



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: 8/19/14

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

I (WE) Raymond Quinones PRESENTLY

RESIDING AT NUMBER 40 Devito DR

TELEPHONE NUMBER 914-841-0764

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:

23-2-32.2 (TAX MAP DESIGNATION)

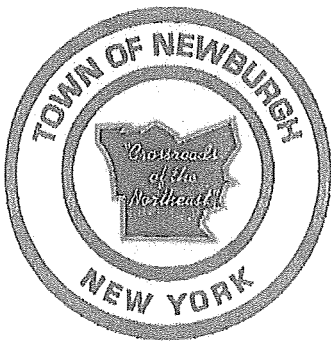
40 Devito Dr (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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: 1000sf maximum allowed all accessory buildings

185-15-A-1: Maximum of 15' maximum for accessory buildings



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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: Aug 6 '14
- 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

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:



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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:

PROPOSED GARAGE IS NOT IN THE SETBACKS (REQUIRED YARDS)
SO A VARIANCE SHOULD NOT BE REQUIRED. THE
LOT IS LARGE AND PROPOSED GARAGE WILL BE
BEHIND THE EXISTING RESIDENCE

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:

AS PROPOSED GARAGE IS NOT IN
REQUIRED YARDS, VARIANCES SHOULD
NOT BE REQUIRED

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

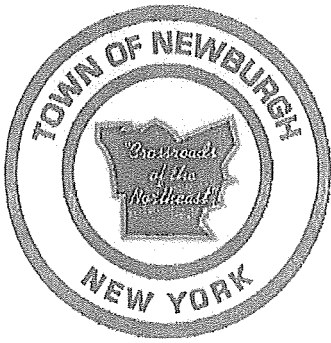
THE LOT IS A OVERRIZED FLAG LOT.
THE GARAGE (1,200 SF) IS NOT MORE THAN
2% OF LOT AREA

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 PROPOSED GARAGE IS BEHIND THE
HOUSE AND MORE THAN 15' FROM R
SO MEETS SETBACKS

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

GARAGE HAS NOT BEEN BUILT YET



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7. ADDITIONAL REASONS (IF PERTINENT):

INTERPRETATION: THE CODE 9185-15 CLEARLY
SETS LIMITATION ON FIRE AND HEIGHT TO PLACING
BUILDING IN RES'D YARDS, WHICH WE ARE NOT.
VARIANCES SHOULD NOT BE REQUIRED!

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF AUGUST 2014

NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

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.

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



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ZONING BOARD OF APPEALS
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NEWBURGH, NEW YORK 12550

PROXY

Raymond Quinones, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 40 Devito Dr

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 40 Devito Dr
Newburgh NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Talcott Engineering Design

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/18/14

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF AUGUST 2014

NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

617.20
Appendix B
Short Environmental Assessment Form

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: Raymond Quinones			
Project Location (describe, and attach a location map): 40 Devito Dr Newburgh, NY 12550			
Brief Description of Proposed Action: The construction of a 40'x30'x22'-8" garage that meets required building setbacks			
Name of Applicant or Sponsor: Raymond Quinones		Telephone: 914-844-0764	
		E-Mail:	
Address: 40 Devito Dr			
City/PO: Newburgh		State: NY	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 checked="" type="checkbox"/>
			YES <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: Building permit from Town of Newburgh.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.7 acres	
b. Total acreage to be physically disturbed?		1.7 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.7 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	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? b. Are public transportation service(s) available at or near the site of the proposed action? 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"/>	
	<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	
	<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: _____	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? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	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: CHARLES T. BRONN, PE Date: 8/18/19
 Signature: [Signature]

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

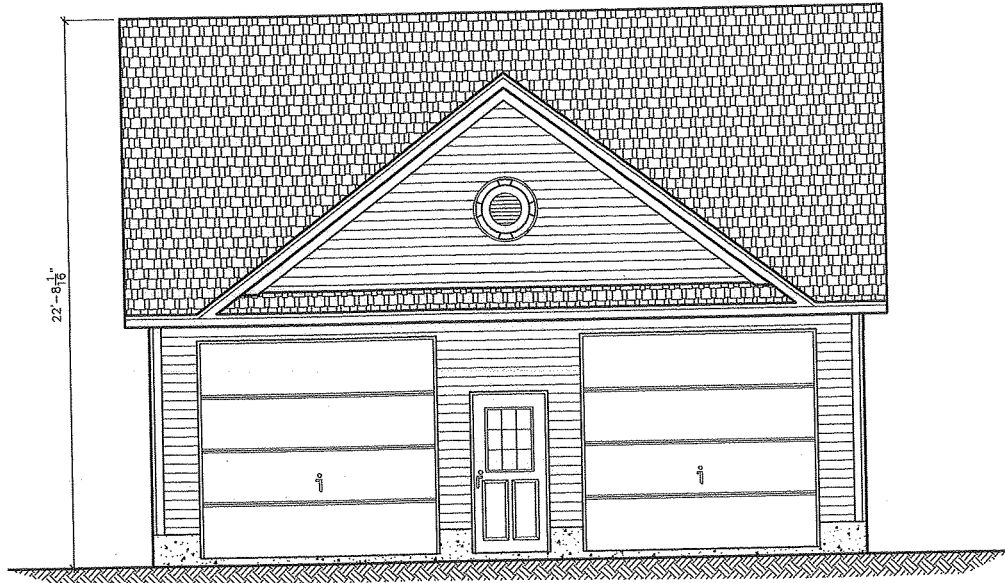
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant 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)

