

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: 5/13/15

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

I (WE) Brennan Barnes PRESENTLY
RESIDING AT NUMBER 12 Victory Lane New Windsor
TELEPHONE NUMBER 845 541-2727

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

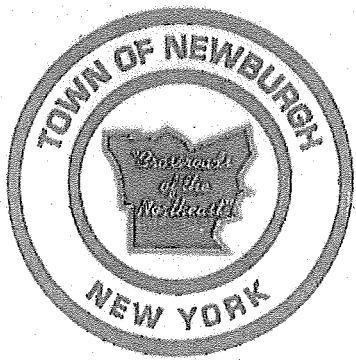
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

108-3-2 (TAX MAP DESIGNATION)
28 Victoria Dr (STREET ADDRESS)
R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 4/21/15
- 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: build 12x12 deck

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

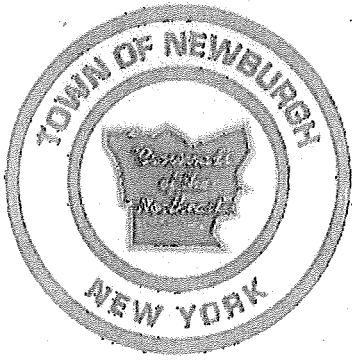
- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(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:

~~Decks are the norm in neighborhood.~~



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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 majority of homes in the area have decks

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 home is in violation of the new zoning. The deck would apply to the setbacks

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

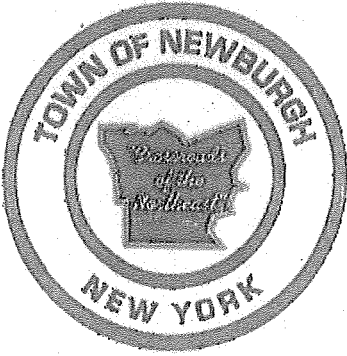
~~It's a~~ *It's a small deck that would not violate the existing setbacks.*

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 need for variance is due to changes in zoning in 2008 which makes ~~the~~ existing home non-compliant.

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

Zoning laws changed



TOWN OF NEWBURGH

Crossroads of the Northeast

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

7. ADDITIONAL REASONS (IF PERTINENT):

Buma Bann

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF MAY 2015

Andrew J. Zarutskie

NOTARY PUBLIC

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

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

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

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Build a 12x12 deck on rear of home</i>			
Project Location (describe, and attach a location map): <i>rear of home 28 Victoria Dr</i>			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: <i>Brennan Barnes</i>		Telephone: <i>845 541-2727</i>	
		E-Mail: <i>Brennanbarnes@icloud.com</i>	
Address: <i>12 Victory Lane</i>			
City/PO: <i>New Windsor</i>		State: <i>NY</i>	Zip Code: <i>12553</i>
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			

<p>5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p>	<p>YES</p>	<p>N/A</p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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?</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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: _____ _____</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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></p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u></p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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?</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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: _____ _____</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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</p>			
<p>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?</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>16. Is the project site located in the 100 year flood plain?</p>	<p>NO</p>	<p>YES</p>	<p>✓</p>
<p>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 _____ _____</p>	<p>NO</p>	<p>YES</p>	<p>✓</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: _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Brennan Barnes</u>	Date: <u>5/13/15</u>	
Signature: <u>Bren Barnes</u>		

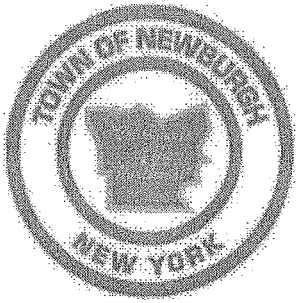
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input 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? 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"/>

	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?	C	
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.	
_____ 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

2495-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/21/2015

Application No. 15-0236

To: Brennan Barnes
12 Victory Lane
New Windsor, NY 12553

SBL: 108-3-2
ADDRESS: 28 Victoria Dr

ZONE: R-1

PLEASE TAKE NOTICE that your application dated 04/15/2015 for permit to construction of a 12' x 12' deck on rear of home with steps to grade. on the premises located at 28 Victoria Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:
185-19-C-1 Shall not increase the degree of non-conformity.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: Brennan Barnes

ADDRESS: 12 Victory Lane New Windsor NY 12553

PROJECT INFORMATION:

TYPE OF STRUCTURE: 12 x 12 rear deck @ 28 Victoria Dr.

