



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#:  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

|                           |  |  |   |
|---------------------------|--|--|---|
| Municipality:             | Town of Newburgh                               | Tax Map #:   | 94-1-13.2                                       |
| Local Referring Board:    | Zoning Board of Appeals                        | Tax Map #:   |   |
| Applicant:                | ESTATE of James A. Fischer<br>Jennifer Fischer | Tax Map #:   |   |
| Project Name:             |  | Local File No.:  | REFERRAL<br>PLANNING BD                         |
| Location of Project Site  | 2 Fletcher Drive                               | Size of Parcel*:   | 0.65 ACRES                                      |
|                           |  | *If more than one parcel, please include sum of all parcels. |   |
| Reason for County Review: | ON NYS Route 17K                               |  | Current Zoning District (include any overlays): |
|                           |  |  | B   |

**Type of Review:**

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan

Sq. feet proposed (non-residential only): \_\_\_\_\_

Subdivision

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Number of lots proposed: \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

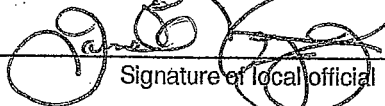
Variance

AREA USE (circle one) Lot width, one side yard setback, minimum lot area

Other

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

Signature of local official:  Date: 6/3/16 Chairperson Zoning Board of Appeals

Municipal Contact Phone Number: 845-566-4901 Title:

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 5-10-2016

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

ESTATE OF JAMES A FISHER

I (WE) JENNIFER YALDE-FISHER PRESENTLY

RESIDING AT NUMBER 718 RIVER ROAD, MONTGOMERY NY 12549

TELEPHONE NUMBER 914 213-0653

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:

S/B/L 94-1-13.2 (TAX MAP DESIGNATION)

2 FLETCHER DR (STREET ADDRESS)

B (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).

185-11 UTILIZATION OF BULK TABLE  
SCHEDULE 7 - B DISTRICT



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_
- 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: LOT AREA OF 26,072 SQ. FT. WHERE 40,000 SQ. FT. IS REQUIRED. LOT WIDTH OF 85.1 FT. WHERE 150 FT IS REQUIRED AND SIDE YARD SETBACK OF 10 FT WHERE 30 FT IS REQUIRED.

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:

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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

---

---

---

6. IF AN AREA VARIANCE IS REQUESTED: *SEE ATTACHED ADDENDUM*

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

---

---

---

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:

---

---

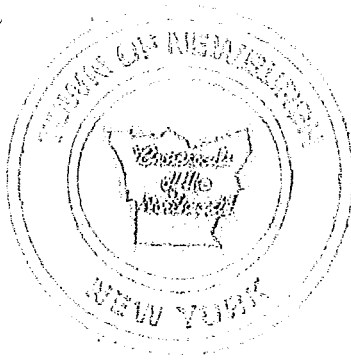
---

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

---

---

---



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

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

x *Jennifer Yarrow Fitch*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16<sup>th</sup> DAY OF May 2016

MARCIA A. JACOBOWITZ  
Notary Public, State of New York  
No. 4877911  
Qualified in Orange County  
Commission Expires Nov. 3, 2018

*Marcia A. Jacobowitz*  
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 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)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

<sup>YADE-</sup>  
JENNIFER FISCHER, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 718 RIVER ROAD MONTGOMERY 12549  
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
TAX PARCEL SECTION 94 BLOCK 1 LOT 13.2  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED VINCENT J. DOCE ASSOC.  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5-16-16

Jennifer Yade Fisher  
OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16<sup>th</sup> DAY OF May 20 16

[Signature]  
NOTARY PUBLIC

MARCIA A. JACOBOWITZ  
Notary Public, State of New York  
No. 4877911  
Qualified in Orange County  
Commission Expires Nov. 3, 2018

## Addendum

### 6. IF AN AREA VARIANCE IS REQUESTED:

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

The area along NYS Route 17K consist predominately of commercial uses and the parcel is opposite Stewart Airport. The proposed building, although on a separate parcel, will function as a unit with the existing veterinary practice located on the adjacent parcel. The parcel is being developed as a common scheme with the site containing the existing buildings. Once the proposed building is constructed it will blend in with the existing veterinary site and the character of the neighborhood will remain unchanged. If the site were to be developed as one parcel by combining the lots, no variance would be required. Instead the site is being developed on two separate parcels tied together under a common scheme, with the same governance, obligations, and restrictions that would apply if the lots were combined. In either case everything on the ground will look exactly the same.