PRINT

QUINONES

TOWN OF



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

I. DESIGN LOADS:

FLOOR: 40 P.S.F. LIVE LOAD
10 P.S.F. DEAD LOAD
SOIL BEARING PRESSURE: 1500 P.S.F.
DESIGN WIND SPEED: "90 MPH"
SEISMIC CATEGORY: "B"
WEATHERING POTENTIAL: SEVERE

ROOF: 55 P.S.F. GROUND SNOW LOAD
10 P.S.F. DEAD LOAD
MINIMUM FROST DEPTH SHALL BE 3'-6"

II. CONCRETE:

- ALL CONCRETE, EXCEPT SLABS, SHALL BE 3000 P.S.I. (28 DAY COMPRESSIVE STRENGTH) WITH 5% TO 7% AIR ENTRAINMENT. CONCRETE DESIGN MIX AND REBAR SPLICES AND COVERAGE SHALL BE IN ACCORDANCE WITH CURRENT ACI CODES. ALL REINFORCING BARS SHALL BE GRADE 60.
- ALL SLABS ON GRADE SHALL BE 3500 P.S.I. WITH 5% TO 7% AIR ENTRAINMENT. 4" CONCRETE ON 4" SAND OR GRAVEL FILL WITH 6X6-10X10 W/M REINFORCING.
- ALL INTERIOR SLABS SHALL BE PLACED ON A 6 MIL POLYETHYLENE VAPOR BARRIER. VAPOR BARRIER JOINTS SHALL BE LAPPED 6" MIN. PROVIDE 1/2" EXPANSION JOINT MATERIAL BETWEEN ALL CONCRETE SLABS AND ADJUTING CONCRETE WALLS OCCURING IN EXTERIOR OR UNHEATED INTERIOR AREAS.
- ALL FOOTINGS SHALL BE 20" W (MIN.) X 10" H (MIN.) (OR PER PLANS) CONCRETE ON UNDISTURBED SOIL WITH TWO #4 BARS CONTINUOUS 3" FROM FOOTING BOTTOM. PLACE 1/2" DIA. X 12" SILL PLATE ANCHOR BOLTS AT 6'-0" MAX. O.C. AND 12" FROM END OR SPLICE, AT EACH CORNER AND BOTH SIDES OF OPENINGS.
- WATERPROOF WALLS OF EXCAVATED AREAS WITH THORSEAL OR EQUAL.
- PLACE 4" DIA. PERFORATED PVC DRAINAGE PIPE AT PERIMETER OF EXCAVATED AREAS. COVER TOP OF JOINTS W/ 15 LB. FELT AND MINIMUM OF 6" COARSE ROCK OR GRAVEL. SLOPE PIPE 3/16" PER FT. MIN. TO POINT OF DISCHARGE.

III. CARPENTRY:

- UNLESS OTHERWISE NOTED, FRAMING LUMBER SHALL BE CONSTRUCTION GRADE. BEAMS, HEADERS AND FLOOR JOISTS SHALL HAVE AN ALLOWABLE BENDING STRESS (FB) OF 1200 PSI.
- UNLESS OTHERWISE NOTED, PROVIDE:
 - DOUBLE HEADER JOISTS AND TRIMMERS AT ALL FLOOR OPENINGS.
 - DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.
 - DOUBLE 2 X 10 HEADERS WITH 1/2" PLYWOOD BETWEEN AT ALL DOOR AND WINDOW OPENINGS. (UNLESS OTHERWISE NOTED ON PLAN).
 - 1 ROW OF 1" X 3" CROSS BRIDGING PER JOISTS SPAN.
 - FLOOR CONSTRUCTION SHALL BE 3/4" TONGUE AND GROOVE PLYWOOD WITH EXTERIOR GLUE.
 - USE WATER RESISTANT GYPSUM BOARD FOR WALLS AND CEILINGS AND 1/2" PLYWOOD UNDERLAYMENT IN ALL BATH AND TOILET AREAS.
 - EXTERIOR WALLS SHALL BE 2" X 4" STUDS

