

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: 6/25/2013

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

I (WE) Cotter Road, LLC
Rose Ferreira PRESENTLY

RESIDING AT NUMBER 9 Teneyck Place, Edison, New Jersey 08820

TELEPHONE NUMBER (732) 433-3133

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:

34-2-61.21 (TAX MAP DESIGNATION)

lot# 1 Auston Tyler Ct. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

front yard setback, 185-15-A

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: 6/13/13
- 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: 5' front yard setback (45')

N/A

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:

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:

IT IS FOR A 5' SETBACK IN THE HOUSE
LOCATION ONLY.

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 FOUNDATION HAS BEEN POURED.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

IT IS FOR FRONT YARD ONLY AND IS FOR
ONLY 5' OF THE 50' REQUIRED (1090)
AND ONLY FOR ONE OF THE FRONT YARDS
(THIS IS A CORNER LOT)

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 REQUESTED VARIANCE IS SMALL (5')
AND ADJOINING RESIDENCE IS ADJACENT
TO WAREHOUSES LANE

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

THE ORIGINAL SUBDIVISION MAPS
~~SHOW~~ HAD THE FRONT YARD AT
40' (AN ERROR)

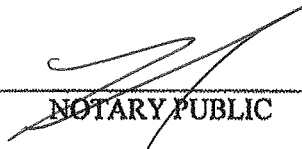
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE
Partner - Cotter Road, LLC

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 25 DAY OF JUNE 2013



NOTARY PUBLIC

THOMAS R. LYNCH
Notary Public, State of New York
Qualified in Ulster County
Registration No. 01LY6201381
Commission Expires February 23, 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.

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>COTTER ROAD, LLC</i>	2. PROJECT NAME <i>VARIANCE FOR COTTER ROAD, LLC</i>
3. PROJECT LOCATION: Municipality <i>TOWN OF NEWBURGH</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>S.E. CORNER OF WEYANTS LANE AND AUSTIN TYLER COURT</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>FRONT YARD VARIANCE FOR SINGLE FAMILY RESIDENCE UNDER CONSTRUCTION</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u><i>0.19</i></u> acres Ultimately <u><i>0.19</i></u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>FRONT YARD VARIANCE REQ'D</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>OPEN BUILDING PERMIT</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u><i>CHARLES T. BROWN, PE</i></u> Date: <u><i>6/24/13</i></u> Signature: <u><i>[Signature]</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

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
ZONING BOARD OF APPEALS

PROXY

Rose Ferreira, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Teneyck Place, Edison
IN THE COUNTY OF Middlesex AND STATE OF New Jersey
AND THAT HE/SHE IS THE OWNER IN FEE OF LOT 1, AUSTON TYLER
COURT S/B/K 34-2-8121

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED CHARLES BROWN, PE ~~THOMAS R. LYNCH~~
TLCOTE ENGINEERING
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/25/13 [Signature]

[Signature]
WITNESS' SIGNATURE

OWNER'S SIGNATURE
PARTNER
COTTER ROAD, LLC

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 25 DAY OF JUNE 2013

[Signature]
NOTARY PUBLIC

THOMAS R. LYNCH
Notary Public, State of New York
Qualified in Ulster County
Registration No. 01LY6201381
Commission Expires February 23, 2017



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

2364-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/13/2013

Application No. ~~13-0305~~

**To: Cotter Road, LLC
2 Nicholas Ct
Annandale, NJ 08801**

**SBL: 34-2-61.21
ADDRESS: 1 Austin Tyler Ct**

ZONE: R-2

PLEASE TAKE NOTICE that your application dated 04/17/2013 for permit to Single Family Residence, 2 Car Garage, Rear Deck (12' x 14') Front Porch 5' x 7' on the premises located at 1 Austin Tyler Ct is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Bulk table schedule 4 requires a minimum front yard setback of 50'.


Joseph Mattina

**Cc: Town Clerk & Assessor (500')
File**

Town of Newburgh Code Compliance

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

NAME: COTTER ROAD LLC

ADDRESS: 2 NICHOLAS CT ANNANDALE NJ 08801

PROJECT INFORMATION:

TYPE OF STRUCTURE: SINGLE FAMILY DWELLING @ 1 AUSTIN TYLER CT

SBL: 34-2-61.21 **ZONE:** R-2

TOWN WATER: **NO**

TOWN SEWER: **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'	45'		5'	10.0%
REAR YARD	THE DWELLING WAS MOVED FROM THE APPROVED LOCATION AFTER THE PERMIT WAS ISSUED. STOP WORK ORDER ISSUED 6-6-2013				
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**

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:

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 4 REQUIRES A 50' MINIMUM FRONT YARD SETBACK.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 13-Jun-13

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

Cindy L. Miller
TO
Potter Road LLC

SECTION 34 BLOCK 2 LOT 624
624



RECORD AND RETURN TO:
(name and address)

