

# 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: 01/04/2019

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

I (WE) Kenneth Babcock PRESENTLY  
RESIDING AT NUMBER 526 EVERETT PLACE, MAYBROOK, NY  
TELEPHONE NUMBER 917-584-7070

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:

72-9-30 (TAX MAP DESIGNATION)  
12 TAFT AVE, Newburgh, NY 12550 (STREET ADDRESS)  
R3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 175



# TOWN OF NEWBURGH

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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: 01/03/2019
- 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 FOR

DECK. Requires 15' minimum. Actual is 8'

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:

*The deck is erected on the property and is enclosed by a fence bordering the property.*

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:

*Municipal code requires 15' minimum side yard set back. Actual is 8'*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*There is no impact to the character of the neighborhood or neighboring homes.*

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

*Variance requested for wood deck. No adverse effect or impact on the physical or environmental conditions as a result.*

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

*The deck existed when the home was purchased in 2009.*



# TOWN OF NEWBURGH

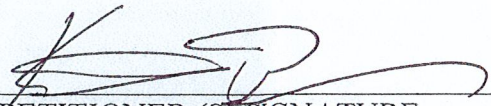
*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

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

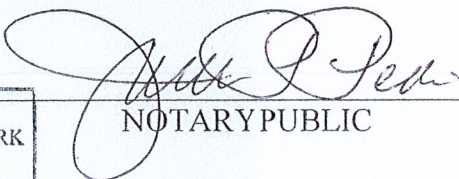
\_\_\_\_\_  
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\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF January 2019

JOSEPH P. PEDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01PE6370913  
Qualified in Orange County  
Commission Expires February 12, 2022

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

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.  
**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

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

## Short Environmental Assessment Form

### Part 1 - Project Information

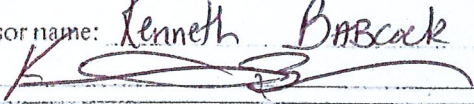
#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
<u>Rear Deck</u>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
<u>12 TART AVE Newburgh, NY 12550</u>			
Brief Description of Proposed Action:			
<u>Rear Deck variance being requested for deck built without permit. Deck was built prior to purchase in 2009</u>			
Name of Applicant or Sponsor:		Telephone: <u>917-584-7076</u>	
<u>Kenneth Babcock</u>		E-Mail: <u>ken_babcock@yahoo.com</u>	
Address:			
<u>526 EVERETT PLACE</u>			
City/PO:		State:	Zip Code:
<u>Maybrook</u>		<u>NY</u>	<u>12543</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3.a. Total acreage of the site of the proposed action?			NO
b. Total acreage to be physically disturbed?			YES
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
3.a. <u>0.1377</u> acres			
b. <u>0.0049</u> acres			
c. <u>0.0049</u> 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?		<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: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input type="checkbox"/>	<input checked="" 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: _____		<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<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: _____		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		<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		<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
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Kenneth Babcock</u> Signature: <u></u>	Date: <u>01/04/2019</u>	

Project:

Date:

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>



Agency Use Only (If applicable)

Project:

Date:

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

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

- 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)



## 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: 01/03/2019

Application No. 18-1487

To: Kenneth Babcock  
12 Taft Ave  
Newburgh, NY 12550

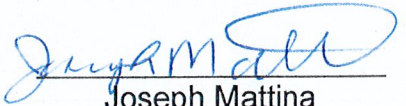
SBL: 72-9-30  
ADDRESS: 12 Taft Ave

ZONE: R3

PLEASE TAKE NOTICE that your application dated 12/21/2018 for permit to keep a 12' x 18' rear deck that was built without a permit on the premises located at 12 Taft Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 5 Requires a 15' minimum side yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

NAME: Kenneth Babcock Building Application # 18-1487

ADDRESS: 12 Taft Ave Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 12' x 18' Rear deck built without a permit

SBL: 72-9-30 ZONE: R-3 ZBA Application # \_\_\_\_\_

TOWN WATER: YES / NO TOWN SEWER: YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	15'		8'	7'	46.66%
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: If approved; will require a site inspection and verification code compliance and also separation from any septic components