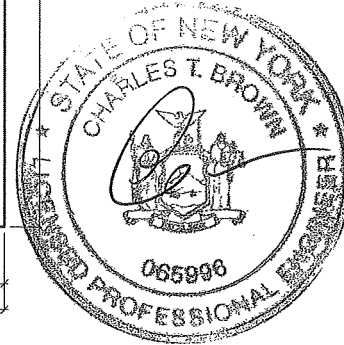
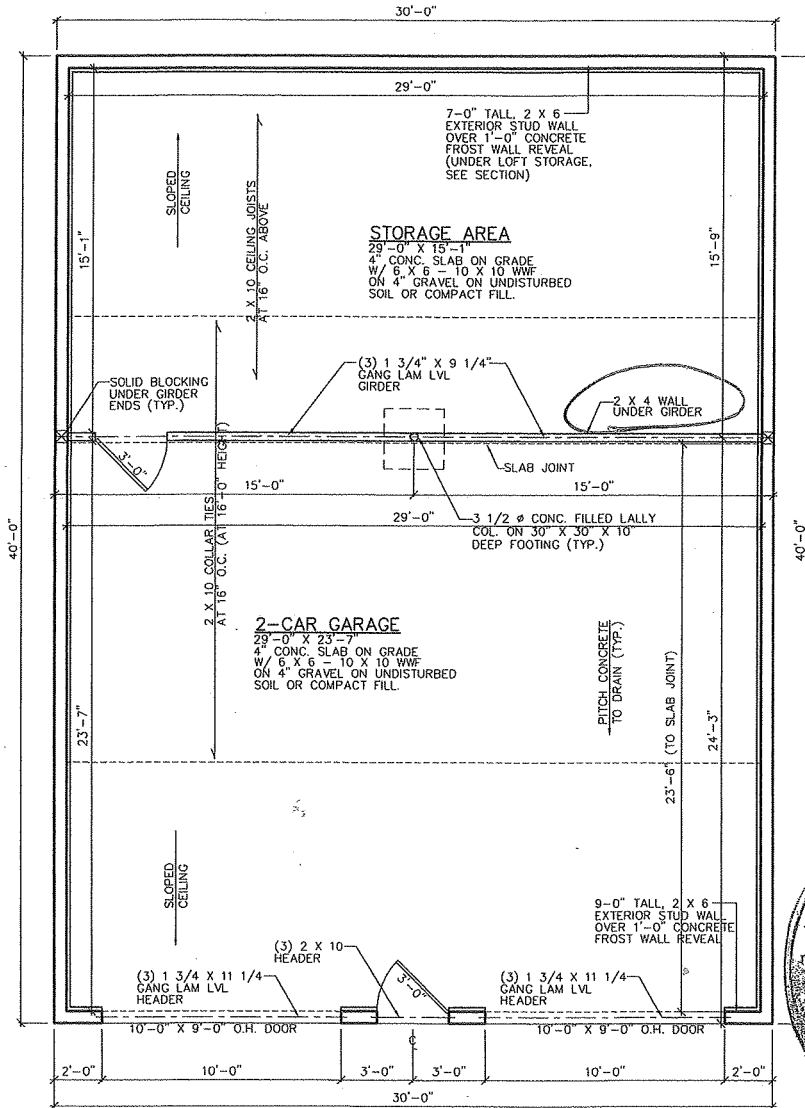
IV. MISCELLANEOUS: (AS APPLICABLE)

- UNLESS OTHERWISE NOTED, PROVIDE:
 - R-38 BATT INSULATION IN ALL CEILING OR RAFTERS ADJACENT TO THE EXTERIOR OR TO UNHEATED SPACES.
 - INSTALL VAPOR BARRIERS AGAINST INSIDE OF ALL INSULATION.
 - WINDOWS SHALL BE CAPITOL 9555 SERIES DOUBLE HUNG.

GARAGE

DRAWING LIST

- A-1 ELEVATION, FOUNDATION PLAN, GARAGE PLAN, & NOTES
- A-2 SECTION & ROOF PLAN
- D-1 DETAILS PAGE



GARAGE PLAN

SCALE: 1/8" = 1'-0"

NOTE: 10'-0" GARAGE CEILING HEIGHT

QUINONES DETACHED GARAGE

40 DEVITO DRIVE
TOWN OF NEWBURGH, NEW YORK

TALCOTT ENGINEERING DESIGN, PLLC

1 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 569-8400
(845) 569-4583 (FAX#)

SEAL:

CHARLES T. BROWN, P.E.

P.O. BOX 4470
NEW WINDSOR, NEW YORK 12553

TITLE:

