



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 8-1-15

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

I (WE) Christopher Cagna PRESENTLY
RESIDING AT NUMBER 19 Colden Hill Rd, Newburgh, NY
TELEPHONE NUMBER 845-787-0181 12550

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:

86-1-5, 22 (TAX MAP DESIGNATION)
19 Colden Hill Rd (STREET ADDRESS)
(104-1-5) B-2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-81-D-8 - shall not exceed the area of ground coverage of the largest building on the lot.



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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: 6-22-15
- 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: 185-81-D-8
We are seeking an area variance of 665.26 s.f. to install a ground mount solar system.

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:
n/a

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
n/a



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

N/A

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:

see attached

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:

" "

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

" "

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

" "

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

" "



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7. ADDITIONAL REASONS (IF PERTINENT):

See attached

[Handwritten Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~: *Ulster*

SWORN TO THIS *1st* DAY OF *July* 20 *2015*

[Handwritten Signature]
NOTARY PUBLIC

BIANCA V. CAUCHI
Notary Public, State of New York
No. 01CA6233239
Qualified in Ulster County
Term Expires December 27, *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.

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

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 proposed Solar arrays meet all requirements property setback requirements. The proposed Solar arrays have a footprint only 16% the size of the empty grass field they will be placed in. The proposed Solar arrays will receive 360 degree screening as part of the installation to limit view as much as possible. The Cagna family has agreed to fund additional plantings as needed for additional screening that over time will reduce the view of the Solar arrays substantially. The small footprint of the Solar arrays relative to the grass field combined with the substantial screening investments will prevent any undesirable impact on the look of the neighborhood. Additionally, the quality of the investment to the Cagna property will increase the overall value of the Cagna property long-term and raise the property values of nearby properties as well. Finally, the Solar arrays will be a valuable reference for students of the nearby East Coldenham Elementary School as they and their teachers continue their exploration of human development of alternatives to fossil fuels to drive higher energy efficiency while saving both local and global ecosystems.

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 owner Nicole Cagna is disabled requiring extensive physical therapy. The home's actual living area has been expanded to the therapy areas in and around the pool adjacent to the building. The area variance is necessary because of a) the small traditional living space compared to the actual therapeutic space used by Nicole Cagna, and b) the pre-existing infrastructure of the home and therapeutic space which extensively utilize electrical power. Solar energy in the form of a field based ground mount system is the most efficient and affordable means to support the energy needs of this unique owner. The Solar arrays have been designed with the highest quality and most efficient solar panels possible which are made in America. This Solar energy project will allow the Cagna family to afford staying in this home as a valuable resident and tax payer within the Town of Newburgh. As important, this Solar project is a prime example of custom design to meet a unique energy need utilizing the least impact on the local ecosystem.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The Solar array foot print including all panel arrays, and separation space accounts for only 16% of the total area of the empty grass field it will be placed within. The Solar array footprint is only 92% of the actual living area for Nicole Cagna including the

traditional home and the therapeutic pool area. Solar systems and particularly Solar arrays in Ground Mount configurations are a common addition to communities with large open spaces of land like the Cagna's. Communities throughout New York (now the sixth fastest growing solar market) are embracing the addition of solar to their community infrastructure as a sign of prosperity, and leading technology community investment. Increasingly, solar arrays built into large grass fields has become a standard of excellence in high energy efficiency/low ecological impact projects. New York State continues to encourage and work with communities to embrace, approve and implement Solar arrays like those to be placed in the Town of Newburgh on the Cagna property as a sign of community leadership. Finally, the efforts in screening of the solar arrays and later landscaping demonstrate a well thought out and standard approach to making solar arrays of this type acceptable and even preferable for home owners such as Nicole Cagna, her neighbors, nearby properties and the overall Town of Newburgh community as a whole.

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

The proposed Solar arrays will have a positive effect on the environmental conditions as 100% of the homes energy needs will now be provided by clean energy produced locally. The proposed Solar arrays will represent a significant financial investment in the community including significant investment in screening and landscaping which will enhance and improve the physical condition of the property, the neighborhood and the District. The solar arrays have been purposely designed and positioned to maintain existing trees for privacy and long-term environmental health.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Nicole Cagna purchased the home in its current state with energy systems dominated by electrical. Nicole's disability and the eventual loss of a young child were completely unplanned and limited the families other alternative housing or energy options. As such, the Variance hardship is not self-made.

7. ADDITIONAL REASONS (IF PERTINENT)

Nicole Cagna is an entrepreneur and business owner in the Newburgh area. Her business falls within the "healthy lifestyle" industry. Her products ingredients are chemical free and aim to heal and nourish the body. She is a model citizen and resident and looks for the support of her community in approving this solar project for her and her family.

