed<sup>1</sup> and lies on Old Post Road, roughly a quarter mile from its intersection with Route 9W. The Property is zoned AR (Agricultural Residential District), where single family homes are permitted as of right. The Property is approximately 18,535 square feet in size, with frontage on Old Post Road. The Property is surrounded by other single-family homes, however, the lot immediately to the east is vacant. The Applicant is not proposing to alter the existing single-

<sup>1</sup> A second shed previously located on the Property belonged to the neighbors and has recently been removed. Please see the revised survey attached hereto.

CATANIA, MAHON & RIDER, PLLC

Town of Newburgh Zoning Board of Appeals  
Attention: Siobhan Jablesnik, ZBA Secretary  
January 28 2022  
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family home or any accessory structures. Rather, the Applicant is merely seeking to legalize some of the pre-existing nonconformities.

The house on the Property was originally constructed in approximately 1966. Since then, an addition was added to the rear of the home and a deck was constructed in the rear yard. The addition was added around 1981 and the deck was constructed around 1999. The lot was approved in 1957, and the lot's configuration has not changed since then. Attached is a copy of the filed subdivision map.

**The Variance Requests**

The Applicant's proposed single-family home requires the following area variances as per the Town's Table of General Bulk Requirements:

<u>Variance</u>	<u>Required</u>	<u>Proposed</u>
1. Minimum Rear Yard Setback	50 ft.	47.4 ft.
2. Minimum Side Yard Setback	30 ft.	11.5 ft.
3. Minimum Combined Side Yard Setback	80 ft.	53.3 ft.

**The Application of the Balancing Test and Five Factors for an Area Variance Pursuant to NYS Town Law Section 2676-b.3 Weigh Heavily in the Applicant's Favor**

In making its determination, the ZBA shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health safety and welfare of the neighborhood or community by such grant. In making such determination the ZBA shall consider the following five (5) factors.

1. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR WHETHER A DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES BY THE GRANTING OF THE AREA VARIANCES?

In determining whether an undesirable change in the community will be produced, a relevant inquiry is how the Property compares with surrounding lots. This can refer to both the dimensions of the surrounding properties, as well as the general characteristics. Here, the Property is located in the AR (Agricultural Residential) and is surrounded by a cluster of approximately eighteen (18) other single-family homes. The existing single-family home is relatively small and consistent with other homes in the neighborhood.. The lots on Old Post Road and the adjacent Cedar Court range from roughly .3 acres to .6 acres..

CATANIA, MAHON & RIDER, PLLC

Town of Newburgh Zoning Board of Appeals  
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More specifically, the other homes along Old Post Road have the following lot sizes and frontages:<sup>2</sup>

<u>Address</u>	<u>Lot Size (sq. ft.)</u>	<u>Road Frontage (ft.)</u>
35 Old Post	15,250	100
39 Old Post	15,250	100
43 Old Post	15,250	100
49 Old Post	19,600	75

Because almost none of the lots surrounding the Property comply with the 40,000 sq. ft. minimum lot area requirement, it follows they also do not comply with many of the setback requirements. In general, the other nonconforming lots in the neighborhood have similar or lesser setbacks than the Property.

Accordingly, the requested variances will not at all alter the aesthetics or makeup of the neighborhood. In fact, nothing about the neighborhood will change because the Applicant is not proposing to make any alterations to the Property.

2. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN THE AREA VARIANCES?

Here, the benefit sought by the Applicant is to continue using the existing single-family home. No further improvements are planned. Even if, *arguendo*, the Property was not yet developed, its small size means that almost any proposed single-family home would have similar setbacks. As such, the benefit sought by the Applicant cannot be achieved by any other method.

Although alternatives such as selling the subject property to adjacent property owners or purchasing surrounding property should typically be considered, doing so is not feasible here. The adjacent vacant lot is only around 10,500 sq. ft., so, the entire lot would need to be purchased for there to be any significant reduction in the nonconformity of the Property. Moreover, purchasing

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<sup>2</sup> Please note these measurements are approximations, based on figures obtained from the original subdivision map and the current Orange County tax map.

**CATANIA, MAHON & RIDER, PLLC**

Town of Newburgh Zoning Board of Appeals  
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the adjacent vacant lot would only reduce the side yard setbacks, not the rear yard setback. It is not feasible for the Applicant to purchase an entire lot simply to reduce, side yard setback variances.