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

If the subject parcel could be combined with the adjacent parcel there would be no need for variances. However, the parcels can't be consolidated because the building and lots on which they are located must remain in separate ownership. Prior to his passing, Dr. Fischer was in the process of securing Planning Board approval for the pet boarding component of his existing practice. In settling her husband's estate, Mrs. Fischer has a potential purchaser for the veterinary practice, but the buyer does not wish to own and operate the pet boarding component of the practice. Mrs. Fischer, and/or her assigns, will now own and operate the pet boarding part of the veterinary operation. Since the different components of the veterinary practice will be owned and operated by separate parties, the parcels must remain in separate ownership, necessitating the variances.

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

Although quantitatively the variance may appear substantial, when the project is viewed in the context of a common scheme with the adjacent veterinary site it is not substantial. There is more than enough lot area and/lot width within the overall project area. Also, the proposed building will be set back the required distances from the road boundaries. The side yard variance is internal to project.

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

As previously stated, the area is predominately commercial and the parcel is adjacent to an existing veterinary practice. The parcel is being developed as a common scheme with the existing practice, and although remaining on separate parcels, they will operate as a unit. The existing practice functions with no adverse effect on the neighborhood and the addition of a pet boarding component is not anticipated to cause any adverse impacts. The pet boarding facility is entirely complimentary and normal to the veterinary practice.

## Addendum

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

The project is the pet boarding component being developed in a common scheme with the adjacent veterinary practice. If it was possible to combine the parcels, the variance would not be required. The need for a variance is being created by the need to keep the parcels in separate ownership.

I would also point out that the parcel is an existing lot with an average lot width of approximately 90 feet. Any development of the site would require at least one, if not more, variances.



*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:<br>SITE PLAN LANDS OF THE ESTATE OF JAMES A FISCHER   |  |                                     |                                     |
| Project Location (describe, and attach a location map):<br>2 FLETCHER DRIVE TOWN OF NEWBURGH, ORANGE CO.   |  |                                     |                                     |
| Brief Description of Proposed Action:<br>CONSTRUCTION OF A 2450 SQ. FT. PET BOARDING FACILITY W/ ASSOCIATED PARKING AREA. BUILDING WILL CONNECT TO TOWN SEWER AND WATER. PET BOARDING FACILITY WILL OPERATE IN CONJUNCTION WITH EXISTING VETERINARY PRACTICE.  |  |                                     |                                     |
| Name of Applicant or Sponsor:<br>ESTATE OF JAMES A FISCHER<br>JENNIFER YACOE-FISCHER   |  | Telephone: 914.213-0653<br>E-Mail:  |                                     |
| Address:<br>718 RIVER ROAD   |  |                                     |                                     |
| City/PO:<br>MONTGOMERY   |  | State:<br>NY                        | Zip Code:<br>12549                  |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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?<br>If Yes, list agency(s) name and permit or approval:   |  | NO                                  | YES                                 |
| TOWN OF NEWBURGH PLANNING BOARD SITE PLAN<br>NYS DOT WORK PERMIT   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | 0.61 ± acres                        |                                     |
| b. Total acreage to be physically disturbed?   |  | 0.30 ± acres                        |                                     |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | 2.80 ± 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 checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): AIRPORT<br><input type="checkbox"/> Parkland |  |                                     |                                     |

|   |                                     |                                     |                          |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,<br>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"/> | <input type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____   | <input checked="" type="checkbox"/> | <input 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"/>            | <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"/>            | <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"/>            | <input type="checkbox"/> |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action connect to an existing public/private water supply?<br><br>If No, describe method for providing potable water: _____   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action connect to existing wastewater utilities?<br><br>If No, describe method for providing wastewater treatment: _____  | <input type="checkbox"/>            | <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?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Is the proposed action located in an archeological sensitive area?   | <input checked="" type="checkbox"/> | <input 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"/> | <input type="checkbox"/> |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____   | <input checked="" type="checkbox"/> | <input 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:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><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?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 16. Is the project site located in the 100 year flood plain?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____  | <input checked="" type="checkbox"/> | <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)?<br>If Yes, explain purpose and size: _____<br>_____<br>_____ | NO<br><br><br><input checked="" type="checkbox"/> | YES<br><br><br><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?<br>If Yes, describe: _____<br>_____<br>_____   | NO<br><br><br><input checked="" type="checkbox"/> | YES<br><br><br><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?<br>If Yes, describe: _____<br>_____<br>_____   | NO<br><br><br><input checked="" type="checkbox"/> | YES<br><br><br><input type="checkbox"/> |

