

# 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: 2-17-15

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

I (WE) Budget Zappone PRESENTLY  
RESIDING AT NUMBER 35 Lettintown Rd Newburgh, NY  
TELEPHONE NUMBER 845-427-7755

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:

9.3.12.2 (TAX MAP DESIGNATION)  
35 Lettintown Rd. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Accessory Building not in Side Yard?  
(Considered front yard)

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: 12-30-2013
- 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: Carport -

Garage is considered on front lawn/due to Road Frontage

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:  
Shape of Property & Topography  
does not allow access to back yard-

(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:  
It is hidden from street view

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

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

Property Shape - + And Topography

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:

Cannot Be Seen from Road or Area

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:

We ARE on a Hill and Cannot Change The Property

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

20x24 Building - Garage / (Carport Enclosed)

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

Hidden from View - from Road and Neighbors

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

Property Shape, + Topography

7. ADDITIONAL REASONS (IF PERTINENT):

I cannot do not have access to Rear Yard. Due to Property  
Garage is located on Side yard - out of view -  
From Road #

Budget Zappone  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24<sup>th</sup> DAY OF March 2015

Charlene M Black  
NOTARY PUBLIC

**CHARLENE M. BLACK**  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 2018

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.

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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Joseph Zappone Car Port			
Project Location (describe, and attach a location map): Side of House -			
Brief Description of Proposed Action: Car port on Side of House			
Name of Applicant or Sponsor: BRIDGET ZAPPONE		Telephone: 914-474-4486	
		E-Mail: JBZ318@aol.com	
Address: 35 Lettintown Rd.			
City/PO: Newburgh - NY		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?		0 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1 1/8 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			

	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 checked="" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			<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: _____		<input checked="" 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?		<input checked="" 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>			<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____		<input checked="" 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?		<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: _____		<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		<input checked="" 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  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		<input checked="" type="checkbox"/>	

<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)?                  If Yes, explain purpose and size: _____                  _____                  _____</p>	<p>NO</p> <p style="text-align: center;">✓</p>	<p>YES</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?                  If Yes, describe: _____                  _____                  _____</p>	<p>NO</p> <p style="text-align: center;">✓</p>	<p>YES</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?                  If Yes, describe: _____                  _____                  _____</p>	<p>NO</p> <p style="text-align: center;">✓</p>	<p>YES</p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Budget Zappone</u> Date: <u>3/23/15</u>                  Signature: <u>Joseph Zappone</u></p>		

**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?"

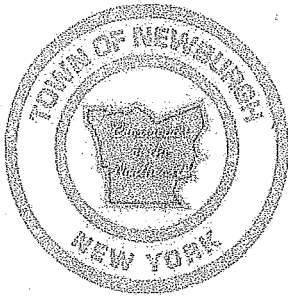
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
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?	✓	
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?	✓	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	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?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

**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.	
<hr/> Name of Lead Agency	<hr/> Date
<hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)





**TOWN OF NEWBURGH**

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550**

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 12/30/2013**

**Application No. 13-1106**

**To: Joseph Zappone  
35 Lattintown Rd  
Newburgh, NY 12550**

**SBL: 9-3-12.2  
ADDRESS: 35 Lattintown Rd**

**ZONE: R-3**

PLEASE TAKE NOTICE that your application dated 12/05/2013 for permit to keep a prior built 22' x 24' accessory building on the premises located at 35 Lattintown Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section:  
185-15-A Accessory buildings shall be located in a side or rear yard.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



STATUTORY FORM E-516  
Executors' Deed.—Individual or Corporation

THE CHISHOLM PRINTING COMPANY, 400 PEARL ST., N. Y. 0184

# This Indenture,

Made the 11th day of May, Nineteen Hundred and Eighty-Four

Between Martha N. Cooney (31 Wood Street, Nashua, New Hampshire 03060) and Christian Rogers Nielsen (11 Overlook Drive, Long Valley, New Jersey 07853),

as Executors of the last Will and Testament of Christian Nielsen

late of the Town of Newburgh, Orange County, New York

, deceased, parties of the first part,

and Joseph Zappone and Bridget N. Aurecchione as joint tenants with right of survivorship (24 Lattintown Road, Newburgh, New York 12550)

, parties of the second part.