**4. WHETHER THE REQUESTED VARIANCES ARE SUBSTANTIAL?**

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirement. Indeed, a deviation cannot be viewed in the abstract because the deviation only becomes relevant if it relates to an adverse effect.

While the requested side yard and combined side yard variances are arguably quantitatively substantial, they are not qualitatively substantial and cannot be viewed in the abstract. The deviation only becomes relevant if it relates to an adverse effect. Here, the Property has already been developed and is not at all out of character with the neighborhood, so there is no qualitative deviation. Moreover, the requested rear yard variance is not quantitatively substantial. Given the lack of any community character or environmental impacts, the quantitative deviation of the should not be given any significant weight and therefore, the requested variances are not substantial.

**5. WHETHER THE PROPOSED VARIANCES WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT?**

Absent any special circumstances, the primary focus of the fourth statutory factor is whether granting the area variances will result in any negative impacts on traffic or parking. In some cases, there may be concerns as to negative impacts on unobstructed views, sunlight, wetlands, etc. Here, there are no environmental impacts.

The requested variances would allow only for the existing, small, single-family home to continue its existence and there are no unique environmental characteristics associated with the Property. The requested variances would not have any impact on traffic or parking. The Property has ample off-street parking and the amount of traffic to and from the Property will not be affected. The Property is also well screened with ample tree coverage in the rear.

**6. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?**

According to Town Law Section 267-b.3(b)(5), this consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the variances. Based upon the fact the area variances will not negatively alter the character of the neighborhood or have any detrimental

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Town of Newburgh Zoning Board of Appeals  
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effect on nearby properties, the ZBA should choose not to assign significant negative weight to this particular consideration.

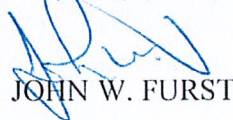
**Conclusion**

Enclosed are eleven (11) copies of the following:

- (1) This cover letter with narrative in support of the application;
- (2) The completed application forms signed by the Applicant as property owner;
- (3) A signed Proxy Statement;
- (4) An Assessor's List of property owners within 500' of the Property;
- (5) The Notice of Disapproval letters, dated January 11, 2022, received from the Code Compliance Department;
- (6) The Deed and related subdivision map;
- (7) A copy of the Revised Survey prepared by Margaret M. Hillriegel L.S.
- (8) A copy of the relevant Orange County Tax Maps;
- (9) Photographs of the Property, taken from different angles;
- (10) A Short Environmental Assessment Form (EAF) pursuant to SEQRA; and
- (11) A copy of the receipt showing payment of a \$250 application filing fee and \$50 public hearing fee.

Please note that we believe this request is a Type II Action under SEQRA because it involves area variances for a single-family home (See 6 NYCCR 617.5(c)(17)); and therefore, no Environmental Assessment Form is required. In any event, we have submitted the Short Form EAF for your convenience. If the Town requires anything else, please advise me at your earliest convenience. Kindly place on the ZBA's next meeting agenda, which I believe is January 27, 2022. Your anticipated cooperation is greatly appreciated.

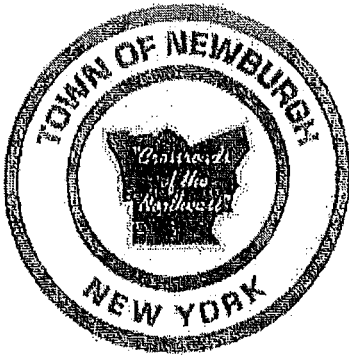
Very truly yours,



JOHN W. FURST

cc: Matthew Moriello (via e-mail only - [mattmore@aol.com](mailto:mattmore@aol.com))

*Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.*



# 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: January 10, 2022

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

I (WE) Catania, Mahon & Rider, PLLC PRESENTLY

~~RESIDING~~ AT NUMBER 641 Broadway, Newburgh, NY 12550

TELEPHONE NUMBER (845) 565-1100

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:

SBL: 8-2-14 (TAX MAP DESIGNATION)

45 Old Post Road (STREET ADDRESS)

AR (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).

See attached narrative.



# 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: January 11, 2022
- 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: See attached narrative.