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

Applicant/sponsor name: DARREN C. DOLE  
VINCENT J. DOCKE Assoc Date: 5-10-2011

Signature: *[Handwritten Signature]*

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 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:   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 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)

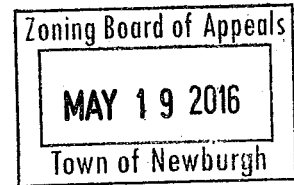
**Dickover, Donnelly & Donovan, LLP**  
Attorneys and Counselors at Law

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: Fischer Site Plan  
94-1-~~12~~ & 13.2 (Zone B)  
154 NYS Route 17K (15.31)

*only  
13.2  
as per  
Darren  
Dove*

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of May 5, 2016 requesting site plan approval allowing a pet board facility to operate on a separate, non-conforming lot. The applicant will required several variances to achieve this objective. Therefore the planning board has asked me to refer this matter to you for consideration of the following variances:

- Area variance allowing a lot width of 85.1 feet where 150 feet is proposed;
- Area variance allowing a side yard setback of 10 feet where 30 feet is required;  
and
- Area variance allowing a lot area of 26,072 square feet where 40,000 square 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,

A handwritten signature in black ink, appearing to read "MHD", with a large, stylized flourish extending from the end.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Vincent J. Doce Associates  
David A. Donovan, Esq.

**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

13, 14, 15  
16, 17



PAUL ZAKOVIC

TO

JAMES A FISCHER

SECTION 94 BLOCK 1 LOT

RECORD AND RETURN TO:  
(name and address)

MARCIA A JACOBOWITZ  
ATTORNEY AT LAW  
PO BOX 366  
WALDEN NY 12586

**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:  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

- |   |  |
|---|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN)   | <input type="checkbox"/> 4289 MONTGOMERY (TN)          |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 HAYBROOK (VLG)           |
| <input type="checkbox"/> 2289 CHESTER (TN)          | <input type="checkbox"/> 4203 MONTGOMERY (VLG)         |
| <input type="checkbox"/> 2201 CHESTER (VLG)         | <input type="checkbox"/> 4203 WALDEN (VLG)             |
| <input type="checkbox"/> 2489 CORNWALL (TN)         | <input type="checkbox"/> 4489 MOUNT HOPE (TN)          |
| <input type="checkbox"/> 2401 CORNWALL (VLG)        | <input type="checkbox"/> 4401 OTISVILLE (VLG)          |
| <input type="checkbox"/> 2600 CRAWFORD (TN)         | <input checked="" type="checkbox"/> 4000 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN)         | <input type="checkbox"/> 4800 NEW WINDSOR (TN)         |
| <input type="checkbox"/> 3089 GOSHEN (TN)           | <input type="checkbox"/> 5089 TUXEDO (TN)              |
| <input type="checkbox"/> 3001 GOSHEN (VLG)          | <input type="checkbox"/> 5001 TUXEDO PARK (VLG)        |
| <input type="checkbox"/> 3003 FLORIDA (VLG)         | <input type="checkbox"/> 5200 WALLKILL (TN)            |
| <input type="checkbox"/> 3005 CHESTER (VLG)         | <input type="checkbox"/> 5489 WARWICK (TN)             |
| <input type="checkbox"/> 3200 GREENVILLE (TN)       | <input type="checkbox"/> 5401 FLORIDA (VLG)            |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN)     | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)     |
| <input type="checkbox"/> 3401 HAYBROOK (VLD)        | <input type="checkbox"/> 5405 WARWICK (VLD)            |
| <input type="checkbox"/> 3089 HIGHLANDS (TN)        | <input type="checkbox"/> 5600 WAWAYANDA (TN)           |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLD)  | <input type="checkbox"/> 5889 WOODBURY (TN)            |
| <input type="checkbox"/> 3889 MINISINK (TN)         | <input type="checkbox"/> 5801 HARRIHAN (VLD)           |
| <input type="checkbox"/> 3801 UNIONVILLE (VLD)      |  |
| <input type="checkbox"/> 4089 MONROE (TN)           | <b>CITIES</b>  |
| <input type="checkbox"/> 4001 MONROE (VLD)          | <input type="checkbox"/> 0900 MIDDLETOWN               |
| <input type="checkbox"/> 4003 HARRIHAN (VLD)        | <input type="checkbox"/> 1100 NEWBURGH                 |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLD)     | <input type="checkbox"/> 1300 PORT JERVIS              |
|   | <input type="checkbox"/> 9999 HOLD                     |

NO PAGES  CROSS REF.  
CERT. COPY  ADD'L X-REF.  
MAY  PGS.