Mark S. Obersturi, Esq.
P.O. Box 176
Sloken, NY 10974

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED Cx MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2003 SO. BLOOMING GROVE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)
- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- X 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 5809 WOODBURY (VLG)
- CITIES
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO. PAGES 3 CROSS REF. _____
 CERT. COPY _____ ADD'L X-REF. _____
 MAP# _____ PGS. _____
 PAYMENT TYPE: CHECK X
 CASH _____
 CHARGE _____
 NO FEE _____
 Taxable
 CONSIDERATION \$ 90,000.00
 TAX EXEMPT _____
 Taxable
 MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Bill - n - Dale

RECORDED/FILED
 03/05/2013/ 10:50:47
 DONNA L. BENSON
 County Clerk
 ORANGE COUNTY, NY
 FILE#20130024173
 DEED C / BK 13518PG 1091
 RECORDING FEES 310.00
 TTX# 004378 T TAX 360.00
 Receipt#1572037 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
 I, DONNA L. BENSON, COUNTY CLERK AND CLERK OF THE
 SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
 HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
 THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
 ON 3-5-13 AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 6-26-13

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



NW48628

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 28th day of February, two thousand thirteen

BETWEEN Cindy L. Miller, as Trustee of The Barger Family Trust, 280 New Hackensack Road, Wappingers Falls, New York 12590, party of the first part, and Cotter Road LLC, 2 Nicolas Court, Annandale New Jersey 08801, party of the second part,

IRREVOCABLE

Ⓢ

WITNESSETH, that the party of the first part, in consideration of ~~NINETY THOUSAND~~ ^{THOUSAND} Dollars (\$90,000.00), 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 those certain plots, pieces or parcels of land, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being more particularly bounded and described as Lots #1 and #4 on a map entitled "Subdivision for Austin Tyler Properties, LLC" dated 12/13/05 last revised 7/6/06 and filed in the Orange County Clerk's Office on 6/14/07 as Map #566-07 (6 sheets).

TOGETHER with and subject to a means of ingress and egress over Austin Court to and from the public highway as in Declaration Liber 12487 cp 1268.

BEING the same premises conveyed by Austin Tyler Properties, LLC to Cindy L. Miller, Don K. Miller and Robert Oswald as Trustees of the Barger Family Irrevocable Trust, by deed dated August 26, 2008, and recorded in the Orange County Clerk's Office on October 15, 2008, in Liber 12741 at page 231 and Liber 12741 at page 234.

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,

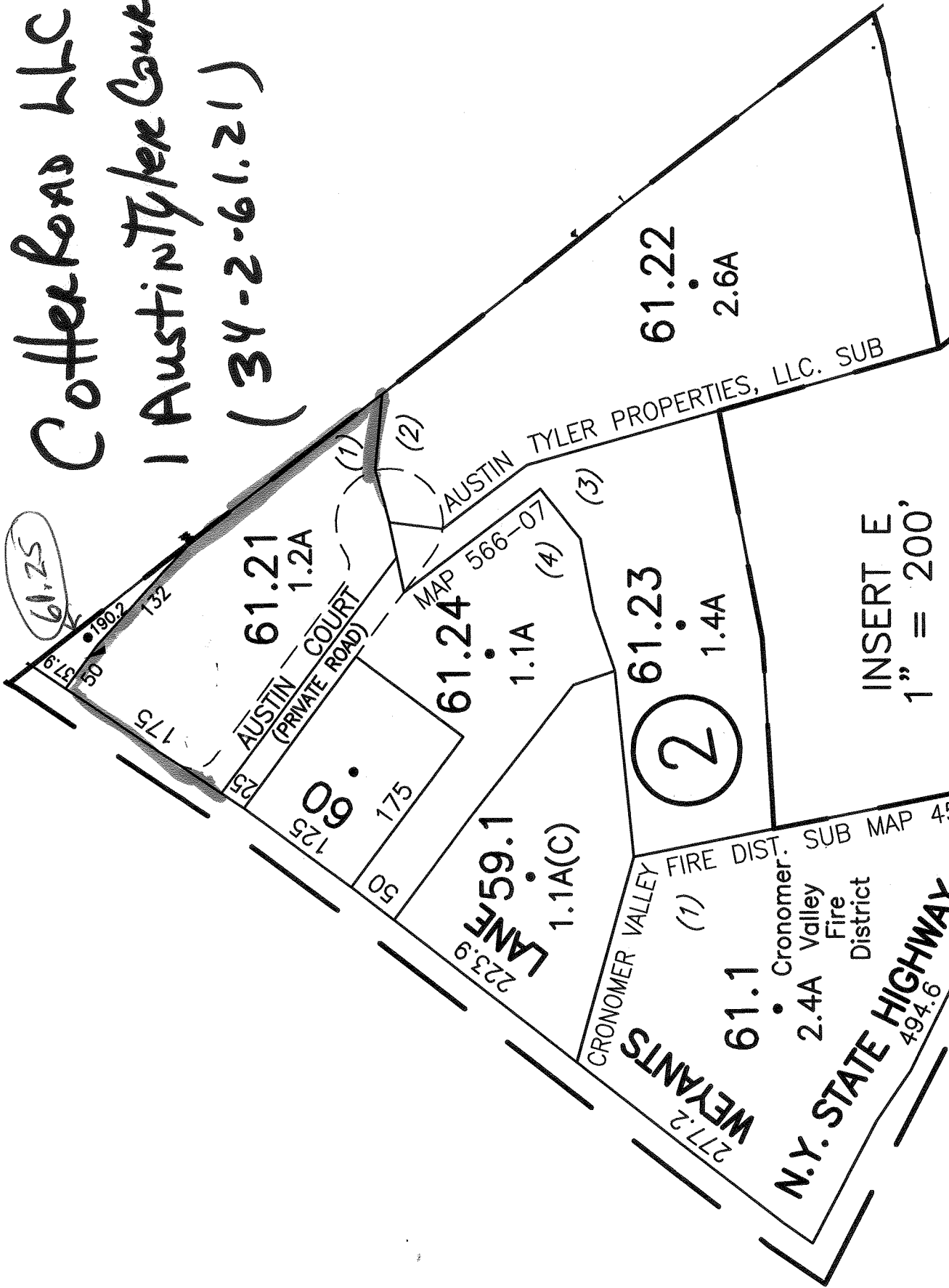
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