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

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

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

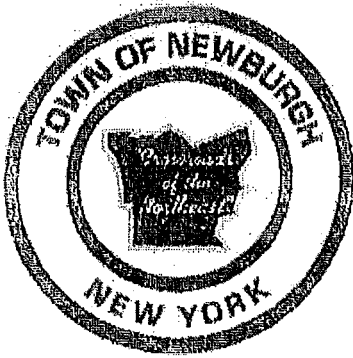
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

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

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

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

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



# TOWN OF NEWBURGH

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

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

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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:

See attached narrative.

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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:

See attached narrative.

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See attached narrative.

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

See attached narrative.

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

See attached narrative.

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# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

### 7. ADDITIONAL REASONS (IF PERTINENT):

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

*Jonathan P. [Signature]* as attorney  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF January 2022

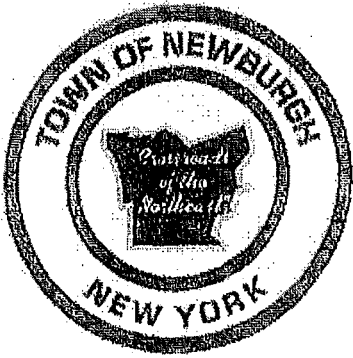
*Lorrie A. Turner*  
NOTARY PUBLIC

**LORRIE A. TURNER**  
Notary Public, State of New York  
Qualified in Orange County  
No. 01TU6340483  
Commission Expires April 18, 2024

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Matthew Moriello, as Executor of the  
Anthony C. Moriello Living Trust \_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 149 South Chaville Rd, New Paltz, NY 12561

IN THE COUNTY OF Ulster AND STATE OF New York

AND THAT ~~HE/SHE~~ <sup>the Trust</sup> IS THE OWNER IN FEE OF 45 Old Post Road,

Newburgh NY, 12550 (SBL# 8-2-14)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Catania, Mahon & Rider, PLLC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8 Jan. 2022

*Matthew Moriello*

OWNER'S SIGNATURE

*Lee R. Guber*

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8<sup>th</sup> DAY OF JANUARY 2022

PAUL C. PULLAR  
Notary Public, State of New York  
Reg. No. 01PU6360327  
Qualified in Orange County  
Commission Expires June 19, 2025

*Paul C. Pullar*  
NOTARY PUBLIC



## 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

# 2971-22 (A)

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/11/2022

Application No. 21-1143

To: Anthony C. Moriello Living Trust  
45 Old Post Road  
Newburgh, NY 12550

SBL: 8-2-14  
ADDRESS: 45 Old Post Rd

ZONE: AR

PLEASE TAKE NOTICE that your application dated 10/07/2021 for permit to keep a 8' x 22' addition that was built without permits or approvals on the premises located at 45 Old Post Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-C: Shall not increase the degree of non-conformity. (one side yard)
- 2) 185-19-C: Shall not increase the degree of non-conformity. (combined side yards)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



## 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

# 2971-22 (P)

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/11/2022

Application No. 21-1144

To: Anthony C. Moriello Living Trust  
45 Old Post Road  
Newburgh, NY 12550

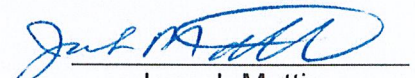
SBL: 8-2-14  
ADDRESS: 45 Old Post Rd

ZONE: AR

PLEASE TAKE NOTICE that your application dated 10/07/2021 for permit to keep a rear deck that was built without permits or approvals on the premises located at 45 Old Post Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 2: Requires a 50' minimum rear yard setback.
- 2) 185-19-C: Shall not increase the degree of non-conformity. (one side yard)
- 3) 185-19-C: Shall not increase the degree of non-conformity. (combined side yards)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*      YES X 2

NAME: ANTHONY MORIELLO LIVING TRUST      Application # 21-1144 & 1143

ADDRESS: 45 OLD POST RD NEWBURGH NY 12550

**PROJECT INFORMATION:**      AREA VARIANCE      USE VARIANCE

TYPE OF STRUCTURE: ADDITION AND DECK

SBL: 8-2-14      ZONE: AR      ZBA Application # 2971-22 A+B.

