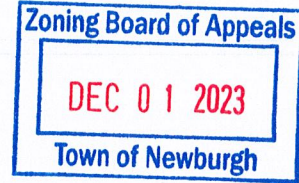




# TOWN OF NEWBURGH

Crossroads of the Northeast

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



OFFICE OF ZONING BOARD  
TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: 11/28/2023

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

I  (WE) RAFAEL URIONDO JR./ANA AGÜERO PRESENTLY  
URIONDO

RESIDING AT NUMBER 4 MARLENE COURT NEWBURGH, NY 12550

TELEPHONE NUMBER (845) 566-8905

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

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

### 1. LOCATION OF THE PROPERTY:

111-2-3 (TAX MAP DESIGNATION)

4 MARLENE COURT (STREET ADDRESS)

R1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1



3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

X

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 SOUGHT

FOR NEW POOL DECK TO DEVIATE FROM 80' COMBINED SIDE YARD SETBACK.

~~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:

N/A

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

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

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

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

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

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

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



6. IF AN AREA VARIANCE IS REQUESTED:

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

REAR PROPERTY IS WOODED IN THREE SIDES. THE POOL ALREADY HAS AN EXCITING DECK IN ONE SIDE, PROPOSING TO MIRROR THIS DECK AT THE HIGH SIDE FOR CLEANING PURPOSES.

- 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:

THE POOL IS TOO HIGH TO CLEAN FROM GRADE LEVEL.

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

WE PURCHASED THE HOUSE WITH A POOL WRAPPED WITH A FULL DECK AROUND IT.

- 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 ORIGINAL POOL EXISTED WITH A WRAP AROUND DECK.  
(PLEASE SEE DETAILS BELOW)

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

WE PURCHASED THE HOUSE THIS WAY; THE ORIGINAL POOL HAD A FULL WRAP AROUND DECK. THIS DECK AND PORTION OF THE POOL COLLAPSED DUE TO A TREE FELL ON THE CORNER OF THE POOL. WE REPLACED THE ORIGINAL POOL WITH A NEW POOL AND A DECK IN ONE SIDE ONLY DUE TO FINANCES.

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Ana Agüero Uriondo*  
\_\_\_\_\_  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF November 2023

*Dawn Marie Busweiler*  
\_\_\_\_\_  
NOTARY PUBLIC



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

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

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



**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

\_\_\_\_\_, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT \_\_\_\_\_  
IN THE COUNTY OF \_\_\_\_\_ AND STATE OF \_\_\_\_\_  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

\_\_\_\_\_  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED \_\_\_\_\_  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: \_\_\_\_\_

*Ana Agüero Urondo*

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC



*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: RAFAEL URIONDO JR. / ANA AGÜERO - URIONDO AREA VARIANCE FOR POOL DECK			
Project Location (describe, and attach a location map): 4 MARLENE COURT NEWBURGH, NY 12550			
Brief Description of Proposed Action: AREA VARIANCE SOUGHT FOR NEW POOL DECK TO DEVIATE FROM 30' COMBINED SIDE YARD SETBACK.			
Name of Applicant or Sponsor: RAFAEL URIONDO JR. / ANA AGÜERO - URIONDO		Telephone: (845) 566-8905	
Address: 4 MARLENE COURT		E-Mail: ANITA713@YAHOO.COM	
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	YES
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:		NO	YES
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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: _____ <u>N/A</u> _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ <u>N/A</u> _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ <u>N/A</u> _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	NO <input checked="" type="checkbox"/>	YES <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: _____	<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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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

Applicant/sponsor name: ANA AÑERO-URIONDO Date: 11/28/2023

Signature: Ana Añero-Uriondo



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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

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

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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

\_\_\_\_\_  
Date

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

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

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

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



**ORANGE COUNTY 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

**DAISY CASTRO**  
  
TO  
**RAFAEL URIONDO, JR and**  
**ANA AGUERO-URIONDO**

SECTION 111 BLOCK 2 LOT 3

RECORD AND RETURN TO:  
(name and address)