ELEVATION, FOUNDATION PLAN, GARAGE PLAN, & NOTES

DATE:
5/16/2014

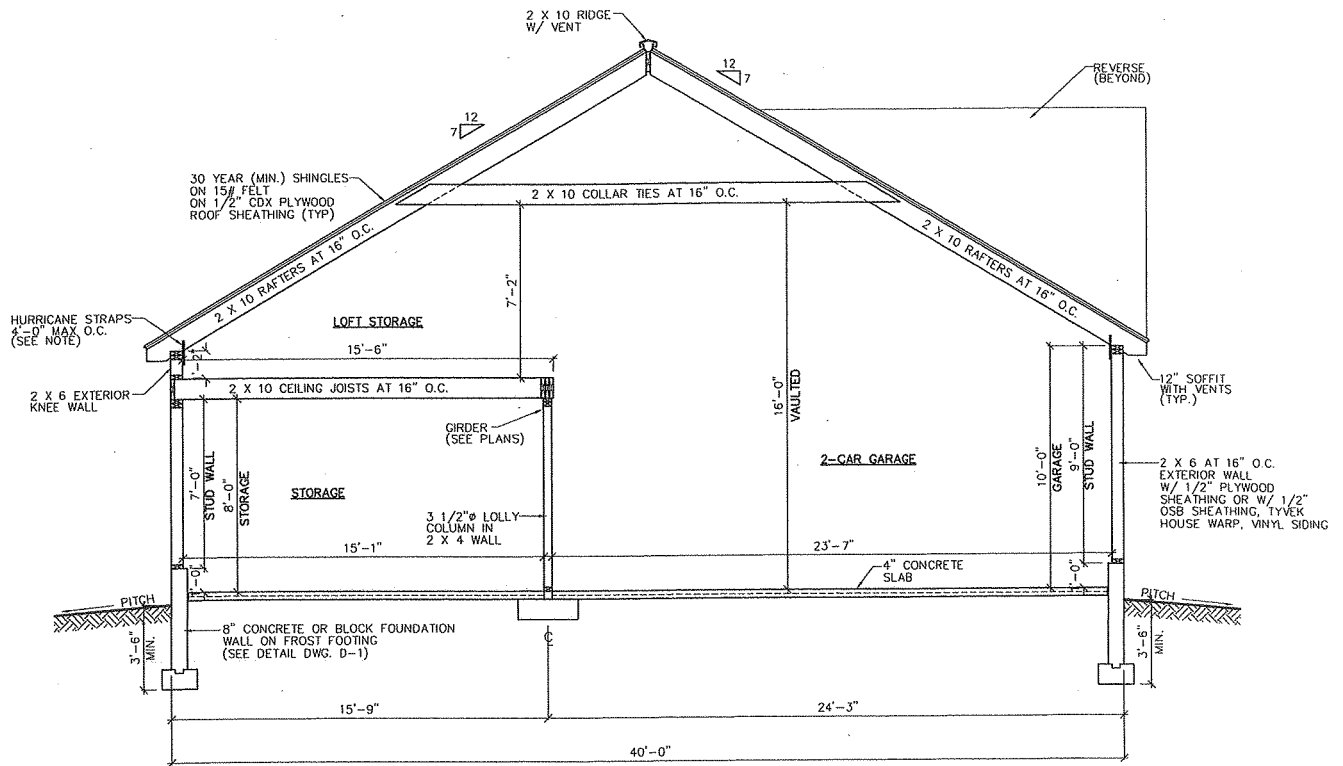
SCALE:
AS NOTED

REVISED:

ENGINEER:

DRAWN BY:

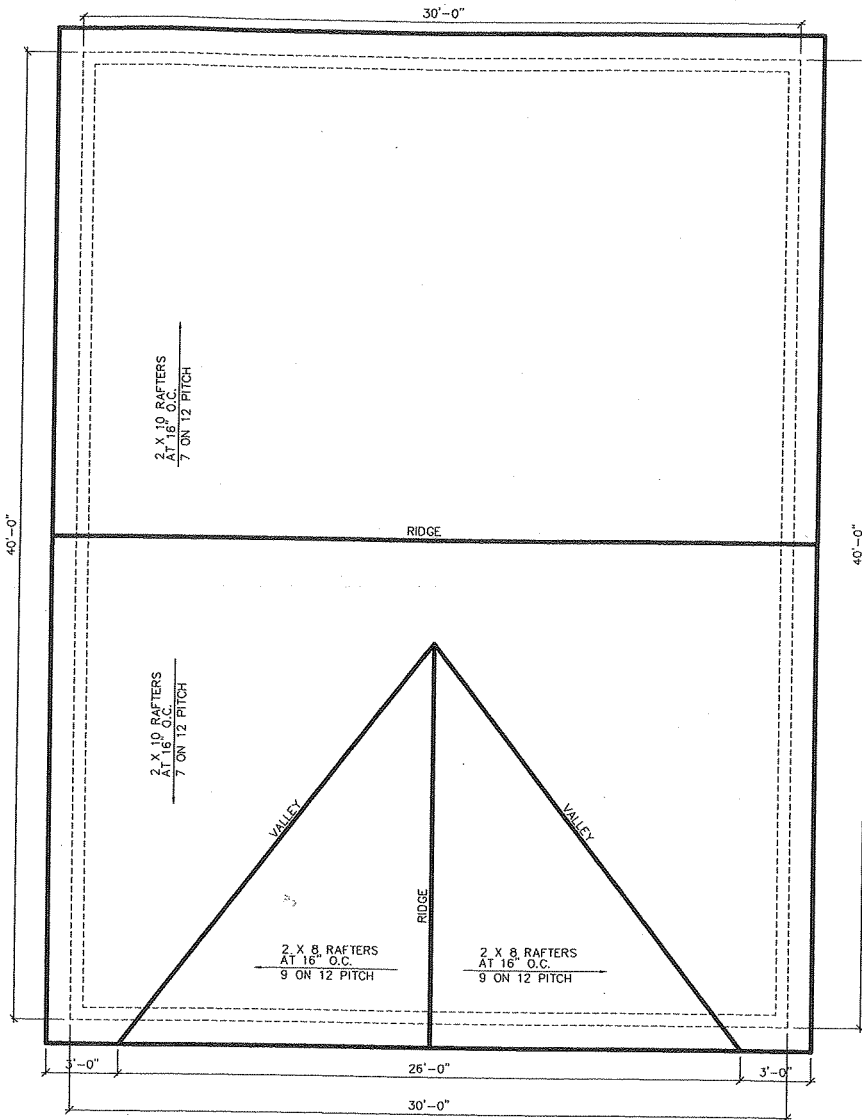
- 1.) THESE PLANS ARE PREPARED AND DRAWN IN CONFORMANCE WITH THE 2010 NEW YORK STATE RESIDENTIAL CODE.
- 2.) TO THE BEST OF MY KNOWLEDGE, BELIEF & PROFESSIONAL JUDGEMENT, THESE PLANS ARE IN COMPLIANCE W/ THE ABOVE REFERENCED CODE.