TOWN WATER: YES / NO      TOWN SEWER: YES / NO      N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	50'		47.4'	2.6'	5.20%
ONE SIDE YARD	30'	11'	INCREASING DEGREE NON-CONFORMITY		
COMBINED SIDE YARD	80'	53.3'	INCREASING DEGREE NON-CONFORMITY		
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:      **8' X 22' ADDITION BUILT WITHOUT PERMITS OR APPROVALS**  
                  **24'-8" x 11'-9" DECK BUILT WITHOUT PERMITS OR APPROVALS**

REVIEWED BY: Joseph Mattina      DATE: 11-Jan-22

8-2-14

## BARGAIN AND SALE DEED

**THIS INDENTURE**, made July 8, 2019, between **Anthony C. Moriello**, individually and as surviving spouse of **Joan M. Moriello who died a resident of Orange County on April 8, 2019**, residing at 45 Old Post Road, Newburgh, New York 12550 (hereinafter referred to as "Grantor"), and

**Matthew Moriello, Trustee of the Anthony C. Moriello Living Trust, dated July 8, 2019**, having an address at 45 Old Post Road, Newburgh, New York 12550 (hereinafter referred to as "Grantee").

**WITNESSETH**, that Grantor, in consideration of Ten Dollars and other valuable consideration, the receipt and sufficiency of which hereby are acknowledged, does hereby grant and release unto Grantee and the heirs, executors, administrators, legal representatives, successors and assigns of Grantee 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, being Lot No. 1 on a map of Cedar Hill Acres dated April 1957, and filed in the Orange County Clerk's Office on July 5, 1957, as Map No. 1711

**BEING** and intended to be the same premises conveyed by Michael Smith and Bridget Smith to Anthony C. Moriello and Joan M. Moriello and by deed dated February 4, 1981, and recorded in the Orange County Clerk's Office on February 5, 1981, in Liber 2186 of Deeds at page 628. Joan M. Moriello died a resident of Orange County on April 8, 2019, while married to Anthony C. Moriello.

**TOGETHER** with all right, title and interest, if any, of Grantor 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 Grantor in and to 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.

**TO HAVE AND TO HOLD** the premises herein granted unto Grantee and the heirs, executors, administrators, legal representatives, successors and assigns of Grantee forever.

Record & Return to:  
Mr. Anthony Moriello  
45 Old Post Road  
Newburgh, New York 12550

PQ Lot 14



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: 14599 / 833  
INSTRUMENT #: 20190053063

Receipt#: 2682050  
Clerk: MP  
Rec Date: 07/26/2019 12:25:26 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 3  
Rec'd Frm: MARK G ABERASTURI

Party1: MORIELLO ANTHONY C  
Party2: ANTHONY C MORIELLO LIVING TRUST  
Town: NEWBURGH (TN)  
8-2-14

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

Sub Total: 185.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 185.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 11251  
Transfer Tax  
Consideration: 0.00

Total: 0.00

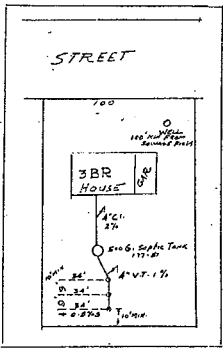
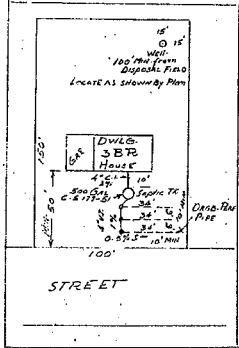
Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

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

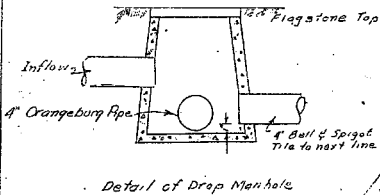
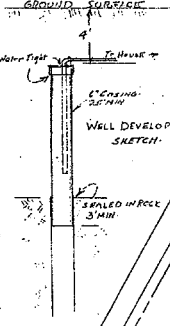
Ann G. Rabbitt  
Orange County Clerk

Record and Return To:

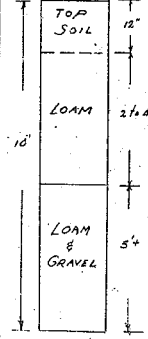
MR ANTHONY MORIELLO  
45 OLD POST RD  
NEWBURGH, N.Y. 12550



