

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: September 7, 2016

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

I (WE) Donald & June Rudie PRESENTLY

RESIDING AT NUMBER 411 Lakeside Road Newburgh, NY

TELEPHONE NUMBER (201)664-8911

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

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

1. LOCATION OF THE PROPERTY:

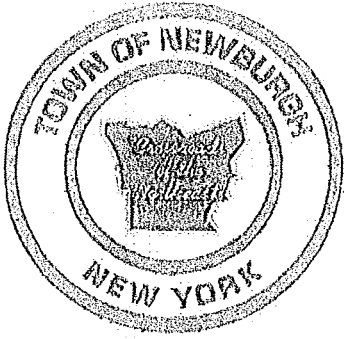
28-1-15 (TAX MAP DESIGNATION)

411 Lakeside Road (STREET ADDRESS)

R1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Table of Bulk Requirements R-1 District Schedule 3



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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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: May 19, 2016

4. DESCRIPTION OF VARIANCE SOUGHT: Area variances for preexisting non conforming side yard, and habitable area.

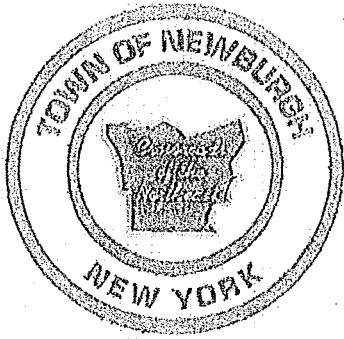
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

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

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

There are no physical changes proposed to the property.

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

All structures are existing and no agreement can be made with regard to the neighbor to the south where the existing 2.0' setback exists.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

No non conforming requirements will be increased and a non conformity will be eliminated as part of the application.

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

There are no physical changes proposed. By effect of the applications project the environmental conditions will not be effected as the driveway will not have to be relocated.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The structures predate the zoning code.



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(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Justin Riche' Donald D. Quirk
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF September 2016

Linda A. Kump

NOTARY PUBLIC
LINDA A. KUMP
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KU6273152
Qualified in Orange County
My Commission Expires December 03, 2016

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

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



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PROXY

Jane Rudie DONALD D. RUDIE, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 411 Lakeside Road

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 411 Lakeside Road

Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED KC Engineering

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/7/2016

Jane Rudie Donald D Rudie

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF September 2016

Linda A. Kump

NOTARY PUBLIC

LINDA A. KUMP
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KU6273152
Qualified in Orange County
My Commission Expires December 03, 2016

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: LOT LINE CHANGE FOR RUDIE & ALBERT			
Project Location (describe, and attach a location map): 411 LAKESIDE ROAD, NEWBURGH NY 12550			
Brief Description of Proposed Action: THE APPLICANTS PROPOSED TO RELOCATE A COMMON BOUNDRY LINE BETWEEN THIER LOTS 35 FEET TO THE NORTH EAST OF THE CURRENT LINE TO ELIMINATE ANY ENCROACHMENT.			
Name of Applicant or Sponsor: DONALD & JUNE RUDIE		Telephone: E-Mail:	
Address: 1 MELBA WAY			
City/PO: TOWNSHIP OF WASHINGTON		State: NEW JERSEY	Zip Code: 07676
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 <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:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 7.19 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 47.49 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