**Witnesseth** That the parties of the first part, by virtue of the power and authority to them given in and by said last Will and Testament, and in consideration of Thirty-Eight Thousand Five Hundred (\$38,500.00) Dollars, lawful money of the United States,

paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever,

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

Beginning at an iron rod set on the westerly line of Lattintown Road and in the northerly line of lands of John J. Baxter as recorded in Liber 1927 of Deeds at Page 39, and running thence along the line of lands of said Baxter the following three courses: (1) S 76°41' W, passing through an iron pipe found at 18.98', a total distance of 216.45', (2) S 61°42' W 132.92', and (3) N 74°58' W 57.45' to an iron pipe found on the easterly line of lands now or formerly of Albert and Antoinetta Avella as recorded in Liber 1281 of Deeds at Page 149; thence along the line of lands of said Avella the following three courses: (4) N 19°32' E 138.40', (5) N 26°30' E 71.0', and (6) N 21°28' E, passing through an iron rod set at 168.72', a total distance of 193.80' to the center of Lattintown Road; thence along said line of Lattintown Road (7) S 64°00' E 149.30'; thence leaving said center of Lattintown Road (8) S 29°09' W 25.30' to an iron rod set on the southwesterly line of Lattintown Road; thence along the southwesterly and westerly line of Lattintown Road the following five courses: (9) S 51°30' E 52.0', (10) S 43°15' E 65.0', (11) S 28°00' E 36.0', (12) S 12°53' E 23.60', and (13) S 05°16' E 54.54' to the point of beginning, as surveyed on 27 April 1984 by Anthony D. Valdina, Land Surveyor. Containing 1.83 acres of land more or less.

Subject to an easement heretofore granted to John F. McMullen to maintain a water waste conduit over a portion of the premises hereby conveyed, which easement is recorded in the Orange County Clerk's Office in Book 757 of Deeds at page 389. Subject to any easements of record heretofore granted to Central Hudson Gas and Electric Corporation and New York Telephone Company to maintain poles and wires thereon.

Being the same premises conveyed by William H. Cosman and Lulu E. Cosman to Christian Nielsen and Isabelle I. Nielsen by Deed dated September 25, 1951 and recorded in the Orange County Clerk's Office on September 26, 1951 in Liber 1209 of Deeds at Page 383. Isabelle I. Nielsen died on January 26, 1982. Christian Nielsen died on December 17, 1983, and his Will was admitted to probate in the Orange County Surrogate's Court on January 18, 1984, at which time Letters Testamentary were granted to Martha N. Cooney and Christian Rogers Nielsen.

LIBER 2284 PG 1065

The N.Y.S. Real Estate Transfer Tax is \$154.00

This parcel is designated on the tax map of the Town of Newburgh as Section 9, Block 3, Lot 12, Acres 1.80

LIBER 2284 PG 1066

Together with the appurtenances, and also all the estate which said Testat or had at the time of his decease in said premises, And also the estate therein, which the parties of the first part had or have power to convey or dispose of, whether individually, or by virtue of said Will or otherwise,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as joint tenants with right of survivorship,

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they 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.

In Witness Whereof, the parties of the first part have signed this Executor's Deed on May 11, 1984

In presence of

Martha N. Cooney  
Martha N. Cooney  
EXECUTOR

Christian Rogers Nielsen  
Christian Rogers Nielsen  
EXECUTOR

State of New York County of Orange ss.:

On the 11th day of May, nineteen hundred and eighty-four before me personally came Martha N. Cooney and Christian Rogers Nielsen, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

D. Clinton Dominick III  
D. CLINTON DOMINICK III  
NOTARY PUBLIC, STATE OF NEW YORK  
Residing in Orange County  
COMMISSION EXPIRES MARCH 30, 1986.

State of County of ss.:

On the day of , nineteen hundred and , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides in that he is the of

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed h name thereto by like order.