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

Taxable CONSIDERATION \$ 28,000  
TAX EXEMPT  
Taxable MORTGAGE AMT. \$  
DATE

**MORTGAGE TAX TYPE**  
 (A) COMMERCIAL/FULL 1%  
 (B) 1 OR 2 FAMILY  
 (C) UNDER 10,000  
 (E) EXEMPT  
 (F) 3 TO 6 UNITS  
 (H) 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: H-N-D

RECORDED/FILED  
07/05/2005/ 09:44:19  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE # 20050073607  
DEED C / BK 11887 PG 1784  
RECORDING FEES 207.00  
TTX# 012740 T TAX 112.00  
Receipt#443710 juls

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 July 05, 2005 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* May 09, 2016  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY





Bargain and Sale Deed  
With Covenants Against Grantors Acts

HN 35563

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

**THIS INDENTURE**, made the **29** day of June, two thousand and five

**BETWEEN**

PAUL ZAKOVIC, P.O. Box 652239, Benmore, Republic of South Africa 2010,  
party of the first part, and  
JAMES A FISCHER, 718 River Road, Montgomery, New York 12549,  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten and No/100 (\$10.00) 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 Town of Newburgh, County of Orange and State of New York and further described on Schedule "A" annexed hereto.

Being the same premises described in a deed from The County of Orange to Paul Zakovic dated October 15, 1981 and recorded in the Orange County Clerk's office on September 4, 1982 in Liber 2232 at page 259.

**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 and said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying

the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

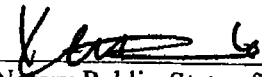
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**IN PRESENCE OF:**

  
Paul Zakovic

State of New York    )  
                                  )        ss.:  
County of Orange    )

On June 29, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul Zakovic, 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, State of New York

**KIRK VAN TASSELL \*02VA6058482**  
**Notary Public, State Of New York**  
**Qualified in Ulster County**  
**Commission Expires May 14, 20 07**

**HILL-N-DALE ABSTRACTERS, INC.**  
**20 SCOTCHTOWN AVENUE**  
**P.O. BOX 547**  
**GOSHEN, NEW YORK 10924**  
**(845) 294-5110**  
**FAX (845) 294-9581**

### Schedule A Description

Title Number HN 35563

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, designated on the Orange County Tax Map as follows:

Section 94, Block 1, Lot 13  
Section 94, Block 1, Lot 14  
Section 94, Block 1, Lot 15  
Section 94, Block 1, Lot 16  
Section 94, Block 1, Lot 17

Being also described, according to prior deed of record as:

ALL that certain tract or parcel of land, situate in the Town of Newburgh, Orange County, New York, known and designated as Lots Nos. 1, 2, 3, 4, 5, 6 in Block No. "B" in Section No. 1 as laid out and shown on a certain map entitled "Cascade Gardens, owned by Fletcher House and Homes, Inc., Town of Newburgh, Orange County, New York", dated July 3rd, 1928 made by Charles A. Gridley, C.E., filed in the Orange County Clerk's Office, July 6th, 1928.

Excepting and reserving the 0.040 acres, more or less, taken by the New York State Department of Public Works in the acquisition of property for the Cohecton Turnpike Part 2, Map No. 11, Parcel No. 11 wherein the Cohecton Turnpike is to be widened and Fletcher Drive is to be widened. The party of the first part herein reserves the award or consideration for the amount which the State of New York will pay either by condemnation or directly without condemnation for the taking of said 0.040 acres, more or less, as set forth on said Map No. 11, Parcel No. 11. The party of the second part, for himself, his heirs and assigns, does hereby agree to execute any instruments in the future if the same are necessary to make it possible for the party of the first part to receive the compensation or award from the State of New York for the property taken by said State.

Certificate# 30154

**Surrogate's Court of the State of New York  
Orange County**

File#: 2016-132

**Certificate of Appointment of Administrator**

IT IS HEREBY CERTIFIED that Letters for the Estate of the Decedent named below have been granted by this Court, and such Letters are unrevoked, are valid and are in full force as of this date.

Name of Decedent: **James Albert Fischer**  
aka James A Fischer

Date of Death: January 9, 2016

Domicile: Town Of Montgomery

Fiduciary Appointed: **Jennifer Yacoe-Fischer**  
718 River Road  
Montgomery NY 12549

Letters Issued: LETTERS OF ADMINISTRATION

Letters Issued On: March 14, 2016

Limitations: NONE

SCPA 710(4) provides in part: "No fiduciary shall remove property of the estate without the state without the prior approval of the Court and upon filing a bond if required by the Court"

and such Letters are unrevoked and in full force as of this date.

