

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza

Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 3/7/22

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

I (WE) STEVEN J. WAGNER PRESENTLY

RESIDING AT NUMBER 13 TOMS LANE, NEWBURGH, N.Y. 12550

TELEPHONE NUMBER 845-344-7134

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

### 1. LOCATION OF THE PROPERTY:

21-1-1 (TAX MAP DESIGNATION)

70 FROENRIGERD. (STREET ADDRESS)

R-2 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- 185-19-C-1 (FRONT YARD)
- 185-19-C-1 (ONE SIDE YARD)
- 185-19-C-1 (COMBINED SIDE YARDS)

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:

01/07/2022

- 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: FRONT YARD VARIANCE OF 3.4 FEET  
SIDE  
YARD VARIANCE OF 1.1 FEET, COMBINED SIDEYARD VARIANCE OF 3.1 FEET

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:  
NO WORK CAN PROCEED BECAUSE A BUILDING PERMIT WAS DISAPPROVED BECAUSE OF EXISTING NON-CONFORMING SET BACKS OF AN EXISTING HOUSE.  
(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:  
THE HOUSE IS EXISTING & WAS PROBABLY BUILT BEFORE ZONING.
- \_\_\_\_\_

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
THE HOUSE IS EXISTING AND LOCATED IN AN EXISTING NEIGHBORHOOD.
- \_\_\_\_\_

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
BECAUSE THE HOUSE IS EXISTING, PROBABLY BUILT BEFORE ZONING.
- \_\_\_\_\_

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:

I AM NOT CHANGING THE SIZE OF THE  
HOUSE OR ADDING ANYTHING TO IT.

- 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 HOUSE CAN NOT BE MOVED

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

I ONLY NEED 3'6" FOR FRONT YARD  
AND 3'3" FOR COMBINED SIDE YARDS

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

I AM NOT CHANGING THE TOPOGRAPHY  
OR THE LOCATION OF THE HOUSE OR  
ADDING TO THE PROPERTY OR HOUSE

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

THE PROPERTY WAS PURCHASED  
AS IS WITH A LITTLE DEMD  
TO REMOVE UNSAFE AREAS.

7. ADDITIONAL REASONS (IF PERTINENT):

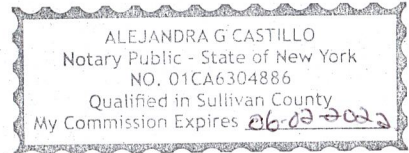
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Steven J. Wagner  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8<sup>th</sup> DAY OF March 20 22

Alejandro Castillo  
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 13 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>			
Name of Action or Project: <b>AREA VARIANCE</b>			
Project Location (describe, and attach a location map): <b>70 FROZEN RIDGE RD. NEWBURGH, NY 12550</b>			
Brief Description of Proposed Action: <b>NEED A VARIANCE FOR FRONT YARD AND SIDE YARDS FOR AN EXISTING HOUSE BUILT IN 1918 POSSIBLY BEFORE ZONING REGULATIONS WERE IMPLEMENTED IN THE TOWN</b>			
Name of Applicant or Sponsor: <b>STEVEN J. WAGNER</b>		Telephone: <b>845-344-7134</b>	
Address: <b>13 TOMS LANE</b>		E-Mail: <b>CROSSCUTINC@Yahoo.com</b>	
City/PO: <b>NEWBURGH</b>	State: <b>NY</b>	Zip Code: <b>12550</b>	
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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
<b>TOWN OF NEWBURGH BUILDING PERMIT</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<b>0.57</b>	acres
b. Total acreage to be physically disturbed?		<b>0</b>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<b>0.57</b>	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	YES	N/A
	<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?	NO	YES	
	<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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<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: <u>PRIVATE WELL</u>	NO	YES	
	<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: <u>PRIVATE SEWAGE SYSTEM</u>	NO	YES	
	<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?	NO	YES	
	<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: _____	NO	YES	
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<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	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: STEVEN J. WAGNER Date: 3-7-22

Signature: Steven J. Wagner

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 scope 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:		
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)