GARAGE SECTION

SCALE: 1/8" = 1'-0"

NOTE: ROOF TRUSSES MAY BE USED IN LIEU OF CONVENTIONAL FRAMING SO LONG AS TRUSSES ARE DESIGN AND CERTIFIED FOR 55# GROUND SNOW LOAD, AND 90 MPH WIND SPEED. TRUSS MANUFACTURER SHALL SUBMIT DESIGN TO ENGINEER FOR SIGN-OFF PRIOR TO CONSTRUCTION.

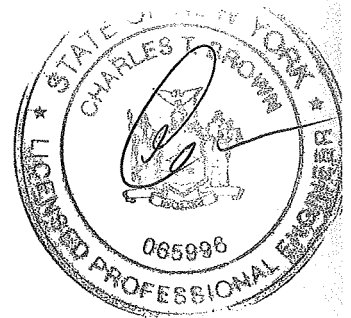


ROOF PLAN

SCALE: 1/8" = 1'-0"

NOTES: 1.) ROOF TRUSSES MAY BE USED IN LIEU OF CONVENTIONAL FRAMING SO LONG AS TRUSSES ARE DESIGN AND CERTIFIED FOR 55# GROUND SNOW LOAD, AND 90 MPH WIND SPEED. TRUSS MANUFACTURER SHALL SUBMIT DESIGN TO ENGINEER FOR SIGN-OFF PRIOR TO CONSTRUCTION.

2.) REVERSE IS FRAMED OVER MAIN ROOF.



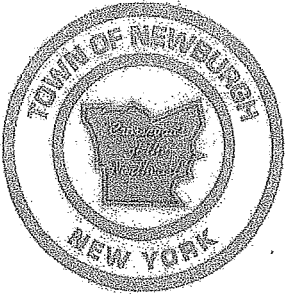
QUINONES DETACHED G
40 DEVITO DRIVE
TOWN OF NEWBURGH, NEW

TALCOTT ENGINEERING DES
1 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12
(845) 569-8400
(845) 569-4583 (FAX#)

SEAL:

CHARLES T. BROWN
P.O. BOX 2
NEW WINDSOR, NEW

TITLE:



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

2446-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/06/2014

Application No. 14-0550

**To: RAYMOND QUINONES
40 DEVITO DRIVE
NEWBURGH, NY 12550**

**SBL: 23-2-32.2
ADDRESS: 40 Devito Drive**

ZONE: R3

PLEASE TAKE NOTICE that your application dated 08/05/2014 for permit to construct a 40' x 30' x 22'-8.1" accessory building on the premises located at 40 Devito Drive is returned herewith and disapproved on the following grounds:

TOWN OF NEWBURGH MUNICIPAL CODE SECTIONS:

- 1) 185-15-A-4 Maximum allowed footage for all accessory buildings is 1000 s.f.
- 2) 185-15-A-1 Maximum allowed height for an accessory building is 15'.


Joseph Mattina

**Cc: Town Clerk & Assessor (500')
File**

14071-ANN

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

2446-14

NAME: RAYMOND QUINONES

ADDRESS: 40 DEVITO DR NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 40' X 30' X 22'-8.1"

SBL: 23-2-32.2 ZONE: R-3

TOWN WATER: YES

TOWN SEWER: NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
ACCESSORY SQUARE FT	1000 SF	240 SF	1440 SF	440 SF	44.0%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT	15'		22'-8-1/16"	7'-8-1/6"	51.1%
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: **HAS AN EXISTING 20' X 12' ACCESSORY BUILDING.**

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 1000 SF MAXIMUM ALLOWED ALL ACCESSORY BUILDINGS.
- 2 185-15-A-1 MAXIMUM OF 15' HEIGHT FOR ACCESSORY BUILDINGS
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 6-Aug-14

ACCESSORY STRUCTURE SQUARE FOOTAGE BY FORMULA

PER THE TOWN OF NEWBURGH MUNICIPAL CODE
SECTION 185-15(4) - ACCESSORY BUILDINGS

(4) An accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:

FORMULA:

$$\frac{A+(B \times C)}{100} = D$$

A - GROSS AREA OF LOT IN SQUARE FEET

B - LIVABLE FLOOR AREA OF RESIDENCE IN SQUARE FEET

C - MINIMUM REQUIREMENT IN THE ZONING DISTRICT FOR ONE SIDE YARD, IN FEET

D - TOTAL SQUARE FOOTAGE PERMITTED FOR ALL ACCESSORY BUILDINGS

A= 74,052.00 SF

B= 2,280.00 SF

C= 15.00 FEET

D= 1,082.52 SF OR 1,000 SF WHICHEVER IS LESS IS PERMITTED.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

Frank D'Amato

TO
Amaryllis Quinones
Raymond Quinones

SECTION 23 BLOCK 2 LOT 32.2

RECORD AND RETURN TO:
(name and address)

Castle Title Insurance
297 Knollwood Road
Suite 103
White Plains, NY 10607



*Saw original
8/19/14*

SS

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED R 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 WALLKILL (TN)
- ___ 5489 WARWICK (TN)
- ___ 5401 FLORIDA (VLG)
- ___ 5403 GREENWOOD LAKE (VLG)
- ___ 5405 WARWICK (VLG)
- ___ 5600 WAWAYANDA (TN)
- ___ 5889 WOODBURY (TN)
- ___ 5801 HARRIMAN (VLG)

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

NO PAGES 7 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 315000
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

- 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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: CASTLE TITLE

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 12-26-13 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
08-15-14 *Ann G. Rabbitt*
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

RECORDED/FILED
12/26/2013/ 14:13:14
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130127170
DEED R / BK 13698PG 0024
RECORDING FEES 205.00
TTX# 003235 T TAX 1,260.00
Receipt#1702749 mr1



Bargain and Sale Deed, with Covenant against Grantor's Acts – Individual
Castle Title Insurance Agency Inc. title no.: 13CAS3744-ST-O

DEED made this 13 day of DECEMBER 2013 between:

FRANK D'AMATO, residing at 42 Devito Drive, Newburgh, NY 12550

party of the first part, and

AMARYLLIS QUINONES & RAYMOND QUINONES, residing at 40 Devito Drive,
Newburgh, NY 12550 as Tenants by the Entirety

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar lawful money of the United States and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that land with the buildings and improvements thereon situate in the Town of Newburgh, County of Orange, State of New York, commonly known as 40 Devito Drive, Newburgh, NY 12550, identified on the Orange County Town of Newburgh tax map as section 23 block 2 lot 32.2, and being more particularly described in an attachment marked "LEGAL DESCRIPTION".

SUBJECT to all agreements, covenants, restrictions, conditions, and easements of record.

BEING and intended to be the same premises conveyed to the grantor by Deed dated 10/21/11 recorded on 10/25/11 in Liber 13239 page 1660 made by Strand Construction of NY, Inc.

RESERVATION OF EASEMENT

WHEREAS Frank D'Amato, the party of the first part, is the owner of adjoining premises commonly known as 42 Devito Drive, Newburgh, NY 12550 and being further identified as section 23 block 2 lot 63.2 on the Orange County Tax Map (the "adjoining premises").

WHEREAS said Frank D'Amato desires to maintain a row of coniferous trees and a paved basketball court and the iron fence surrounding said court, parts of which lie and are situate upon the subject premises conveyed hereunder (the "subject premises"), within an area of the said subject premises which area is hereinafter described and delineated in an attachment marked "LEGAL DESCRIPTION".

NOW THEREFORE, in consideration of the sum of one (\$1.00) dollar, and other good and valuable consideration, the parties agree as follows:

The party of the first part grants to himself, his heirs, successors, and assigns, a permanent easement over the subject premises, for the benefit of the adjoining premises, providing to the party of the first part, his heirs, successors and assigns the perpetual right to maintain, repair and/or replant as necessary, and use and enjoy the aforementioned trees, court and fence, provided same remain within the boundaries of the Easement Area and the adjoining premises.

Party of the first part shall be exclusively responsible for the maintenance of the Easement Area including but not limited to the trees and existing court, shall maintain insurance over said Easement Area, and shall indemnify and hold harmless the party of the second part, his heirs, successors and assigns, from any damages or claims resulting from the activities within the Easement Area by the party of the first part.

It is expressly understood and agreed that the party of the first part's use of the easement granted herewith shall not involve any noxious, abusive, or offensive activities.

The parties agree that this easement shall run with the land and shall bind the respective heirs, successors and assigns of the parties hereto and shall inure to their benefit.

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 parties of the second part, the heirs or successors and assigns of the parties of the second part forever.

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 New York 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 parties of the first and second part have duly executed this deed and easement the day and year first above written.


FRANK D'AMATO



AMARYLLIS QUINONES


RAYMOND QUINONES

STATE OF NEW YORK)
COUNTY OF ORANGE)

ss.:

On the 13 day of DECEMBER 2013 before me, the undersigned, a Notary Public in and for said State, personally appeared **FRANK D'AMATO, AMARYLLIS QUINONES & RAYMOND QUINONES**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.