Dated: March 15, 2016  
Goshen, New York

IN TESTIMONY WHEREOF, the seal of the Orange  
County Surrogate's Court has been affixed.

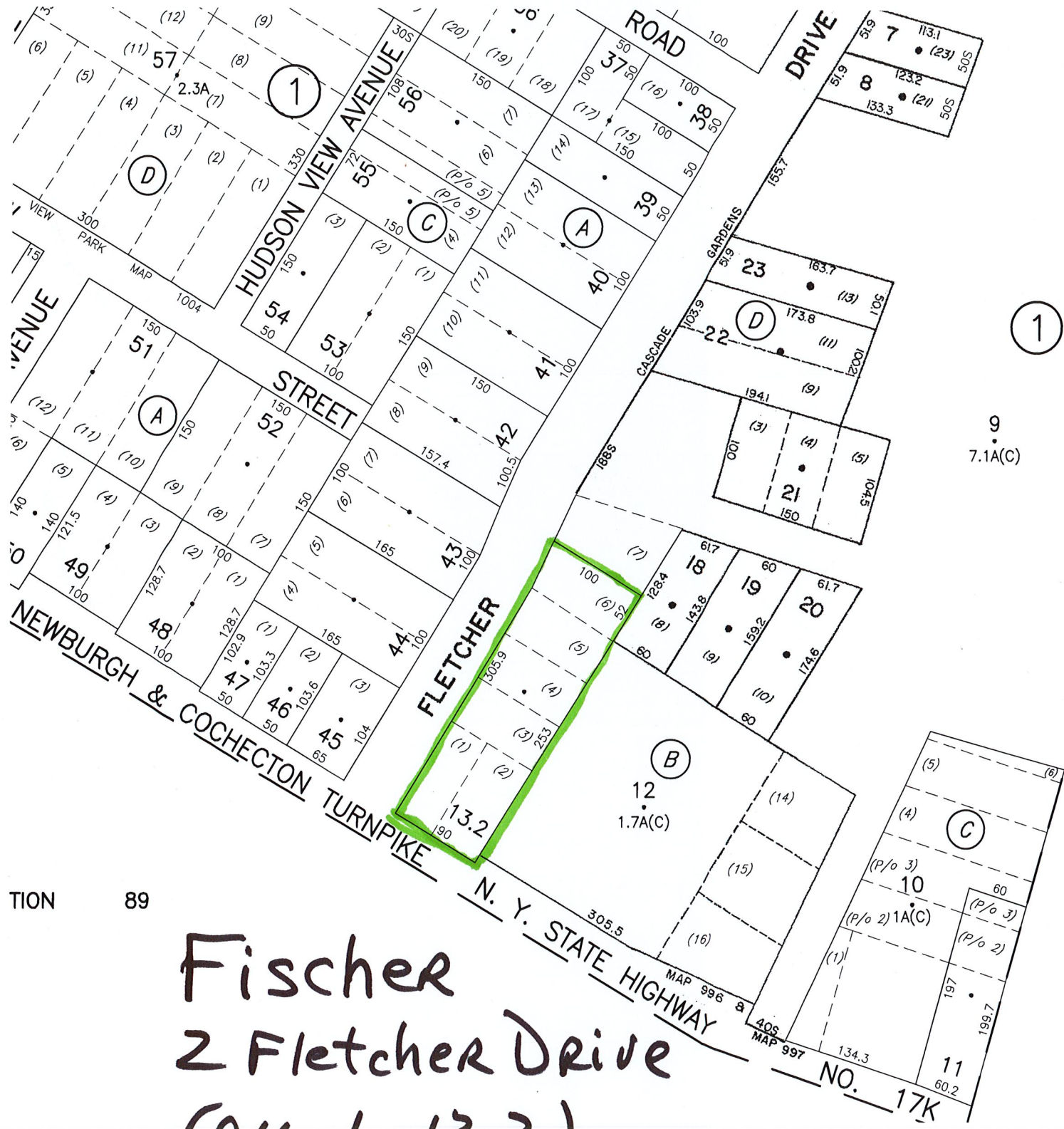
WITNESS, Honorable Robert A. Onofry, Judge of the  
Orange County Surrogate's Court.



Amy J. Miller, Chief Clerk  
Orange County Surrogate's Court

*This Certificate is Not Valid Without the Raised Seal of the Orange County Surrogate's Court*





Fischer  
 2 Fletcher Drive  
 (94-1-13.2)

TION 89