**KOHLER \* ISAACS, ESQS.**  
**120 BROADWAY**  
**NEW YORK, N.Y. 10271**



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  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)	NO. PAGES <u>5</u> CROSS REF.
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)	CERT. COPY <input type="checkbox"/> ADD'L X-REF.
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)	MAP# <input type="checkbox"/> PGS.
2201 CHESTER (VLG)	4205 WALDEN (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)	CASH <input type="checkbox"/>
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)	CHARGE <input type="checkbox"/>
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)	NO FEE <input type="checkbox"/>
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)	CONSIDERATION \$ <u>177,600</u>
3089 GOSHEN (TN)	5089 TUXEDO (TN)	TAX EXEMPT <input type="checkbox"/>
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)	MORTGAGE AMT. \$ <input type="checkbox"/>
3003 FLORIDA (VLG)	5200 WALKKILL (TN)	DATE <input type="checkbox"/>
3005 CHESTER (VLG)	5489 WARWICK (TN)	<b>MORTGAGE TAX TYPE:</b>
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)	<input type="checkbox"/> (A) COMMERCIAL/FULL 1%
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)	<input type="checkbox"/> (B) 1 OR 2 FAMILY
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)	<input type="checkbox"/> (C) UNDER \$10,000
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)	<input type="checkbox"/> (E) EXEMPT
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)	<input type="checkbox"/> (F) 3 TO 6 UNITS
3889 MINISINK (TN)	5801 HARRIMAN (VLG)	<input type="checkbox"/> (I) NAT.PERSON/CR. UNION
3801 UNIONVILLE (VLG)		<input type="checkbox"/> (J) NAT.PER-CR.UN/1 OR 2
4089 MONROE (TN)	<b>CITIES</b>	<input type="checkbox"/> (K) CONDO
4001 MONROE (VLG)	0900 MIDDLETOWN	
4003 HARRIMAN (VLG)	1100 NEWBURGH	
4005 KIRYAS JOEL (VLG)	1300 PORT JERVIS	
	9999 HOLD	

*Donna L. Benson*  
DONNA L. BENSON  
ORANGE COUNTY CLERK

COUNTY OF  
ORANGE, NEW YORK  
*Donna L. Benson*  
COUNTY CLERK & CLERK OF  
THE SUPREME & COUNTY COURTS  
DATED 5/30/08

RECEIVED FROM: STATE OF ORANGE COUNTY

LIBER 5473 PAGE 78  
3/7/01

LIBER 5473 PAGE 78  
ORANGE COUNTY CLERKS OFFICE 13082 DAB  
RECORDED/FILED 03/07/2001 04:29:11 PM  
FEES \$0.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 007263  
DEED CNTL NO 53022 RE TAX 710.00



A 291 - Standard N.Y. B.T.U. F.. 8007

Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp., 11-98.

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

**THIS INDENTURE**, made on February 23, 2001

**BETWEEN** **Daisy Castro, residing at 4 Marlene Court, Newburgh, New York 12550**

party of the first part, and

*Husband + wife* *J.C.*  
**Rafael Uriondo, Jr. and Ana Aguero-Uriondo, residing at 1381 Castle Hill Avenue, Apt. E-1, Bronx, New York 10462**

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

**TEN AND XX/XX**..... dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and more particularly described in the Schedule A attached hereto and made a part thereof.

Being and intended to be the same premises conveyed to the party of the first part by deed dated 4/19/96 from Kevin P. Nannery and Marina M. Nannery, and recorded on 4/24/96 in Liber 4374 at page 1 of the Orange County Clerk's Office.

Being same premises commonly known as 4 Marlene Court, Newburgh, New York 12550



**TITLE NO:REL13867-O**

**SCHEDULE A**

All that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being known as Lot No. 1 on a certain map entitled, "Subdivision Plan for Cedar Knolls", made by Vincent J. Doce Associates, dated May 25, 1986 filed in the Orange County Clerk's Office on September 19, 1986 as Filed Map No. 7829, bounded and described as follows;

BEGINNING at a point on the southwesterly side of Union Avenue, said point being intersected by the division line between the premises herein described and Lot No. 1 as shown on a map filed in the Orange County Clerk's Office as Map No. 7615;

RUNNING THENCE along said division line, South 24 degrees 04' 17" West, 179.83 feet to a point;

RUNNING THENCE along the division line between the premises herein described and Lot No. 2 as shown on the aforementioned Map No. 7615, North 74 degrees 09' 00" West, 214.20 feet to a point;