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 May 30, 1984 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbit March 24, 2015*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY

**Deed.**

TO

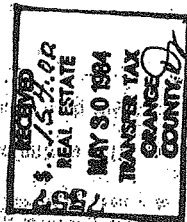
Deed

18

*R.R. Kenneth D. Johnson  
P.O. Box 207  
Walton, N.Y. 10881*

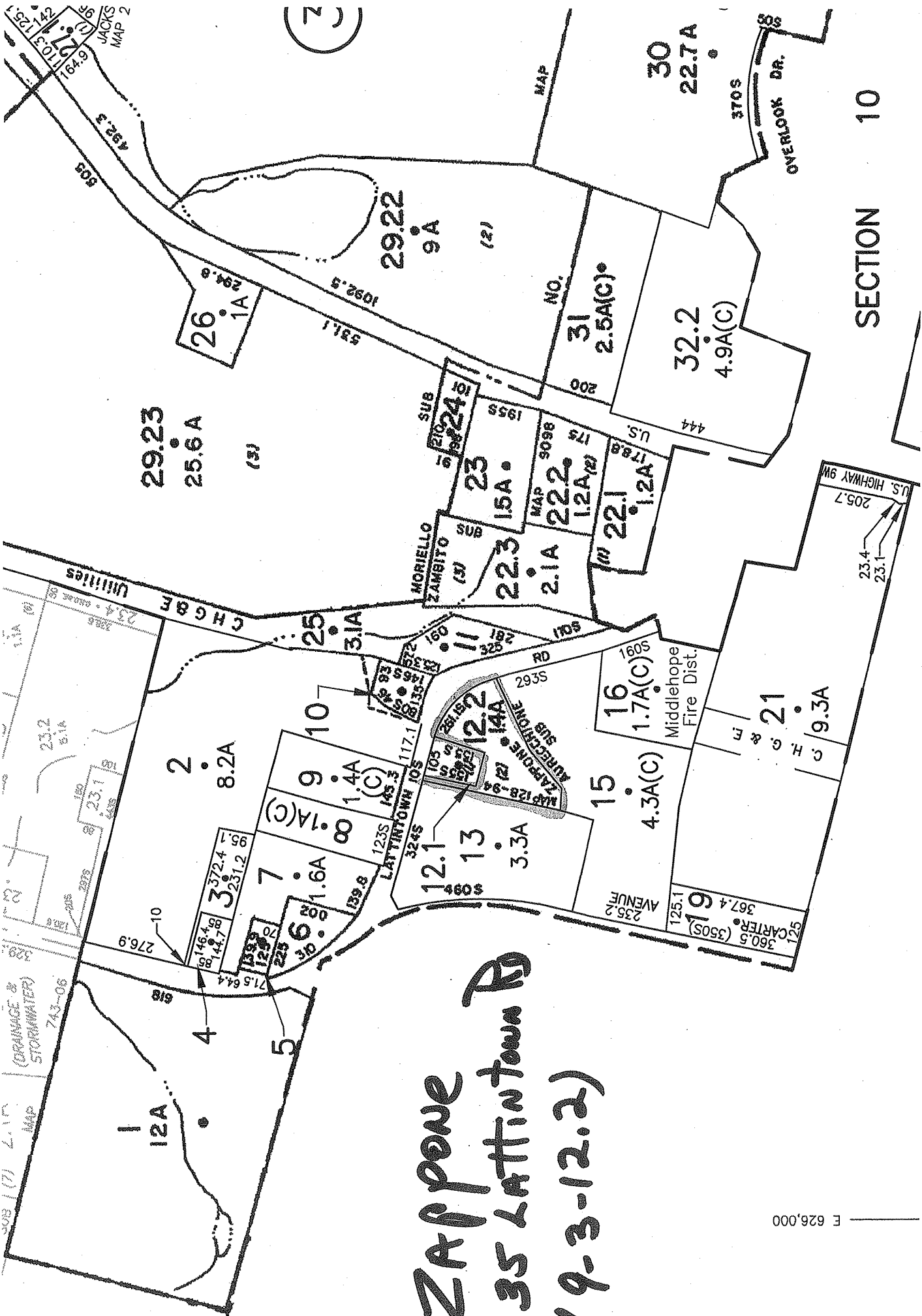
*Law Office  
DOMINICK & FOGARTY  
NEWBURGH, N.Y.  
154-  
14-  
2-*

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



LIBER 2284 of 1067

Orange County Clerk's Office, ss:  
Recorded on the 30<sup>th</sup> day  
of May, 1984, at 9:57  
o'clock A.M. in Liber 2284  
of Deed at page 1865  
by Examined Maura S. Murphy Clerk



ZAPPONE  
 35 LATTINTOWN RD  
 (9-3-12.2)

SECTION 10