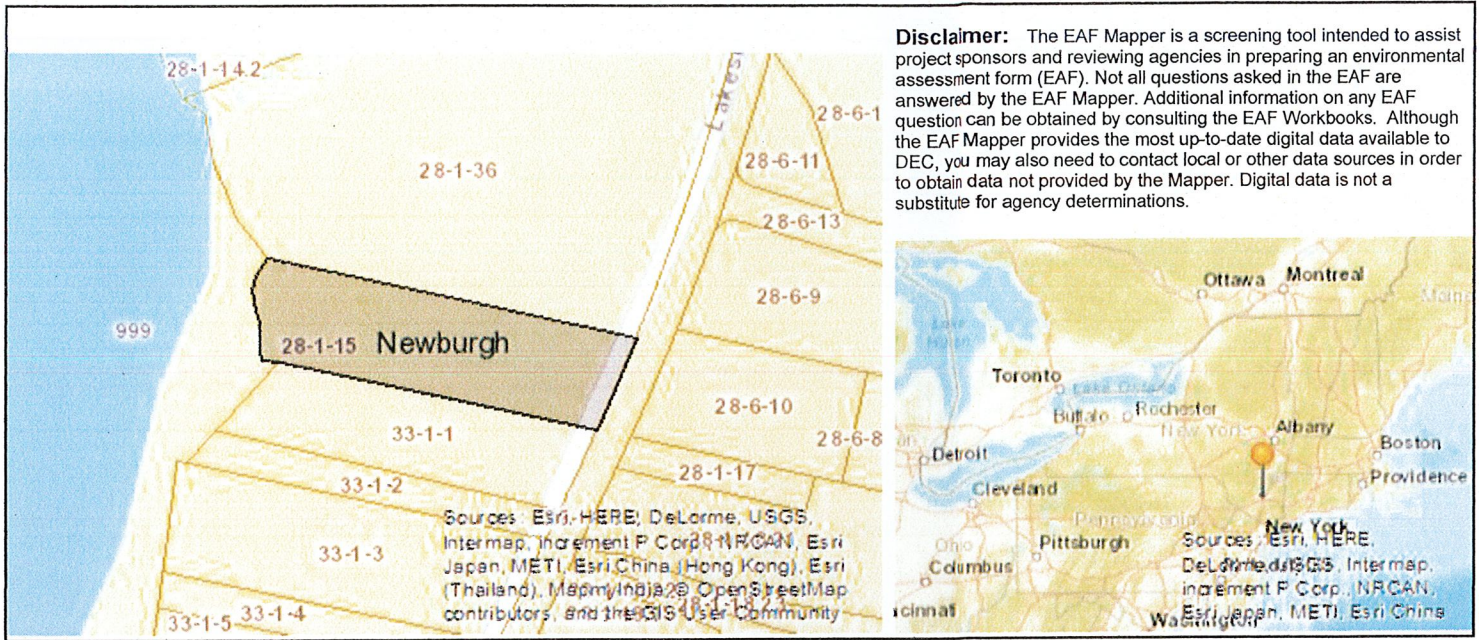
		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<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: _____		<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>EXISTING PRIVATE WELLS</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>EXISTING CENTRAL SEWER</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	<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?		<input type="checkbox"/>	<input checked="" 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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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				

<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> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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

Applicant/sponsor name: James Rudie Donald D. RUDIE Date: 9/7/2016

Signature: James Rudie Donald D. Rudie



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

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

Part 2 is to be completed by the Lead Agency.

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
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"/>

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

May 19, 2016

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Rudie & Albert Lot Line Change
28-1-15 & 36 (Zone R-1)
417 & 411 Lakeside Road (16.06)

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicants appeared before the planning board during its meeting of May 5, 2016. The applicants propose a lot line change between their properties each containing a single-family dwelling. Each of the lots has pre-existing, non-conforming zoning issues whose protections will be lost upon the lot line change approval. Therefore, the planning board refers these matters to you for consideration of the following variances:

Rudie Lot (28-1-15):

- Area variance allowing a front yard setback of 49 feet where 50 feet is required; and
- Area variance permitting a habitable floor area of 1,262 square feet where 1,500 square feet is required.

Rudie & Albert Lot (28-1-36):

- Area variance allowing a lot width of 144 feet where 150 feet is required;
- Area variance allowing a side yard setback of 2 feet where 30 feet is required; and

- Area variance permitting a habitable floor area of 1,331 square feet where 1,500 feet is required.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act is a Type II action. If not, the planning board suggests that uncoordinated review may be in order.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
KC Engineering and Land Surveying, P.C.
David A. Donovan, Esq.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
MATTHEW J. SICKLER, P.E. (NY & PA)
PATRICK J. HINES

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Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: LANDS OF RUDIE & ALBERT
PROJECT NO.: 16-06
PROJECT LOCATION: SECTION 28, BLOCK 1, LOT 15 & 36
REVIEW DATE: 29 APRIL 2016
MEETING DATE: 5 MAY 2016
REPRESENTATIVE: KC ENGINEERING AND LAND SURVEYING