RUNNING THENCE along the easterly boundary line of land now or formerly of Monti, as described in a certain deed recorded in the Orange County Clerk's Office in Liber 1914 of conveyances at page 294, North 16 degrees 20' 30" East, 98.98 feet to a point;

RUNNING THENCE along the division line between the premises herein described and land now or formerly of Reil, as described in a certain deed recorded in the Orange County Clerk's Office in Liber 1347 of conveyances at page 210, the following two ( 2 ) courses and distances;

- 1) South 74 degrees 09' 00" East, 100.00 feet; and
- 2) North 18 degrees 05' 00" East, 192.90 feet to the southwesterly side of Union Avenue;

RUNNING THENCE along the southwesterly side of Union Avenue, South 33 degrees 18' 00" East, 173.91 feet to the point or place of BEGINNING.

**FOR CONVEYANCING ONLY, IF INTENDED TO BE CONVEYED: TOGETHER WITH ALL RIGHT, TITLE AND INTEREST OF, IN AND TO ANY STREETS, ROADS OR AVENUES ABUTTING THE ABOVE DESCRIBED PREMISES, TO THE CENTER LINE THEREOF.**



**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,

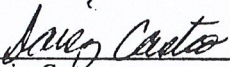
**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. **IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**IN PRESENCE OF:**

  
\_\_\_\_\_  
Daisy Castro



ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of Orange ss.:

On 2/23/01 before me, the undersigned, personally appeared, Daisy Castro personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are), with subscribed to the within instrument and, acknowledged to me that he/she/they executed same in his/her/their capacity(ies) and that by his/her/their, signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

Notary Public, State of New York  
ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)  
State of County of Ss.: Qualified in Orange County  
Commission Expires October 31, 2002

On before me the undersigned, personally appeared

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 acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in (insert city or political subdivision and state or country or other place acknowledgment taken)

signature & office of individual taking acknowledgment

Mortgage and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No. REL 13867-0 (RELIABLE TITLE)

CASTRO

TO

URIONDO

Recorded At  
RELIABLE TITLE AGENCY  
303 Old Tarrytown Road  
White Plains, NY 10603  
(914) 948-4900  
Fax (914) 948-4999  
REL 13867-0

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of County of ss.:

On before me, the undersigned personally appeared the subscribing witness(es) to the foregoing instrument with whom I am personally acquainted who, being by me duly sworn did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number if any, thereof):

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto (if taken outside New York State insert city or political subdivision and state or country or other place acknowledgment taken)

And that said subscribing witnesses made such appearance and before the undersigned in

signature & office of individual taking acknowledgment

SECTION 111  
BLOCK 2  
LOT 3  
COUNTY OR TOWN Orange  
TOWN OF Newburgh  
4 Martine Court  
Newburgh NY

RETURN BY MAIL TO:

KOHLER & ISAACS  
120 BROADWAY  
NEW YORK, NEW YORK 10271





## 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

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 11/17/2023**

**Application No. 23-0393**

**To: Rafael Uriondo**  
**4 Marlene Ct**  
**Newburgh, NY 12550**

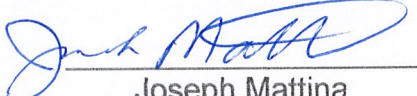
**SBL: 111-2-3**  
**ADDRESS: 4 Marlene Ct**

**ZONE: R1**

PLEASE TAKE NOTICE that your application dated 04/20/2023 for permit to build a 46' x 16' pool deck on the premises located at 4 Marlene Ct is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 3: Requires an 80' combined side yard setback
- 2) 185-19-C-1: Shall not increase the degree of non-conformity. (One side yard)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*      **YES / NO**

**NAME:**      RAFAEL URIONDO      **Application #**      23-0393

**ADDRESS:**      4 MARLENE CT NEWBURGH NY 12550

**PROJECT INFORMATION:**      **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:**      46' X 16' POOL DECK

**SBL:**      111-2-3      **ZONE:**      R-1      **ZBA Application #**      \_\_\_\_\_

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	22'	Increasing degree of non-conformity		
COMBINED SIDE YARD	80'		58'	22'	27.50%
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:**