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Christopher Cagna</i>			
Project Location (describe, and attach a location map): <i>19 Colden Hill Rd, Newburgh, ny 12550</i>			
Brief Description of Proposed Action: <i>We are seeking an area variance of 665.26 S.F. to install a ground mounted solar system.</i>			
Name of Applicant or Sponsor: <i>NYS Solar Farm, Inc.</i>		Telephone: <i>845-789-4717</i>	
		E-Mail: <i>denise@nyssf.com</i>	
Address: <i>871 State Route 208</i>			
City/PO: <i>Gardiner</i>		State: <i>ny</i>	Zip Code: <i>12525</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: <i>Building department</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>1.0</i> 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 type="checkbox"/>	N/A <input checked="" 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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <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: _____	NO <input type="checkbox"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" 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 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 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 type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>NYS Solar Farm Inc</u> <u>Anthony S. Sicari Jr.</u>	Date: <u>7-18-15</u>	
Signature: <u>[Handwritten Signature]</u>		

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:

[Empty box for Project]

Date:

[Empty box for 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

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

PROXY

CHRISTOPHER CAGNA + NICOLE CAGNA, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 19 COLDEN HILL RD, NEWBURGH, NY 12550
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 19 COLDEN HILL RD,
NEWBURGH, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED NY SOLAR FARM, INC.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

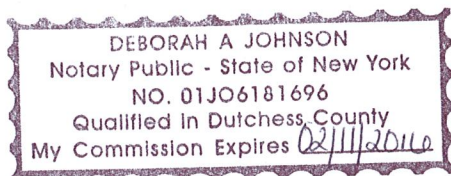
DATED: 8/21/15

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21 DAY OF August 2015



Deborah A Johnson
NOTARY PUBLIC



CONSENT FORM:

I, CHRISTOPHER CAGNA + NICOLE CAGNA, do hereby give

New York State Solar Farm, Inc. (Anthony S. Sicari, Jr.) my permission to apply for a building permit and to represent me at the Planning Board on my residence at:

19 COLDEN HILL RD, NEWBURGH, NY 12550
phone# 845-787-0181
Signed: *Christopher Cagna + Nicole Cagna*

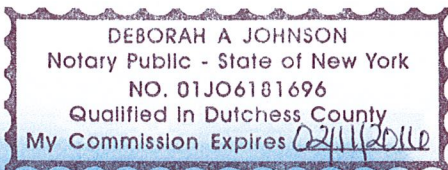
State of New York
County of Orange

On the 21 day of August in the year 2015 before me, the undersigned, personally

appeared Christopher & Nicole Cagna, 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).

Deborah A Johnson

Notary Public
Printed Name: Deborah A Johnson
My Commission expires: 02/11/2016



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

Richard J. Murgia
and
Milagros Murgia
TO
Christopher J. Cagna
and
Nicole L. Cagna

SECTION 86 BLOCK 1 LOT 5.22



RECORD AND RETURN TO:
(name and address)

Bloom & Bloom
Daniel Bloom
Po Box 4323
New Windsor NY 12553

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

Low signed original 8/12/15 BT

Zoning Board of Appeals
AUG 12 2015
Town of Newburgh

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | | |
|-------------------------------|--|---|
| 2089 BLOOMING GROVE (TN) | 4289 MONTGOMERY (TN) | NO PAGES <u>4</u> CROSS REF. _____ |
| 2003 SO. BLOOMING GROVE (VLG) | | CERT. COPY _____ ADD'L X-REF. _____ |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) | MAP# _____ PGS. _____ |
| 2289 CHESTER (TN) | 4203 MONTGOMERY (VLG) | |
| 2201 CHESTER (VLG) | 4205 WALDEN (VLG) | PAYMENT TYPE: CHECK <input checked="" type="checkbox"/> |
| 2489 CORNWALL (TN) | 4489 MOUNT HOPE (TN) | CASH _____ |
| 2401 CORNWALL (VLG) | 4401 OTISVILLE (VLG) | CHARGE _____ |
| 2600 CRAWFORD (TN) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) | NO FEE _____ |
| 2800 DEERPARK (TN) | 4800 NEW WINDSOR (TN) | Taxable |
| 3089 GOSHEN (TN) | 5089 TUXEDO (TN) | CONSIDERATION \$ <u>315,000.00</u> |
| 3001 GOSHEN (VLG) | 5001 TUXEDO PARK (VLG) | TAX EXEMPT _____ |
| 3003 FLORIDA (VLG) | 5200 WALLKILL (TN) | Taxable |
| 3005 CHESTER (VLG) | 5489 WARWICK (TN) | MORTGAGE AMT. \$ _____ |
| 3200 GREENVILLE (TN) | 5401 FLORIDA (VLG) | |
| 3489 HAMPTONBURGH (TN) | 5403 GREENWOOD LAKE (VLG) | |
| 3401 MAYBROOK (VLG) | 5405 WARWICK (VLG) | |
| 3689 HIGHLANDS (TN) | 5600 WAWAYANDA (TN) | |
| 3601 HIGHLAND FALLS (VLG) | 5889 WOODBURY (TN) | MORTGAGE TAX TYPE: |
| 3889 MINISINK (TN) | 5801 HARRIMAN (VLG) | ____ (A) COMMERCIAL/FULL 1% |
| 3801 UNIONVILLE (VLG) | 5809 WOODBURY (VLG) | ____ (B) 1 OR 2 FAMILY |
| 4089 MONROE (TN) | | ____ (C) UNDER \$10,000 |
| 4001 MONROE (VLG) | CITIES | ____ (E) EXEMPT |
| 4003 HARRIMAN (VLG) | 0900 MIDDLETOWN | ____ (F) 3 TO 6 UNITS |
| 4005 KIRYAS JOEL (VLG) | 1100 NEWBURGH | ____ (I) NAT.PERSON/CR. UNION |
| | 1300 PORT JERVIS | ____ (J) NAT.PER-CR.UN/1 OR 2 |
| | 9999 HOLD | ____ (K) CONDO |