1. Project proposes a lot line change transferring 0.39 acres of property from lot # lot #2 in order to address a driveway encroachment. Several pre existing non conforming zoning issues exist on the lots which will require Zoning Board of Appeals approval prior to Planning Board action.
 - 1 Lot #1 front yard- 49 feet provided where 50 feet is required
 - 2 Lot #1 habital floor area -1,272 provided where 1,500 is required
 - 3 Lot #2 lot width – 144 feet provided where 150 is required.
 - 4 Lot #2 One side yard 2 feet provided where 30 feet is required
 - 5 Lot #2 habital floor area – 1,331 provided where 1,500 is required.
2. A note should be added to the map identifying that no utility encroachments will occur due to the lot line change.
3. The Applicants surveyor is requested to address the map notes identifying the rear property lines as (property line) is existing edge of water vs. a proposed meets and bounds line identified on the plans. Which seems to extend the rear lot lines.

Respectfully submitted,

**McGoey, Hauser & Edsall
Consulting Engineers, D.P.C.**

Patrick J. Hines
Principal

This Indenture

Lawyer
10/2/16
SS

Made the 7th day of December

nineteen

hundred and Seventy-six.

Between FREDERICK W. WOLF and SIDONIA WOLF, Husband and Wife,
both residing at 251 Lakeside Road, Town of Newburgh, County of
Orange and State of New York,

parties of the first part, and

JUNE RUDIE and DONALD D. RUDIE, Wife and Husband,
both residing at 1 Melba Way, Town of Westwood, County of Bergen and
State of New Jersey,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of ONE
----- (\$1.00) ----- Dollars,
lawful money of the United States,

do hereby grant and release unto the parties of the second part,
paid by the parties of the second part,
of the second part,
their heirs and assigns forever,

All that certain lot, piece or parcel of land situate in the
Town of Newburgh, County of Orange, State of New York and being more
accurately bounded and described as follows:

BEGINNING at a point in the centerline of Lakeside Road, said
point of beginning being approximately 9/10 of a mile northerly of
the intersection of Lakeside Road with New York State Route #52, said
point being in the line of a fence separating lands of Spraccia
(Sbraccia) on the South from lands of Wolf on the North; thence from
said point of beginning, North 66° 05' 09" West 19.00' to an old
fence post at the northeast corner of lands of Spraccia (Sbraccia);
thence following along a fence and wall separating lands of Spraccia
(Sbraccia) on the South from lands of Wolf on the North on the
following two courses and distances: North 67° 52' 19" West 254.42'
to a point; thence North 69° 45' 59" West 237.15' to a point on the
edge of Orange lake; thence along the edge of Orange Lake, North 16°
18' 13" East 144.0' to a point; thence through lands of Wolf, South
68° 23' 41" East 544.51' to a point in the centerline of Lakeside
Road; thence along the centerline of Lakeside Road, South 29° 59'
West 142.31' to the point of beginning..

Containing 1.69+ acres.

BEING the same premises conveyed to the parties of the first
part by Joseph Milton Baker, by deed Dated January 16th, 1976 and
recorded in the Orange County Clerk's Office on Jan 23rd, 1976 in
Liber 2027 of Deeds at page 962 and being a portion of the premises
conveyed to the parties of the first part by Florence M. Bollbach,
Mary L. Mulligan, Elizabeth Haag and Anna Wangler by Deed dated
December 10th, 1945 and recorded in the Orange County Clerk's Office
in Liber 979 of Deeds at page 236.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety and not as tenants in and assigns forever, common, their heirs,

And the said parties of the first part, covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they 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 that they 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.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal the day and year first above written

In the Presence of:

[Handwritten signature]

Frederick W. Wolf

FREDERICK W. WOLF
Sidonia Wolf

SIDONIA WOLF

State of New York, County of ORANGE

ss.:

On the 7th day of December, nineteen hundred and Seventy-six before me personally came FREDERICK W. WOLF and SIDONIA WOLF

to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

[Handwritten signature]

Notary Public
WILLIAM F. STANTON
NOTARY PUBLIC, STATE OF NEW YORK
RESIDING IN ORANGE COUNTY
Commission Expires March 21, 1977

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, 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 September 14, 1976 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

RECEIVED
\$ 30.80
REAL ESTATE
DEC 7 1976
TRANSFER TAX
ORANGE
COUNTY

Red.