Carl Darrigo, Esq.
Notary Public, State of New York
Qualified in Orange County
Reg. No.: 02DA5069651
My Commission Expires 11/25/2014

Record + Return:

Castle Title Ins Agency
297 Knollwood Road
White Plains, NY 10607
914-681-0800

**"SCHEDULE A"
DESCRIPTION**

ALL that certain plot, piece or parcel of land, together with the improvements erected thereon, situate in the Town of Newburgh, County of Orange and State of New York, known and shown as Lot 13 on a map entitled, "Lot Line Change Map For Orchard Ridge", prepared by Eustance & Horowitz, P.C., dated May 18, 2006, last revised August 28, 2006 and recorded as Filed Map No. 1056-06 on November 20, 2006, in the Orange County Clerk's Office; said premises also being the lands now of formerly of D'Amato as described in Liber 13239 of Deeds at Page 1660, aka 40 Devito Drive, being bounded and more particularly described as follows:

COMMENCING at a point (P.O.C) on the southerly side of the 50' Wide right of way line of Devito Drive, said point bearing North 83 degrees 08 minutes 30 seconds West 0.80 feet from an iron pipe found, said point also being the northwesterly corner of the lands now or formerly of Tarsio, aka, Lot 14, as shown on the aforementioned Filed Map No. 1056-06;

THENCE RUNNING southeasterly along the division line between the lands now or formerly of Tarsio to the south and the said southerly right of way line of Devito Drive the following two courses:

South 82 degrees 30 minutes 28 seconds East 89.00 feet and South 78 degrees 09 minutes 08 seconds East 59.82 feet to an iron rod found on the northeasterly corner of the said Lot 14, said point also being the northwesterly corner of the parcel herein described, and the True point of beginning.

THENCE continuing along said southerly right of way line of Devito Drive and the northerly line of the parcel herein described the following course:

South 78 degrees 09 minutes 08 seconds East 50.00 feet to a point;

THENCE leaving said right of way line, running southwesterly along the division line between the lands now or formerly of D'Amato, aka, Lot 4, as shown on File Map No. 128-95, and continuing southwesterly along the division line between the lands now or formerly of Javaid as described in Liber 12590 of Deeds at Page 1051, aka, Lot 12, as shown on Filed Map No. 779-05, and the parcel herein described, the following course:

South 11 degrees 50 minutes 52 seconds West 521.29 feet to a point;

Continued On Next Page

**"SCHEDULE A"
DESCRIPTION
Continued**

THENCE continuing along the division line between the lands now or formerly of Zuri as described in Liber 11903 of Deeds at Page 1024, aka, Lot 11A as shown on Filed Map No. 2052, continuing northwesterly, portions of which run generally along a stone wall, along the division line between the lands now or formerly of Desantis as described in Liber 3508 of Deeds at Page 14, aka, Lot 12A as shown on File Map No. 2052, and continuing northwesterly, portions of which run generally along a stone wall, along the division line between the lands now or formerly of Rooney as described in Liber 2025 of Deeds at Page 496, aka, Lot 13A as shown on said File Map No. 2052, and the parcel herein described the following course:

North 78 degrees 49 minutes 33 seconds West 299.10 feet, to an iron rod found bearing North 29 degrees 00 minutes 14 seconds West 0.36 feet from the corner;

THENCE leaving said division line , running northeasterly, portions of which run generally along a stone wall, along the division line between lands now or formerly of MO Properties LLC, aka, Lot 3 as shown on File Map No. 216-08, and the parcel herein described, the follow course:

North 22 degrees 49 minutes 43 seconds East 209.44 feet, to an iron rod found bearing South 81 degrees 48 minutes 25 seconds East 0.08 feet from the corner;

THENCE leaving said division line, running southeasterly along the division line between the aforementioned lands of Tarsio, aka, Lot 14 as shown on File Map No. 1056-06, and the parcel herein described, the following course:

South 78 degrees 09 minutes 08 seconds East 209.19 feet, per description (209.09 feet per Filed Map) to an iron rod found;

THENCE RUNNING northeasterly along the division line between said lands of Tarsio and the parcel herein described, the following course:

North 11 degrees 50 minutes 52 seconds East 319.21 feet, to an iron rod found at the southerly right of way line of Devito Drive and the True point of Beginning;

The parcel herein described is subject to an appurtenant easement, being the servient estate to an affirmative easement for the benefit of the lands now or formerly of D'Amato, aka, Lot 4, as shown on Filed Map No. 128-95, the owner of

Continued On Next Page

**"SCHEDULE A"
DESCRIPTION
Continued**

said Lot 4 being the dominant estate, and beneficiary, over a strip of lands along a portion of the easterly side of the parcel herein described, said easement to include ingress and egress to the easement area, the convenience of use for the enjoyment of recreational purposes, to construct paved or graded areas for driveways, parking areas, playground equipment, fences, trees, hedges, misc. landscaping.

