

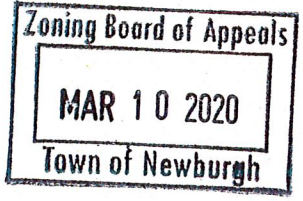


OFFICE OF ZONING BOARD  
(845) 566-4901

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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



## APPLICATION

DATED: 3-8-20

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

I (WE) DAVID FEENEY PRESENTLY  
RESIDING AT NUMBER 20 ALTA DRIVE NEWBURGH  
TELEPHONE NUMBER 845 590 5543

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:

9.1.50 (TAX MAP DESIGNATION)  
133 OAK ST (STREET ADDRESS)  
R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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

- 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: 2-26-20
  - 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: SIDE YARD  
SET BACK VARIANCE TO CONSTRUCT DECK

- 5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:
  - a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

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

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

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

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

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

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



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

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

PROPOSED DECK IS CONSISTENT WITH AREA  
NEIGHBORING PROPERTY HAS SIMILAR DECK  
WITH SIMILAR SETBACK

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:

LOCATION OF DECK IS DICTATED BY  
HOUSE LAYOUT AND LOCATION ON LOT

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

HOUSE IS ALREADY LOCATED CLOSE TO  
PROPERTY LINE

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

LOCATION IS SIMILAR TO ADJACENT  
PROPERTY

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

THE BUILDING LOT WAS AN EXISTING  
NOW CONFORMING LOT

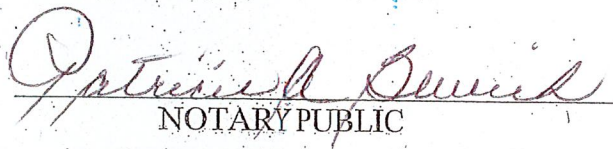
7. ADDITIONAL REASONS (IF PERTINENT):

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

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 14 DAY OF MARCH 2020

  
NOTARY PUBLIC

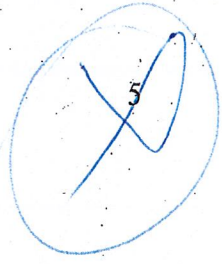
PATRICIA A. BEWICK  
Notary Public, State of New York  
Comm. No. 01234788627  
Qualified in Orange County  
Commission Expires June 30, 2023

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  
ZONING BOARD OF APPEALS

PROXY

\_\_\_\_\_, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT \_\_\_\_\_  
IN THE COUNTY OF \_\_\_\_\_ AND STATE OF \_\_\_\_\_  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

\_\_\_\_\_  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED \_\_\_\_\_  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: \_\_\_\_\_

OWNER'S SIGNATURE

\_\_\_\_\_

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

NOTARY PUBLIC

## 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: <b>133 OAK ST REAR DECK</b>			
Project Location (describe, and attach a location map): <b>133 OAK ST, NEWBURGH, NY 12550</b>			
Brief Description of Proposed Action: <b>CONSTRUCT 12' x 16' REAR DECK</b>			
Name of Applicant or Sponsor: <b>DAVID FEENEY / BLACK DOG DESIGN &amp; CONST</b>		Telephone: <b>845-590-5543</b>	
Address: <b>20 ALTA DR</b>		E-Mail: <b>blackdogdc17@gmail.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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>0.5</u> acres	
b. Total acreage to be physically disturbed?		<u>N/A</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1</u> 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 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: _____	NO	YES	
	<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: _____	NO	YES	
	<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? 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
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>DAVID FEENEY</u></p>	<p>Date: <u>3-8-20</u></p>	
<p>Signature: <u><i>David Feeny</i></u></p>		



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:		
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)





## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

# 2830-20.

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/26/2020

Application No. 20-0158

To: Black Dog Design & Construction  
20 Alta Drive  
Newburgh, NY 12550

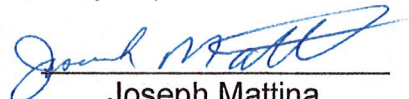
SBL: 9-1-50  
ADDRESS: 133 Oak St

ZONE: R3

PLEASE TAKE NOTICE that your application dated 02/25/2020 for permit to build a 12' x 16' rear deck on the premises located at 133 Oak St 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. (1 side yard)
- 2) 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side yard)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

**NAME:** Black Dog Design and Construction      **Building Application #** 20-0158

**ADDRESS:** 20 Alta Dr. Newburgh NY 12550

**PROJECT INFORMATION:**      AREA VARIANCE      USE VARIANCE

**TYPE OF STRUCTURE:** 12' x 16' rear deck @ 133 Oak St. Newburgh NY 12550

**SBL:** 9-1-50      **ZONE:** R-3      **ZBA Application #** 2830-20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	15'	Increasing the degree of non-conformity		
COMBINED SIDE YARD	80'	56'	Increasing the degree of non-conformity		
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1      YES X 2  
 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:** Existing non-conforming dwelling

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1: Shall not increase the degree of non-conformity. (1 side yard)
- 2 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side yard)
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 26-Feb-20





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: 14335 / 739  
INSTRUMENT #: 20170089501

Receipt#: 2422147  
Clerk: MP  
Rec Date: 12/14/2017 03:48:40 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 6  
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: BYCZEK JOSEPH  
Party2: BLACK DOG DESIGN & CONSTRUCTION  
LLC  
Town: NEWBURGH (TN)  
9-1-48

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

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

Ann G. Rabbitt  
Orange County Clerk

Recording:  
Recording Fee 50.00  
Cultural Ed 14.25  
Records Management - Coun 1.00  
Records Management - Stat 4.75  
TP584 5.00  
RP5217 Residential/Agricu 116.00  
RP5217 - County 9.00

Sub Total: 200.00

Transfer Tax  
Transfer Tax - State 92.00

Sub Total: 92.00

Total: 292.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 4711  
Transfer Tax  
Consideration: 23000.00

Transfer Tax - State 92.00

Total: 92.00

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 12/14/2017 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

COUNTY CLERK / CLERK OF THE SUPREME COUNTY COURTS  
ORANGE COUNTY 3/5/2020

Record and Return To:

HILL N DALE ABSTRACTERS INC  
PO BOX 547  
20 SCOTCHTOWN AVENUE  
GOSHEN NY 10924

Executor's Deed- Individual or Corporation

SBL: 9-1-48.2  
9-1-48.3  
9-1-50

HN 59803

**THIS INDENTURE**

**MADE** the 12th day of December, Two Thousand Seventeen between **Christina Dennis, residing at 3 Carolina Court, Newburgh, NY 12550, as Administratrix CTA for the Estate of Joseph Byczek, party of the first part, and Black Dog Design and Construction LLC, a New York Limited Liability Company, organized and existing pursuant to the laws of the State of New York, with offices at 20 Alta Drive, Newburgh, NY 12550, party of the second part:**

**WITNESSETH**, that the party of the first part, in consideration of TWENTY THREE THOUSAND DOLLARS (\$23,000.00), lawful money of the United States, paid by the party of the second part, and confirming the title transfer of the subject premises pursuant to the terms of the Last Will and Testament of **JOSEPH BYCZEK**, does hereby grant and release unto the party of the second part, his heirs, successors and assigns forever,

(Premises described in Schedule A annexed hereto and made a part hereof)