FREDERICK W. WOLF
and
SIDONIA WOLF

TO

JUNE RUDIE
and
DONALD D. RUDIE

Dated, December 7th, 1976.

Orange County Clerk's Office, N.Y.

Received on the 7th of Dec 1976 at 12:35
clock P.M. in Liber. 2054
at page 103
and Examined.

C. D. Johnson
Clerk

June And Donald D. Rudie
1 Melba Way
Westwood, N. J. 06775

30.80

5.50
X

Y. V. V. V.

September 7, 2016

Chairman James Manley Jr.,
Town of Newburgh Zoning Board of Appeals
1496 Route 300
Newburgh, NY 12550

Subject: Planning Board Submission for Lot Line Change
Tax map parcels 28-1-15 & 36 Lakeside Road

Dear Chairman Manley and members of the Zoning Board:

On behalf of the Applicants, Mr. Donald & June Rudie, please find the application materials for a lot line change between the two adjacent parcels located on Lakeside Road. The applicant presently controls the subject parcels and desires to modify the common property boundary to more accurately reflect the current utilization of the properties that includes the transfer of approximately .39 acres from tax map parcels 28-1-36 to 28-1-15 on Lakeside Road.

The pre-existing nonconforming conditions requiring your approval is summarized in Mr. Donnelly's letter dated May 19, 2016. We have noted that in Mr. Donnelly's letter, that the variances needed for each lot are reversed. If upon your review there are additional variances required, we respectfully request consideration of those variances as well. We note that this lot line change has also eliminated an additional preexisting non-conforming condition. In no case is any preexisting non-conforming condition increased.

Enclosed with this letter you will find the following items:

- (2) Receipt for the ZBA fee from the Clerk's office.
- (1) Referral Letter from the Planning Board.
- (11) Copies of the Lot Line change dated February 8, 2016, drawn to scale.
- (1) Certified copy of each *deed*, of the affected properties
- (2) Lists provided by the Assessor, of properties within 500' of the affected properties.
- (4) Photographs of each property from various angles
- (2) Zoning Board application
- (2) Executed Environmental Assessment Form
- (2) Proxy for representation thereof
- (1) Email clarification from the project surveyor regarding lot line definition.

Applicants *checks* as follows:

\$200 application fee for each parcel

The project proposes a lot line change between two (2) lots, 417 Lakeside Road - SBL: 28-1-36 and 411 Lakeside Road - SBL: 28-1-15. As depicted on the enclosed Lot Line Change Plan, the lot line is proposed to move 35' in a northeasterly direction. The area to be transferred from Tax Lot 36 to Tax Lot 15 is 17,130 square feet or 0.39± acres. The purpose of the lot line change is to eliminate any encroachment between the lots as the existing driveway for Tax Lot 15 currently traverses Tax Lot 36 for approximately 350 feet. The application meets all zoning requirements with the exception of the pre-existing non-conforming conditions identified in the bulk table.

We trust that the enclosed application materials complete the requirements for the Town's Zoning Board application. If anything additional should be required or if you should have any questions please feel free to give me a call. We respectfully request that this project be placed on the next available Zoning Board agenda.

Very Truly Yours,

KC Engineering and Land Surveying, P.C.



Ryan A. McGuire, P.E.

Project Manager

RAM/JT

enc.

cc: Donald & June Rudie (applicant)