Said portion running along the entire division line between said lands of D'Amato and the parcel herein described, being bounded and more particularly described as follows:

BEGINNING at a point (P.O.B) on the southerly side of the 50' wide right of way line of Devito Drive, said point also being the northeasterly corner of the parcel herein described.

THENCE leaving said right of way line, running southwesterly along the division line between the aforesaid lands of D'Amato, aka, Lot 4, as shown on Filed Map No. 128-95, and the parcel herein described, the following course:

South 11 degrees 50 minutes 52 seconds West 320.00 feet to a point;

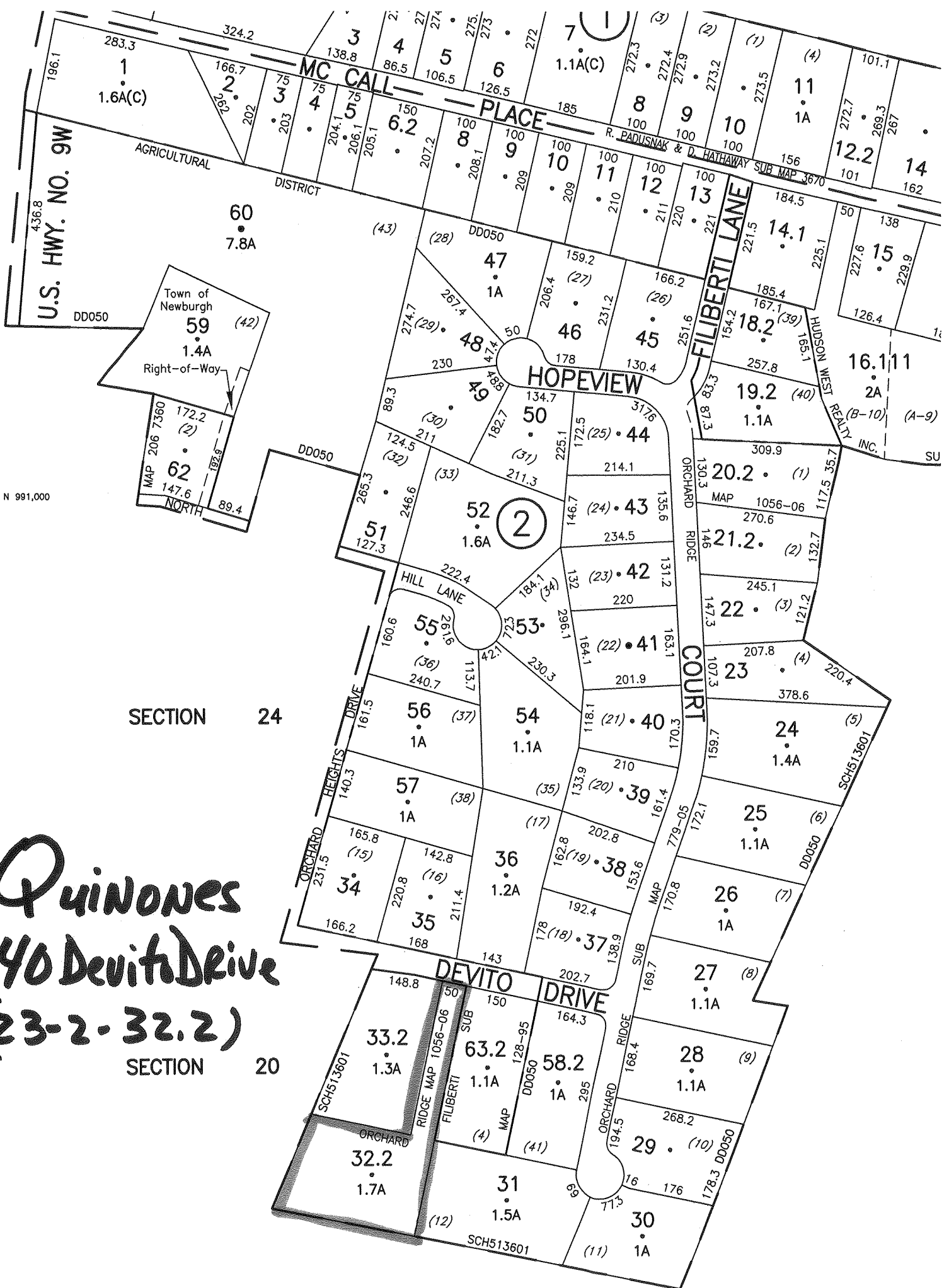
THENCE leaving said division line, running northwesterly through the parcel herein described, the following two course:

North 78 degrees 09 minutes 08 seconds West 20.00 feet, to a point;

THENCE North 13 degrees 38 minutes 16 seconds East 320.16 feet, to a point on the southerly side of the 50' wide right of way line of Devito Drive;

THENCE RUNNING southeasterly along said right of way line the following course:

South 78 degrees 09 minutes 08 seconds East 10.00 feet, to the point of BEGINNING (P.O.B);



Quinones
40 Devito Drive
(23-2-32.2)
 SECTION 20

SECTION 24

N 991,000