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

**COUNTY CLERK'S RECORDING PAGE**  
**\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\***



BOOK/PAGE: 14885 / 1546  
 INSTRUMENT #: 20210004257

Receipt#: 2856162  
 Clerk: PM  
 Rec Date: 01/22/2021 09:46:50 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 5  
 Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: MARATO HOMES LLC  
 Party2: CROSSCUT CONSTRUCTION INC  
 Town: NEWBURGH (TN)  
 21-1-1

Recording:	
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
<b>Sub Total:</b>	<b>205.00</b>
Transfer Tax	
Transfer Tax - State	200.00
<b>Sub Total:</b>	<b>200.00</b>
<b>Total:</b>	<b>405.00</b>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 5422	
Transfer Tax	
Consideration: 50000.00	
Transfer Tax - State	200.00
<b>Total:</b>	<b>200.00</b>

Payment Type:    Check   
                   Cash   
                   Charge   
                   No Fee

Comment: \_\_\_\_\_

Ann G. Rabbitt  
 Orange County Clerk

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
 I, KELLY A. ESKEW, 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 01-22-2021 AND THE SAME IS A CORRECT  
 TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE  
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL  
 03-04-2022 *Kelly A. Eskew*  
 COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
 ORANGE COUNTY

Record and Return To:

ROBERT J KEAN ESQ  
 70 BONIFACE DR  
 PO BOX 179  
 PINE BUSH NY 12566

07314

2

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

**THIS INDENTURE**, made the 30<sup>th</sup> day of Dec, Two Thousand Twenty  
**BETWEEN** **MARATO HOMES, LLC**, residing at  
194 Milton Turnpike  
Milton, New York 12547

party of the first part, and

**CROSSCUT CONSTRUCTION, INC.**  
residing at 13 Toms Lane  
Newburgh, New York 12550

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of  
TEN Dollars and 00/100-----(\$10.00)-----dollars,

lawful money of the United States, and other 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 Town of Newburgh, County of Orange and State of New York, more particularly bounded and described on Schedule "A" attached hereto and made a part hereof.

BEING the same premises conveyed to Marato Homes, LLC by deed dated 11/9/2016 and recorded in the Orange County Clerk's Office 11/17/2019 as Document No. Liber 14138 page 1162.

**PREMISES ARE NOT SUBJECT TO A CREDIT LINE MORTGAGE**

21-1-1

**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.

HILL N DALE ABSTRACTERS, INC.  
PO BOX 547  
GOSHEN, NY 10924  
(845) 294-5110  
(845) 294-9581

Schedule "A"

**C.T. MALE ASSOCIATES**

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

**DESCRIPTION  
PORTION OF LANDS NOW OR FORMERLY OF  
MARATO HOMES, LLC  
70 FROZEN RIDGE ROAD  
TOWN OF NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK  
AREA = 0.57± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, lying Southeasterly of Frozen Ridge Road, and being more particularly bounded and described as follows:

BEGINNING at a point on the Southeasterly road boundary of Frozen Ridge Road (a right-of-way of varying width) at its point of intersection with the division line between the lands now or formerly of Marato Homes, LLC as described in Book 14138 of Deeds at Page 1162 on the Southwest and the lands now or formerly of Richard M. Goodrich and Cheryl M. Goodrich as described in Book 11871 of Deeds at Page 1781 on the Northeast and runs thence from said point of beginning along said division line South 63 deg. 05 min. 22 sec. East 230.34 feet to its point of intersection with the division line between the said lands now or formerly of Marato Homes, LLC on the Northwest and the lands now or formerly of Ronald Hughes as described in Book 4257 of Deeds at Page 329 on the Southeast; thence South 26 deg. 09 min. 56 sec. West along the last mentioned division line 116.13 feet to its point of intersection with the division line between the said lands now or formerly of Marato Homes, LLC on the Northeast and other lands now or formerly of Ronald Hughes as described in Book 5800 of Deeds at Page 345 on the Southwest; thence along said division line North 61 deg. 54 min. 04 sec. West 88.39 to its point of intersection with the division line between the said lands now or formerly of Marato Homes, LLC on the Southeast and the lands now or formerly of