14.2

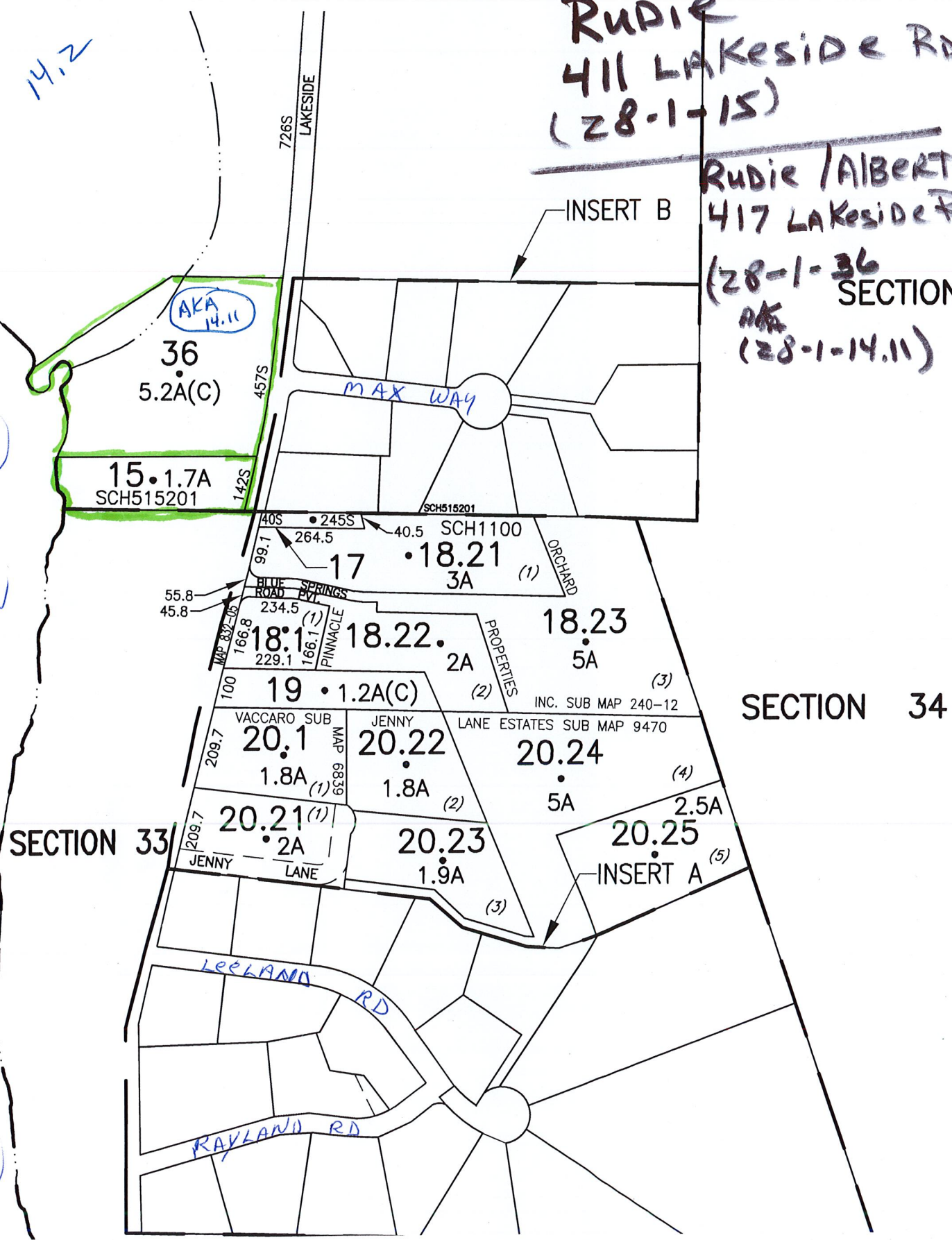
RUDIE
411 LAKESIDE RD
(28-1-15)

RUDIE / ALBERT
417 LAKESIDE RD
(28-1-36
SECTION
AKA
(28-1-14.11))

c)

ORANGE LAKE

A



SECTION 34

SECTION 33

AKA
14.11

36
5.2A(C)

15.1.7A
SCH515201

17
18.21
3A (1)

18.1
18.22
2A (2)

18.23
5A (3)

19
1.2A(C)

20.1
1.8A (1)

20.22
1.8A (2)

20.24
5A (4)

20.21
2A (1)

20.23
1.9A (3)

20.25
2.5A (5)
INSERT A

INSERT B

MAX WAY

726S
LAKESIDE

457S
142S

ORCHARD

PROPERTIES

INC. SUB MAP 240-12
LANE ESTATES SUB MAP 9470

LEE LAND RD

RAYLAND RD

BLUE SPRINGS
ROAD PVT

PINNACLE

VACCARO SUB
MAP 6839

JENNY LANE

JENNY LANE

SCH515201

SCH1100

40S

99.1

264.5

234.5

229.1

166.8

100

209.7

209.7

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