SBL: 108-3-2 ZONE: R-1

TOWN WATER: YES

TOWN SEWER: YES

2495-15

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	30'	30'	Increasing the degree of nonconformity for combined side yard setbacks yard		
COMBINED SIDE YARDS	80'	60'			
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: **12' X 12' rear deck: non-conforming to district regulation bulk table schedule 3 for combined side vard setbacks.**

VARIANCE(S) REQUIRED:

- 1 185-19-C-1 Shall not increase the degree of non-conformity.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 21-Apr-15



ORANGE COUNTY - STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

Saw original 5/20/15
LL

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 13831 / 1879
 INSTRUMENT #: 20140100376
 Receipt#: 1859017
 Clerk: LR
 Rec Date: 12/23/2014 02:35:21 PM
 Doc Grp: D
 Descrip: DEED R
 Num Pgs: 4
 Rec'd Frm: LOTUS ABSTRACT CORP (96)
 Party1: US BANK NATIONAL ASSN
 Party2: GILLMEIER LUCY
 Town: NEWBURGH (TN)

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 Residential/Agricu 116.00
 RP5217 - County 9.00

Sub Total: 190.00
 Transfer Tax
 Transfer Tax - State 428.00
 Sub Total: 428.00

Total: 618.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 3230
 Transfer Tax
 Consideration: 107000.00
 Transfer Tax - State 428.00
 Total: 428.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

JACKIE GAILLARD
 3262 ROUTE 9W
 NEW WINDSOR, NY 12553

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)
FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made NOV. 18 2014,

108-3-2

between U.S. Bank National Association, As Trustee For Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2006-BC2, c/o Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409, party of the first part, and

Lucy C. Gillmeier and Brennan Barnes, ^{wife & husband} with an address of 12 Victory Lane, New Windsor, NY 12553, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Hundred Seven Thousand Dollars and No Cents, 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 property as described in Schedule "A" attached hereto and made a part hereof.

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:

By Ocwen Loan Servicing LLC as Attorney in fact for U.S. Bank National Association, As Trustee For Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2006-BC2

Mark Stufft
Mark Stufft

Jacqueline S. Michaelson

By: Jacqueline S. Michaelson
Title: Contract Management Coordinator

Acknowledgment by a Person Outside New York State (RPL § 309-b)

STATE OF FLORIDA

COUNTY OF PALM BEACH) ss.:
)

On 11/18/14, personally appeared before me, _____

Jacqueline S. Michaelson as
Contract Management Coordinator

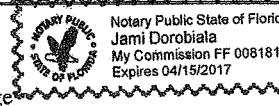
_____ for By
Ocwen Loan Servicing LLC as Attorney in fact for U.S. Bank National Association, As Trustee For Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2006-BC2

_____ and 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 they executed the same in their capacity(ies), and that by 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 Florida.

Jami Dorobiala
(signature and office of individual taking acknowledgment)

Personally Known To Me

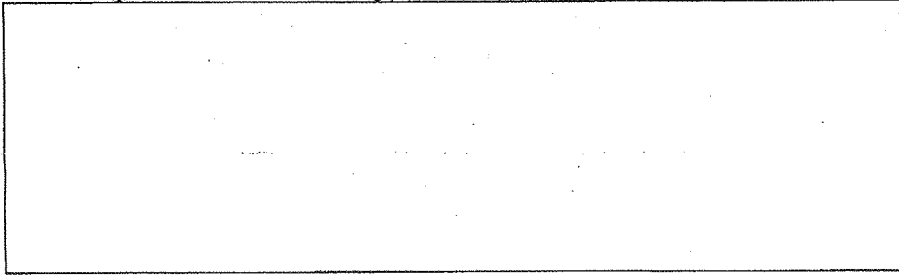
she 11/18/14
Loher

<p>Title Number: By Ocwen Loan Servicing LLC as Attorney in fact for U.S. Bank National Association, As Trustee For Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2006-BC2 To Lucy C. Gillmeier and Brennan Barnes</p>	<p>Section: 108 Block: 3 Lot: 2 County or Town: Orange Street Address: 28 Victoria Drive, Newburgh, NY 12550</p> 
---	---

Return By Mail To:

Jackie Gaillard
3262 Route 9W
New Windsor, NY 12553

Reserve This Space For Use Of Recording Office



SCHEDULE A (Description)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Newburgh, County of Orange, State of New York, known and shown as Lot No, 19, Block "B", Victoria Drive, on Map of Meadow Hill West Subdivision, filed November 3, 1971, as Map No. 2712, Orange County Clerk's Office.

BARNES 28 Victoria Drive SECTION (108-3-2)

E 602,498

SECTION 102