**C.T. MALE ASSOCIATES**

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

*DESCRIPTION*

*AREA = 14.00± ACRES OF LAND*

*PAGE - 2*

Judith Sanchez, Trustee of the Felicia Sanchez Irrevocable Trust as described in Book 14198 of Deeds at Page 1346 on the Northwest; thence along said division line North 23 deg. 53 min. 00 sec. East 11.00 feet to its point of intersection with the division line between the said lands now or formerly of Marato Homes, LLC on the Northeast and the said lands now or formerly of Judith Sanchez, Trustee of the Felicia Sanchez Irrevocable Trust on the Southwest; thence along said division line the following two courses; 1) North 61 deg. 54 min. 00 sec. West 67.90 feet to a point; and 2) North 61 deg. 42 min. 00 sec. West 80.39 feet its point of intersection on the above mentioned Southwesterly road boundary of Frozen Ridge Road; thence along said Southwesterly road boundary North 29 deg. 58 min. 32 sec. East 100.09 feet to the point or place of beginning and containing 24,965 square feet or 0.57 acre of land, more or less.

Subject to any covenants, easements, or restrictions of record.

C.T. MALE ASSOCIATES


Raymond T. Liuzzo, P.L.S.

December 21, 2020  
RTL  
C.T. Male Project No. 20.0731

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

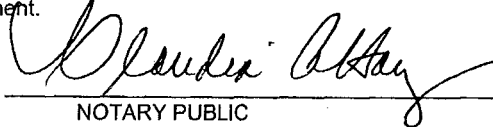
In Presence of:

MARATO HOMES, LLC

  
By TIMOTHY MARQUIS, Member

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF DUTCHESS )

On the 30 day of Dec, 2020, before me, the undersigned, a notary public in and for said state, personally appeared TIMOTHY MARQUIS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is(are) subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
NOTARY PUBLIC

CLAUDIA A. HAUG  
Notary Public, State of New York  
Registration No. 01HA4708297  
Qualified in Dutchess County  
My Commission Expires February 28, 2021

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. HN 67374

MARATO HOMES, LLC

TO

CROSSCUT CONSTRUCTION, INC.

Section 21  
Block 1  
Lot 1  
Town of Newburgh

**RECORD AND RETURN TO:**

*Robert J. Kean, Esq.*  
*70 Bonface Dr.*  
*PO Box 179*  
*Pine Bush, NY*  
*12566*



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT**  
21 HUDSON VALLEY PROFESSIONAL PLAZA  
NEWBURGH, NEW YORK 12550

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

# 2969-22

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/07/2022

Application No. 21-0912

To: Crosscut Construction, Inc.  
13 Toms Lane  
Newburgh, NY 12550

SBL: 21-1-1  
ADDRESS: 70 Frozen Ridge Rd

ZONE: R2

PLEASE TAKE NOTICE that your application dated 08/11/2021 for permit to re-build and raise the height of an existing non-conforming dwelling unit on the premises located at 70 Frozen Ridge Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1. 185-19-C-1: Shall not increase the degree of non-conformity. (Front yard)
2. 185-19-C-1: Shall not increase the degree of non-conformity. (One side yard)
3. 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side yards)

  
\_\_\_\_\_  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

**NAME:** CROSSCUT CONSTRUCTION      **Application #** 21-0912

**ADDRESS:** 13 TOMS LANE NEWBURGH NY 12550

**PROJECT INFORMATION:**      **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:** TOTAL REBUILD @ 70 FROZEN RIDGE RD

**SBL:** 21-1-1      **ZONE:** R-2      **ZBA Application #** 2969-22

**TOWN WATER:** YES / **NO**      **TOWN SEWER:** YES / **NO**      N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'	46.6'	INCREASING DEGREE NON CONFORMITY		
ONE REAR YARD	30'	28.9'	INCREASING DEGREE NON CONFORMITY		
COMBINED SIDE YARD	80'	76.9'	INCREASING DEGREE NON CONFORMITY		
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES X 3**

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:** **THE BUILDING IS EXISTING NON-CONFORMING**