Coffey Road LLC
1 Austin Tyler Court
(34-2-61.21)

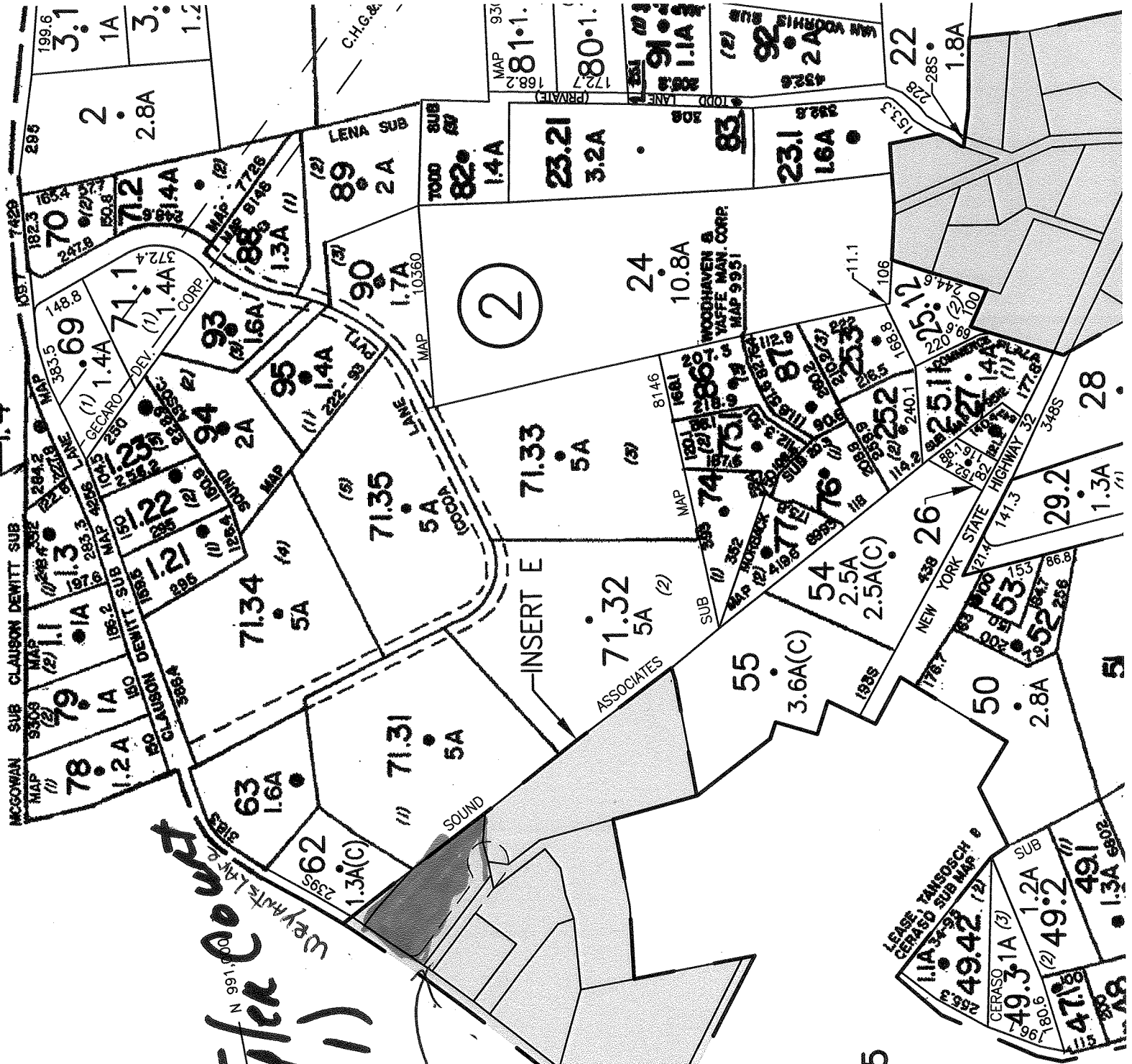
61.25



E 612,500

*Cotter
Austin Tyler
(34-2-61.21)*

*Austin
Tyler
Court*



SECTION 35