**VARIANCE(S) REQUIRED:**

1 Bulk table schedule 5 Requires a 15' minimum side yard setback.

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 3-Jan-19

SANDS - 21860 - 0

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

THIS INDENTURE, made the 22<sup>nd</sup> day of November, Two Thousand and 16

BETWEEN

Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship  
residing at, 12 Taft Avenue, Newburgh, NY 12550

party of the first part, and

Kenneth C. Babcock, a single man  
residing at, 12 Taft Avenue, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

Sec: 72  
Block: 9  
Lot: 30  
Towns:  
Newburgh

ALL that tract or parcel of land, situate in the Town of Newburgh, County of Orange and State of New York, being Lot Numbered one hundred fifty-seven (157) on a map or plan of Newburgh Gardens, dated June 1, 1912, made by A.L. Eliot, Civil Engineer, and filed in the Office of the Clerk of Orange County, October 14, 1912, and more particularly described as follows, to wit:

BOUNDED northwesterly by Taft Avenue thirty (30) feet; northeasterly by Lot 156 on said plan one hundred (100) feet; southeasterly by Lot 195 on said plan thirty (30) feet; southwesterly by Lot 158 on said plan one hundred (100) feet.

ALSO all that tract or parcel of land, situate in the Town of Newburgh, County of Orange and State of New York, being Lot Numbered one hundred fifty-eight (158) on a map or plan of Newburgh Gardens, dated June 1, 1912, made by A.L. Eliot, Civil Engineer, and filed in the Office of the Clerk of Orange County October 14, 1912 and more particularly described as follows, to wit:


BOUNDED northwesterly by Taft Avenue, thirty (30) feet; northeasterly by Lot 157 on said plan, one hundred (100) feet; southeasterly by Lot 194 on said plan thirty (30) feet; southwesterly by Lot 159 on said plan one hundred (100) feet.

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:

  
Kenneth C. Babcock

\_\_\_\_\_  
Krista M. McByrne

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

THIS INDENTURE, made the 22 day of Nov, Two Thousand and Sixteen  
BETWEEN

Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship  
residing at, 12 Taft Avenue, Newburgh, NY 12550

party of the first part, and

Kenneth C. Babcock, a single man  
residing at, 12 Taft Avenue, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that tract or parcel of land, situate in the Town of Newburgh, County of Orange and State of New York, being Lot Numbered one hundred fifty-seven (157) on a map or plan of Newburgh Gardens, dated June 1, 1912, made by A.L. Elliot, Civil Engineer, and filed in the Office of the Clerk of Orange County, October 14, 1912, and more particularly described as follows, to wit:

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BOUNDED northwesterly by Taft Avenue, thirty (30) feet; northeasterly by Lot 157 on said plan, one hundred (100) feet; southeasterly by Lot 194 on said plan thirty (30) feet; southwesterly by Lot 159 on said plan one hundred (100) feet.

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:

Kenneth C. Babcock

*Krista M. McByrne*  
Krista M. McByrne

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of \_\_\_\_\_ ss: State of New York, County of \_\_\_\_\_ ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared  
 Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship  
 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(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.

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ 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 and 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.

\_\_\_\_\_  
 (signature and office of individual taking acknowledgment)

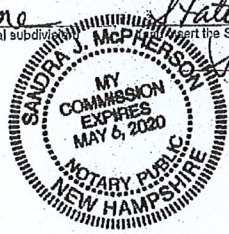
\_\_\_\_\_  
 (signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of New Hampshire ss:

On the 22nd day of November in the year 2016 before me, the undersigned, personally appeared  
Krista M. McByrne  
 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(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 the  
State of New Hampshire  
 (insert the City or other political subdivision in which the State or County or other place the acknowledgment was taken)

Sandra J. McPherson  
 (signature and office of individual taking acknowledgment)



QUITCLAIM DEED

Title No. SANDS-21860-0

Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship  
 TO  
 To Kenneth C. Babcock, a single man