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Horizon

RECORDED/FILED
05/21/2008/ 14:03:01
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20080053062
DEED R / BK 12670 PG 1334
RECORDING FEES 117.00
TTX# 007187 T TAX 1,260.00
Receipt#888729 pete



THIS INDENTURE, made the 21st day of April, two thousand eight

BETWEEN

Richard J. Murgia and Milagros Murgia, husband and wife, residing at 14126 Ft. Myers Avenue, Port Charlotte, FL 33981, party of the first part, and

Christopher J. Cagna and Nicole L. Cagna, husband and wife, residing at 18 Patton Drive, Cornwall, New York 12518, party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

S : 86
B: 1
L 5.22

SEE "SCHEDULE A" ATTACHED HERETO


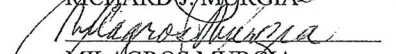
TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **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 incumbered 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 THE PRESENCE OF:


RICHARD J. MURGIA

MILAGROS MURGIA

Schedule A Description

Title Number O-14378

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being Lot B, as shown on a certain map entitled "Map of Lands of Pomarico Construction Co." filed in the Orange County Clerk's Office on September 21, 1981 as map number 5720, bounded and described as follows:

BEGINNING at a point near the end of a stonewall on the westerly side of Colden Hill Road at the dividing line of Lots A & B as shown on the abovementioned filed map;

THENCE North 80-55-40 West a distance of 356.12 feet along the lands now or formerly Bistor (Liber 6110 page 58, Lot A Map No. 5720) to a point in a stonewall;

THENCE North 13-07-00 East a distance of 125.31 feet generally following a stonewall and along the lands now or formerly Montgomery Central School District (Liber 1498 page 305) to a point in a stonewall;

THENCE South 80-55-40 East passing through three (3) 1/2" iron rods at distances of 51.3 feet, 123.2 feet & 195.2 feet for a total distance of 347.49 feet along the lands now or formerly Serpa (Liber 4185 page 170, Lot C Map No. 5720) to a point in a stonewall;

THENCE South 09-04-20 West a distance of 125.00 feet generally following a stonewall and along the westerly side of Colden Hill Road to the point and place of BEGINNING.

Being the same premises conveyed from Pomarico Construction Corp. to Richard J. Murgia and Milagros Murgia in deed dated 12/3/82 and recorded in the Orange County Clerk's Office on 12/6/82 in Liber 2238 of deeds at page 703.

STATE OF NEW YORK, COUNTY OF ORANGE SS.:

STATE OF NEW YORK, COUNTY OF ORANGE SS.:

On the ____ day of _____, 2007 before me, the undersigned, a Notary Public in and for said State, 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.

On the ____ day of _____, 2007 before me, the undersigned, a Notary Public in and for said State, 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.

NOTARY PUBLIC

NOTARY PUBLIC

STATE OF FLORIDA, COUNTY OF *Charlotte* ss.:

On the *21st* day of *April*, 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared, Richard J. Murgia and Milagros Murgia, 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.

Kerri L. Crawford
NOTARY PUBLIC



RECORD AND RETURN TO:
Daniel J. Bloom, Esq.
POB 4323
New Windsor, NY 12553



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

2509-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/22/2015

Application No. 15-0368

To: Christopher Cagna
19 Colden Hill Rd
Newburgh, NY 12550

SBL: 86-1-5.22
ADDRESS: 19 Colden Hill Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 05/18/2015 for permit to install 80 ground mounted solar panels on the premises located at 19 Colden Hill Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
185-81-D-8 Shall not exceed the area of ground coverage of the largest building on the lot. (habitable space)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: _____ Christopher Cagna _____

ADDRESS: _____ 19 Coldenhill Rd Newburgh NY 12550 _____

PROJECT INFORMATION:

TYPE OF STRUCTURE: _____ **1417.26 square feet of ground mounted solar panels** _____

SBL: _____ 86-1-5.22 _____ ZONE: _____ R-1 _____

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Ground mounted solar panels	752 SF		1417.26 SF	665.26 SF	88.46%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
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: Requesting 2 sets of 40 panels. Each set is 17'-3" x 41'-1"

VARIANCE(S) REQUIRED:

- 1 185-81-D-8 Shall not exceed area of ground coverage of the largest building on the lot. (habitable area)
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: _____ Joseph Mattina _____ DATE: _____ 22-Jun-15 _____