**BEING** the same premises described in that certain deed dated September 30, 1980 made by Eunice Byczek, as Executrix of the Last Will and Testament of Elizabeth May, the said Elizabeth May having died on March 9<sup>th</sup>, 1980, to Eunice Byczek and Joseph Byczek, husband and wife, which deed was recorded in the Orange County Clerk's Office on October 10, 1980 in Liber 2176 at page 1121, and the same premises described in that certain deed dated October 7, 1980 made by Eunice May Byczek (formerly Kimmeneau), to Eunice May Byczek and Joseph Byczek, husband and wife, which Deed was recorded in the Orange County Clerk's Office on October 10, 1980 in Liber 2176 at Page 1130, and deed dated August 25, 1981 made by Jesse J. May to Eunice Byczek and Joseph Byczek, husband and wife, which deed was recorded in the Orange County Clerk's Office on September 16, 1981 in Liber 2204 at page 972. The said Eunice Byczek having died a resident of Orange County on October 18, 2016 leaving said Joseph Byczek as surviving tenant by the entirety, and Joseph Byczek having died a resident of Orange County, New York, on November 7, 2016, leaving a Last Will and Testament which was admitted to Probate by the Surrogate of Orange County, NY on January 5, 2017, File No. 2016-847/A.

**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 the said premises,

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

**AND** the said party of the first part covenants that she has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants as follows: 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 that she will apply 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 party of the first part has hereunto set her hand and seal the day and year first above written.

Estate of Joseph Byczek

By: Christina Dennis, Administratrix CTA  
Christina Dennis



**Schedule A Description**

Page 1

9-1-48.2

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, Orange County, New York, bounded and described as follows:

BEGINNING at an iron pipe located N 12° 05' 10" E at a distance of 113.64' from an iron pin situated at the Southwest corner of the lands of Mocko and the Southeast corner of the Elizabeth M. May Estate; thence along the westerly side of said lands of Mocko, N 12° 05' 10" E 50' to an iron pipe; thence N 62° 31' 40" W 164.46' to an iron pin; thence S 10° 08' 30" W 50' to an iron pipe; thence S 62° 31' 40" E 162.83' to the point of beginning.

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 - continued**

Page 3

9-1-48.3

ALL his right, title and interest in and to a plot of ground described as follows situate in Middle Hope, Town of Newburgh, Orange, N.Y.

BEGINNING at a point in the northerly line of Oak Street, and the westerly line of lands of Elizabeth M. May, Jesse J. May, Jr. and Eunice May Kimmenau, said point being northerly from an iron pipe 10.61 feet; thence N 10 degrees 08 minutes 30 seconds E along lands of Savarèse and then along lands of Baldwin 203.88 feet to an iron pipe; thence through land of said May, May and Kimmenau S 62 degrees 31 minutes 40 seconds E 218.27 feet to an iron pipe in the easterly line of land of said May, May and Kimmenau; thence along lands of Farkas S 9 degrees 40 minutes 50 seconds W 11.14 feet to an iron pipe; thence along lands of Mocko S 12 degrees 05 minutes 10 seconds W 40.85 feet to an iron pipe; thence through lands of said May, May and Kimmenau N 62 degrees 31 minutes 40 seconds W 164.46 feet; thence S 10 degrees 08 minutes 30 seconds W 151.50 feet to a point in the northerly line of Oak Street; thence along the northerly line of Oak Street N 62 degrees 31 minutes 40 seconds W 52.38 feet to the point of beginning.



**Schedule A Description - continued**

Page 2

9-1-50

ALL that lot of land situated in Middle Hope, Town of Newburgh, Orange County, New York, bounded and described as follows:

BEGINNING at a point and iron pipe in the westerly line of land of Eunice May Kimmenau, Jessie J. May, Jr. and Elizabeth M. May, said point being northerly 203.88 feet from the northerly line of Oak Street; thence along lands of Baldwin N 10 degrees 08 minutes 30 seconds E 193.44 feet to an iron pipe; thence continuing along lands of Baldwin S 65 degrees 53 minutes E 106.43 feet to an iron pipe; thence through lands of Kimmenau, May and May S 9 degrees 53 minutes 40 seconds W 200.70 feet to an iron pipe; and thence N 62 degrees 31 minutes 40 seconds W 109.14 feet to the point of beginning.