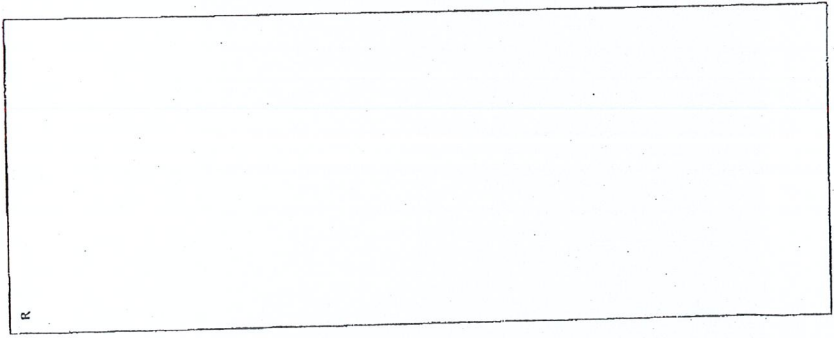
SECTION 72  
 BLOCK 9  
 LOT 30  
 COUNTY OR TOWN Town of Newburgh  
 STREET ADDRESS 12 Taft Avenue, Newburgh

Recorded at Request of  
 Old Republic National Title Insurance Company

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
 Distributed by  
 Sands Abstract, LLC

Kenneth C. Babcock, a single man  
 12 Taft Avenue  
 Newburgh, NY 12550



**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of Suffolk ss: State of New York, County of \_\_\_\_\_ ss:  
On the 22<sup>nd</sup> day of November in the year 2016 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, personally appeared before me, the undersigned, personally appeared

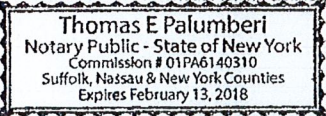
TEP

Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship 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(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.

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(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]  
(signature and office of individual taking acknowledgment)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)



**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of \_\_\_\_\_ ss:  
On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ 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 and 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 the

\_\_\_\_\_ in \_\_\_\_\_  
(insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**QUITCLAIM DEED**

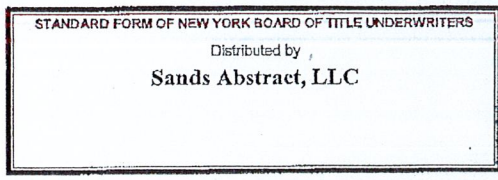
Title No. SANDS-21860-0

Kenneth C. Babcock and Krista M. McByrne, as joint tenants with right of survivorship  
TO  
To Kenneth C. Babcock, a single man

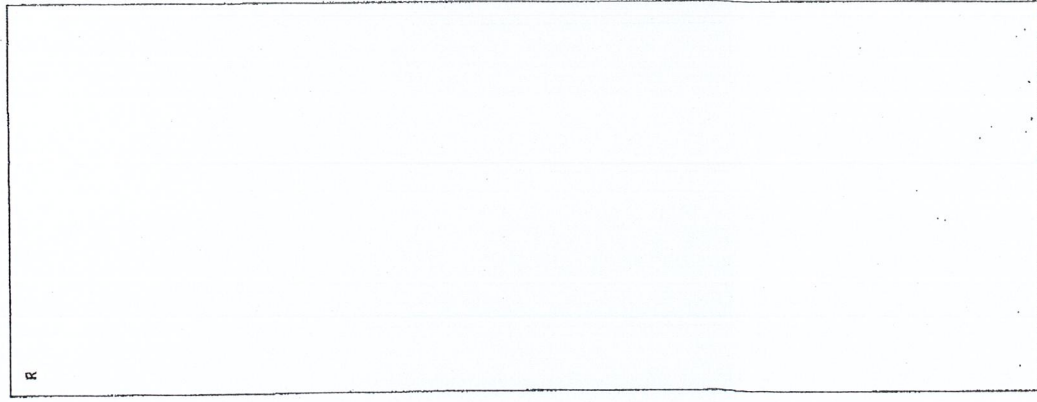
SECTION 72  
BLOCK 9  
LOT 30  
COUNTY OR TOWN Town of Newburgh  
STREET ADDRESS 12 Taft Avenue, Newburgh

Recorded at Request of  
Old Republic National Title Insurance Company

RETURN BY MAIL TO:



Kenneth C. Babcock, a single man  
12 Taft Avenue  
Newburgh, NY 12550









16 November 2018

Mr. Kenneth Babcock  
12 Taft Ave.  
Newburgh, NY 12550

Re: Rear Wood Deck

Dear Mr. Babcock,

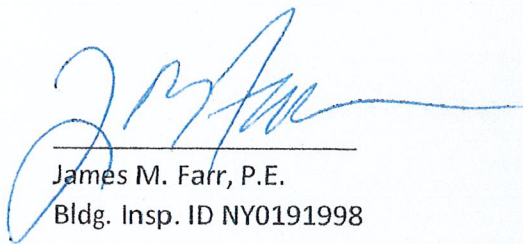
Pursuant to your request, I recently performed a site review of a wood exterior deck that was constructed at 12 Taft Avenue. I understand that you are in the process of selling the home and that you were advised by the Town that the deck was constructed without the benefit of a building permit. The following is a summary of my observations as a Professional Engineer and a New York State Certified Building and Code Enforcement Official.

1. The deck extends from the rear of the house for a total of 12 feet which includes a 2-foot cantilever. The deck width is approximately 18'-8" wide.
2. The deck is supported by 2"x8" joists spaced at 16" on-center.
3. The wood structure is pressure treated lumber.
4. There is a staircase with a graspable handrail and adequate stair treads and risers.
5. The deck is fastened to the house 2"x8" ledger with double 1/2" lag screws at 18-inches on-center. There is also flashing at the house ledger.
6. The deck has a handrailing with spindles with a maximum spindle opening of 3-3/4". The handrailing was stable.
7. The vertical deck posts were set on concrete sonotubes.

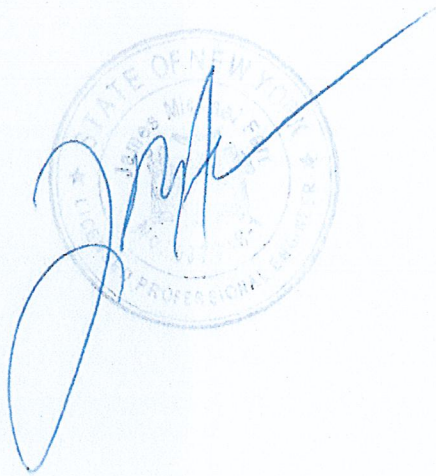
It is my professional opinion as a New York State Professional Engineer and New York state Certified Code Enforcement and Building Inspector that the deck has been constructed in substantial conformance with IRC- 2015 Section R507.

Should you have any questions, please call me at (914) 474-1980 or e-mail me at [JFarr@Farr-Engineering.com](mailto:JFarr@Farr-Engineering.com)

Respectfully submitted,



James M. Farr, P.E.  
Bldg. Insp. ID NY0191998



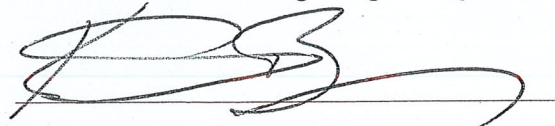
**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Kenneth Babcock, being duly sworn, depose and say that I did on or before  
January 10, 2019, post and will thereafter maintain at  
12 Taft Ave 72-9-30 R-3 Zone in the Town of Newburgh, New York, at or near the  
front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which  
notice was in the form attached hereto.

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



Sworn to before me this 7th  
day of January, 2019.

Valentina L. Johnson  
Notary Public

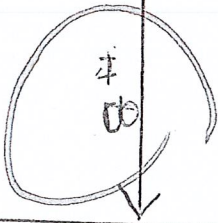
VALENTINA L. JOHNSON  
Notary Public, State of New York  
No. 4730787  
Qualified in Orange County  
Commission Expires October 31, 2022

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this  
affidavit.]



PROPERTY LINE

PAINT

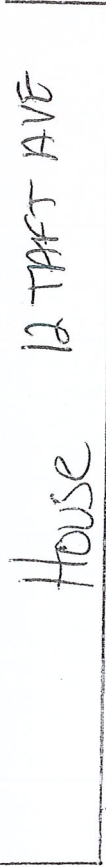


HOUSE 12 TAFT AVE

GARAGE

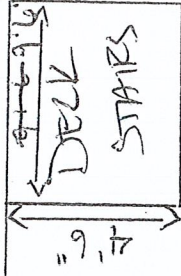
PROPERTY LINE

PROPERTY LINE



12 ft

DECK 18 ft



9 ft 6 in

4 ft 6 in

9 ft 6 in

46 ft

34 ft