**REVIEWED BY:**      Joseph Mattina

**DATE:**      17-Nov-23



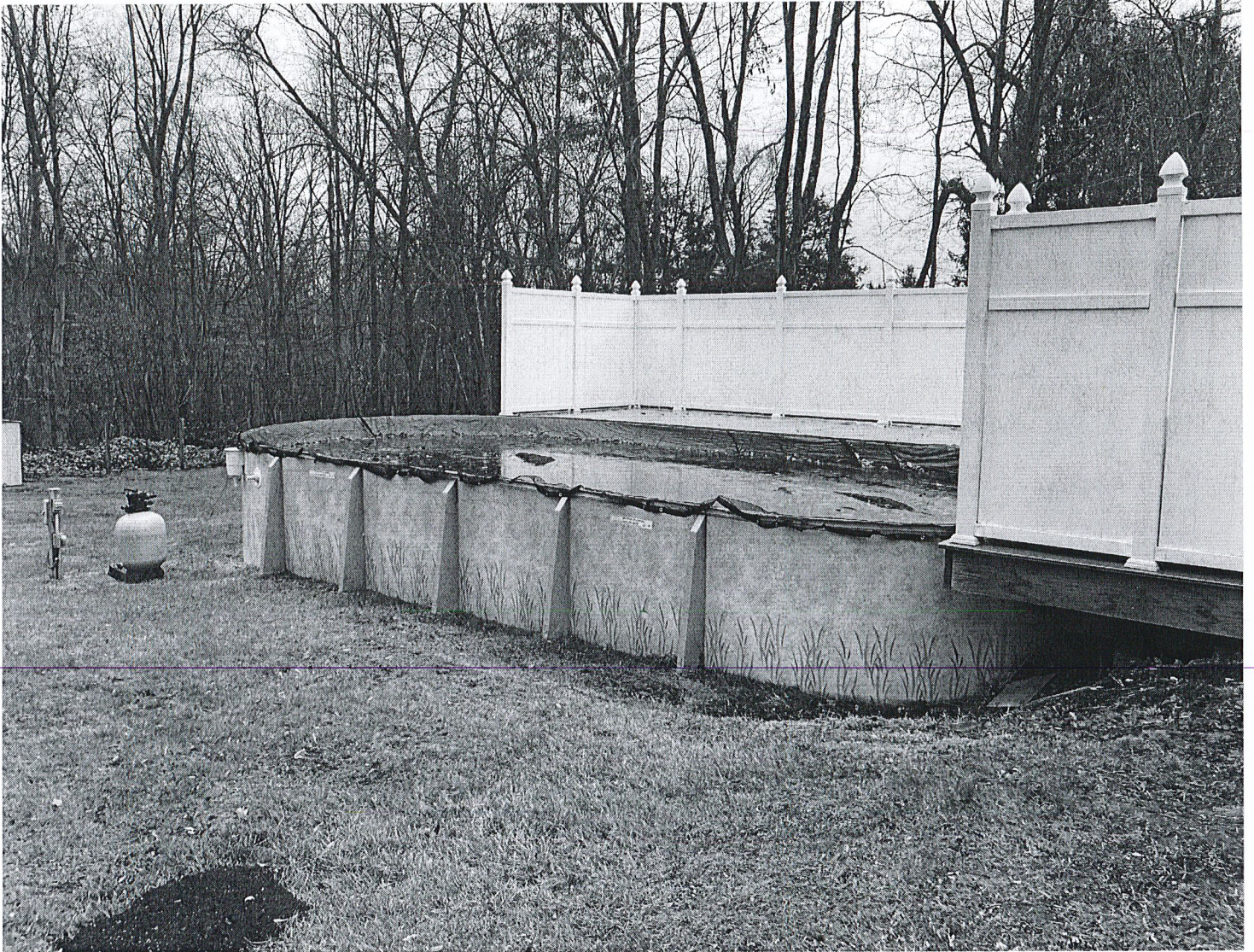




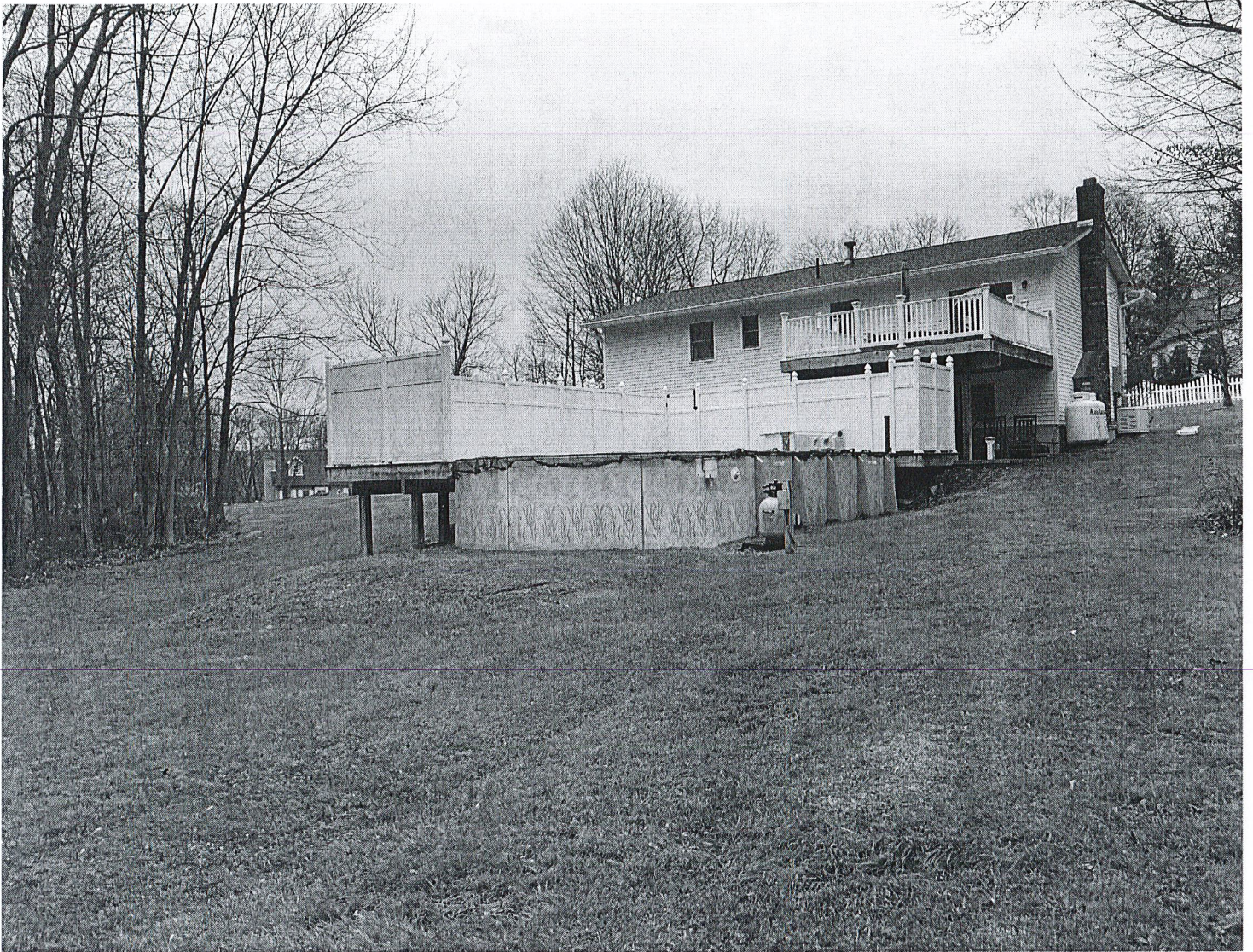




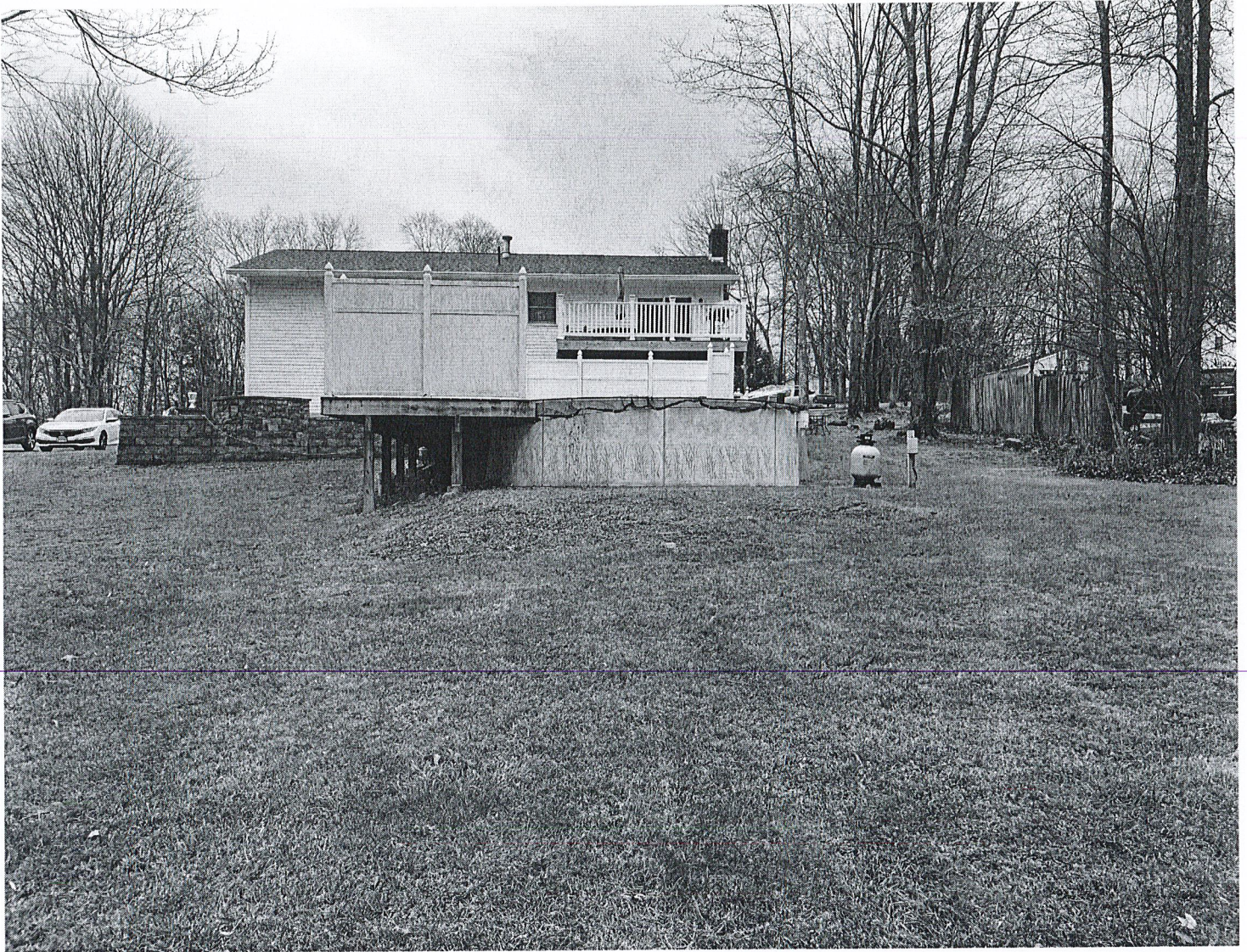






















**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I ANA AGUIERO - URIONDO, being duly sworn, depose and say that I did on or before  
December 14, 2023, post and will thereafter maintain at  
4 Marlene Ct 111-2-3 R1 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.

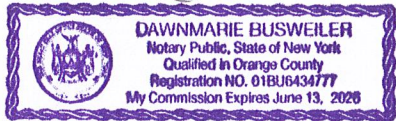
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Ana Aguiero-Uriondo

Sworn to before me this 5

day of December 2023.

Dawnmarie Busweiler







Compose



Compose

Delete

Spam

Actions

Apply

Inbox

349

Drafts

Sent

Archive

Spam

Trash

Folders

Edit Hide

+ New folder

Chester Documents

Notes

Sending messages

Sent Messages

Photo

anita713@yahoo.../Inbox



anna aguero <anita713@yahoo.com>

Dec 5 at 7:12 PM

To: anna aguero <anita713@yahoo.com>

Print Raw message