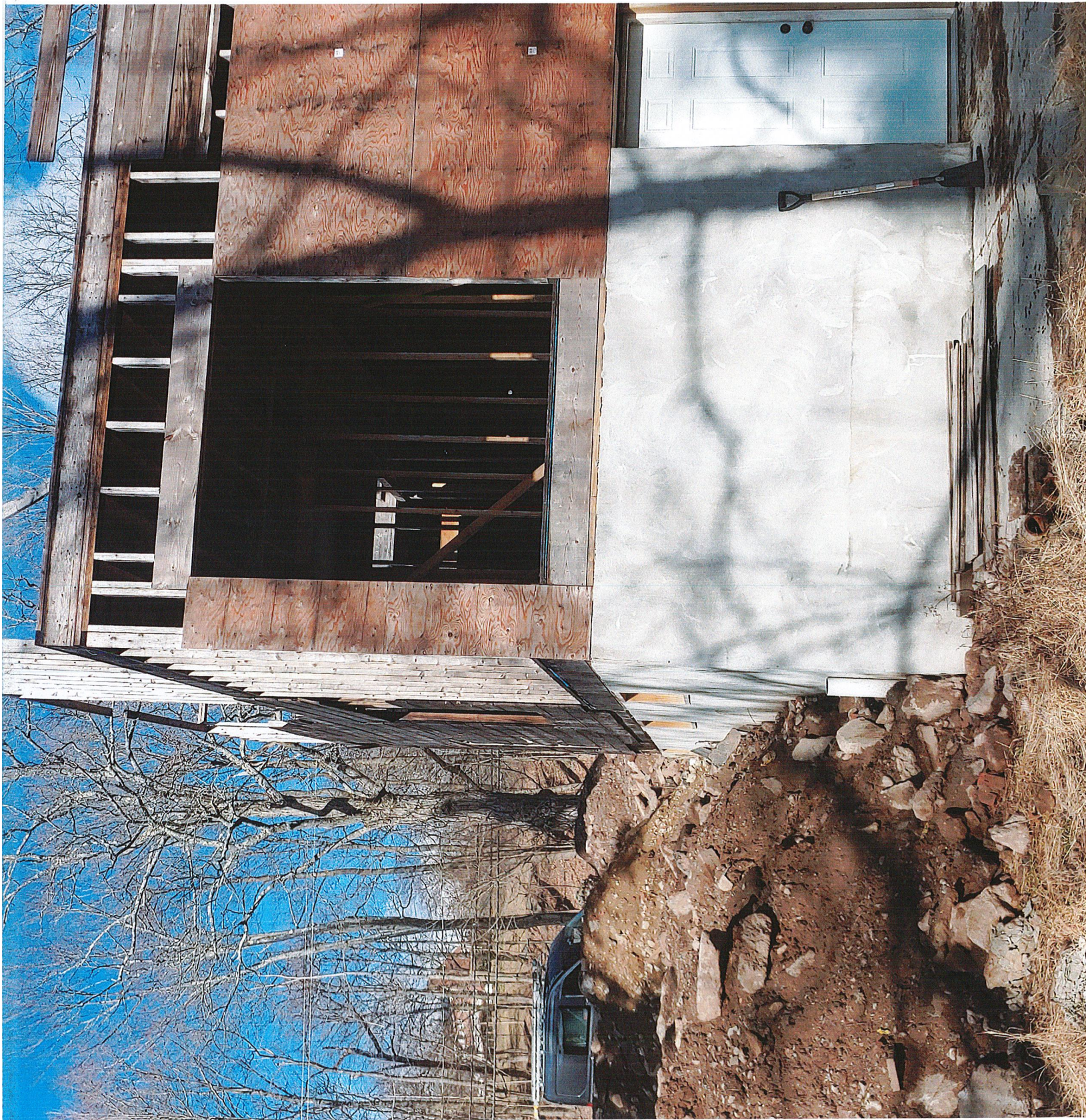
**REVIEWED BY:** Joseph Mattina

**DATE:** 7-Jan-22











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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Steven J. Wagner, being duly sworn, depose and say that I did on or before

March 10, 2022, post and will thereafter maintain at

70 Frozen Ridge Rd 21-1-1 R2 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.

Steven J. Wagner

Sworn to before me this 8<sup>th</sup>

day of March, 2022.