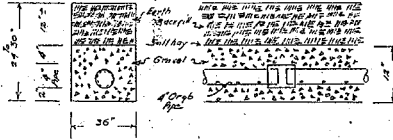
TYPICAL SEPTIC SYSTEM IN FRONT OF HOUSE - 50' x 100' AREA  
TYPICAL SEPTIC SYSTEM IN REAR OF HOUSE - 30' SETBACK  
NOTE: FOR INDIVIDUAL LOCATIONS SEE PLAN OF LOT



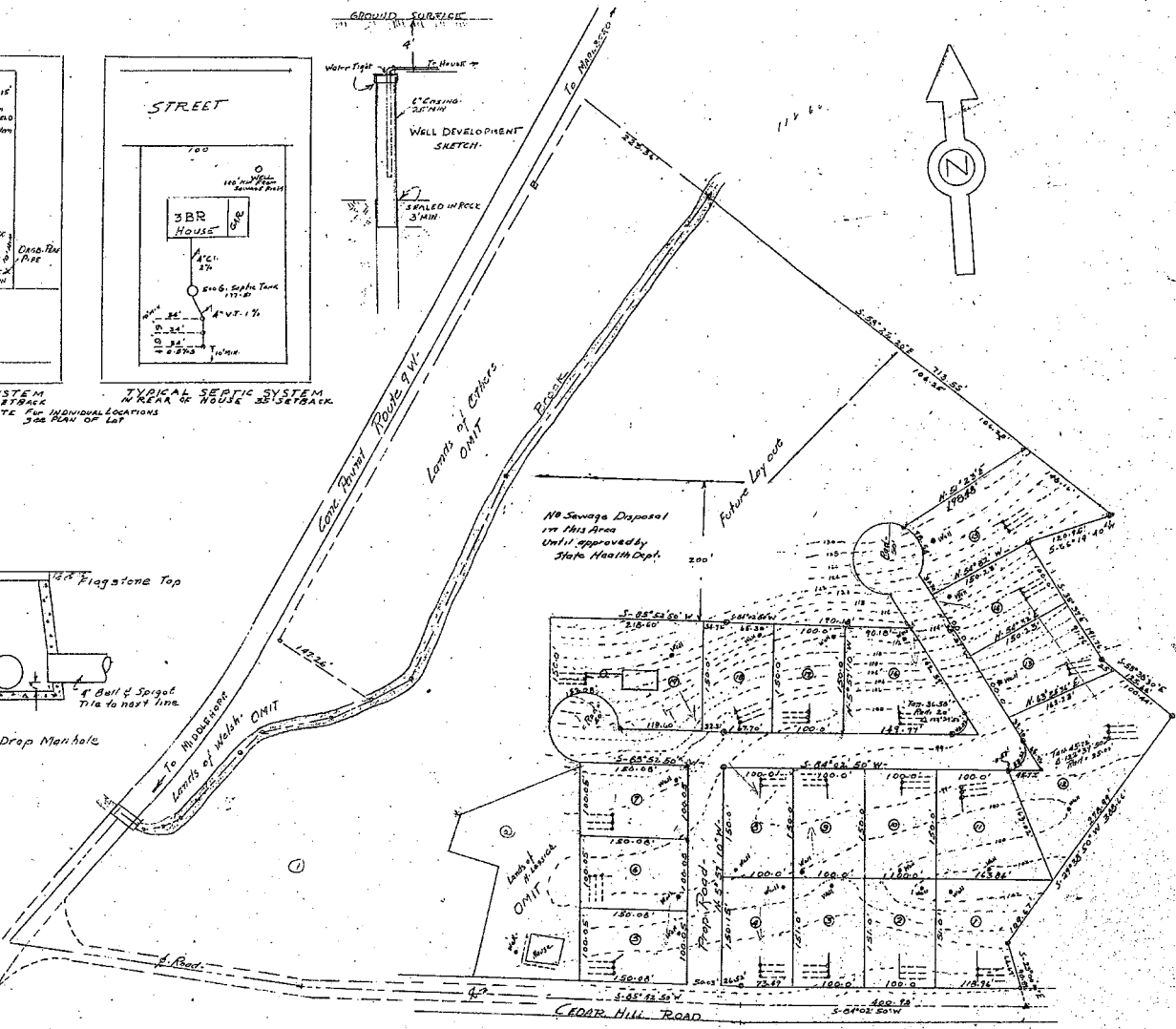
Detail of Drop Manhole



GROUND STRATA



4\"/>



NEW YORK STATE DEPARTMENT OF HEALTH  
 This is to certify that the proposed arrangements for water supply and sewage disposal for Cedar Hill Acres were approved in the Town of Newburgh on May 23, 1957 in accordance with plans on file in the office of the State Department of Health. Consent is hereby given to the filing of the map on which this endorsement appears in the office of the county clerk of Orange county in accordance with the provisions of Section 1117 of the Public Health Law.  
 DISTRICT HEALTH OFFICER  
*[Signature]*  
 DISTRICT SANITARY ENGINEER

MAP OF  
 CEDAR HILL ACRES  
 TOWN OF NEWBURGH ORANGE CO., NY  
 Contour Interval: 2'  
 SCALE 1" = 100'  
 April 1957

Filed July 5, 1957

*[Signature]*

*[Signature]*  
 H. V. DORFMAN, BEELS  
 HANUET, NY  
 N.Y.S. LIC. NO. 18653

MAP # 1711  
 POCKET 15  
 FOLDER A






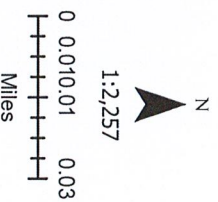
# Moriello 45 Old Post Rd



January 7, 2022

## Address Points

-  County Boundary
-  Municipal Boundaries
-  Parcel Boundaries



CREDITS: Orange County, Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasj/reisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, VHB, Esri Community Maps Contributors, Orange County, DISCLAIMER: This map is a product of Orange County GIS Division. The data depicted here have been developed with extensive cooperation from other County departments, as well as other Federal, State and local government agencies. Orange County make no representations as to the accuracy of the information in the mapping data, but rather, provide said information as is. Orange County expressly disclaim responsibility for damages or liability that may arise from the use of this map.



Cedar Ct

Old Post Rd

Levinson Heights Rd

Old Post Rd

Old Post Rd

Cedar Ct

Google

Old Post Rd

Cedar Ct

Old Post Rd

Cedar Ct

Old Post Rd

Cedar Hill Cem

25

5

7

33

35

6

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5





Google





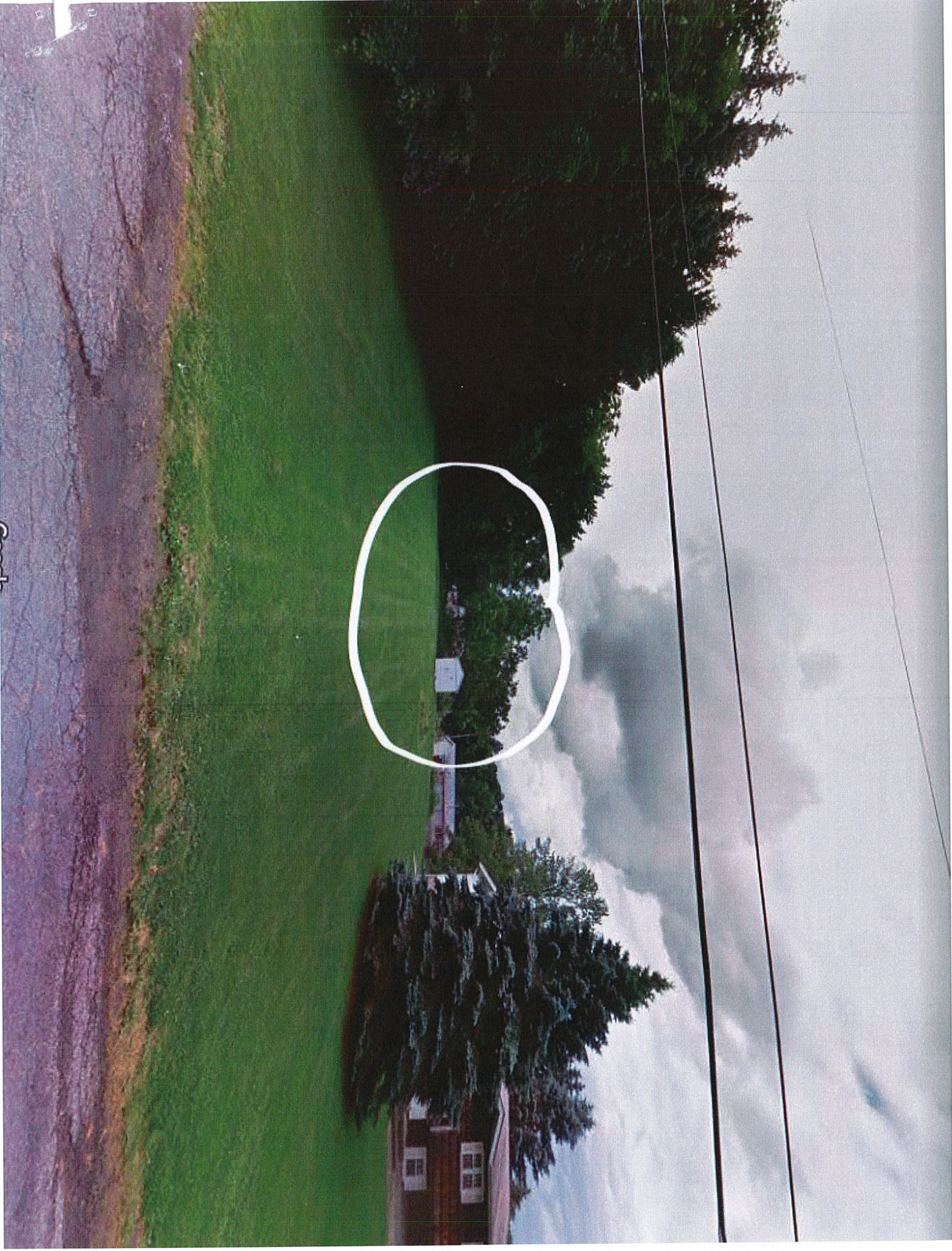












## *Short Environmental Assessment Form*

### *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>			
Name of Action or Project: Moriello Area Variance Application			
Project Location (describe, and attach a location map): 45 Old Post Road, Newburgh, New York 12550 (SBL 8-2-14)			
Brief Description of Proposed Action: Applicant is seeking area variances to legalize existing nonconformities for a single-family home.			
Name of Applicant or Sponsor: Anthony C. Moriello Living Trust		Telephone:	
		E-Mail:	
Address: 45 Old Post Road			
City/PO: Newburgh		State: New York	Zip Code: 12550
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"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ <1 acres			
b. Total acreage to be physically disturbed? _____ none acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ <1 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

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

Shoreline     Forest     Agricultural/grasslands     Early mid-successional  
 Wetland     Urban     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?  
Bald Eagle, Indiana Bat

NO    YES  
   

16. Is the project site located in the 100-year flood plan?

NO    YES  
   

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:

\_\_\_\_\_

\_\_\_\_\_

NO    YES  
   

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?  
If Yes, explain the purpose and size of the impoundment: \_\_\_\_\_

\_\_\_\_\_

NO    YES  
   

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  
   

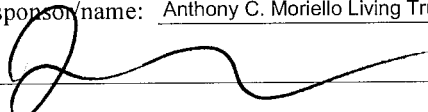
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?  
If Yes, describe: \_\_\_\_\_

\_\_\_\_\_

NO    YES  
   

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Anthony C. Moriello Living Trust    Date: January 7, 2022

Signature:     Title: Attorney

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Gamin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Jonathan DeJoy, Esq., being duly sworn, depose and say that I did on or before

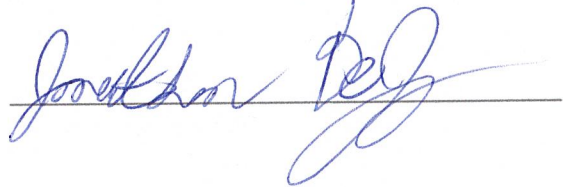
February 10, 2022, post and will thereafter maintain at

45 Old Post Rd 8-2-14 AR Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which

notice was in the form attached hereto.

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



Sworn to before me this 10<sup>th</sup>

day of February, 2022.



**PATRICIA A. PICONE**  
Notary Public, State of New York  
Qualified in Orange County  
No. 01PI5013338  
Commission Expires July 15, 2023