TOGETHER with a right of way, which shall run with the land herein conveyed forever, for ingress to and egress from the parcel of land above described to the public streets, the parcel of land over which such right of way exists being described as follows:

BEGINNING at a point in the northerly line of Oak Street, and the westerly line of land of Elizabeth M. May, Jessie J. May, Jr and Eunice May Kimmenau, said point being northerly from an iron pipe 10.61 feet; thence N 10 degrees 08 minutes 30 seconds E along lands of Savarese and then along lands of Baldwin 203.88 feet to an iron pipe; thence through land of said May, May and Kimmenau S 62 degrees 31 minutes 40 seconds E 216.27 feet to an iron pipe in the easterly line of land of said May, May and Kimmenau; thence along lands of Farkas S 9 degrees 40 minutes 50 seconds W 11.14 feet to an iron pipe; thence along lands of Mocko S 12 degrees 05 minutes 10 seconds W 40.85 feet to an iron pipe; thence through lands of said May, May and Kimmenau N 62 degrees 31 minutes 40 seconds W 164.46 feet; thence S 10 degrees 08 minutes 30 seconds W 151.50 feet to a point in the northerly line of Oak Street; thence along the northerly line of Oak Street N 62 degrees 31 minutes 40 seconds W 52.38 feet to the point of beginning.

ACKNOWLEDGEMENT

STATE OF NEW YORK )

SS:

COUNTY OF ORANGE )

On the 12th day of December in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared

**Christina Dennis**

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.

*Christina Dennis*

CHRISTINA DENNIS

Sworn to before me this  
12 day of December, 2017

*Mary Fern Breheny*  
Notary Public

MARY FERN BREHENY  
NOTARY PUBLIC, State of New York  
No. 02BR506377  
Qualified in ORANGE County  
Commission Expires October 14, 2021

Record + Return to

Rusk, Wadlin et al.

PO Box 727

Marlboro NY 12542

















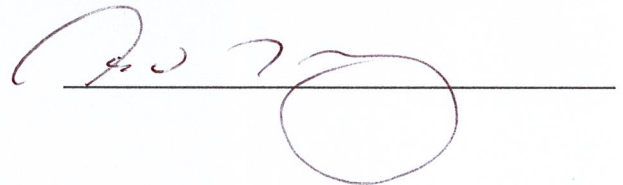


**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

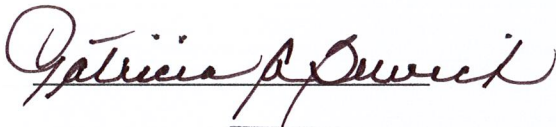
STATE OF NEW YORK: COUNTY OF ORANGE:

I DANIO FEENEY, being duly sworn, depose and say that I did on or before  
March 12, 2020, post and will thereafter maintain at  
133 Oak St 9-1-50 R3 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.

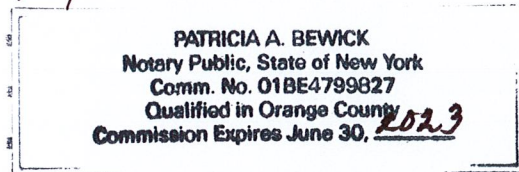
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.



Sworn to before me this 10<sup>th</sup>  
day of MARCH, 2020.



Notary Public



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]





TOWN OF NEWBURGH

*Town of the Hudson*  
Riverside Mall, 8th Avenue,  
Newburgh, New York 12550  
Telephone: 845-562-1000

**NOTICE OF HEARING**

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 267-55A (1) of the Existing Ordinances of the Town of Newburgh, a Public Hearing will be held by the Existing Board of Appeals of the Town of Newburgh, New York on Thursday the 20th, day of March, 2020 at 7:00 P.M., in the Town Hall, 1458 Route 900, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Black Day Decks & Construction (David Ferraro) for an area variance to increase the amount of non-ambulatory of the walk yard and combined with yards to install a 3.6 x 1.6 foot deck.

PREMISES LOCATED AT 111 Oak St., S.E. 30, S.E. Zone, in the Town of Newburgh, New York.

[TAK] NOTICE that the applicants should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Existing Board of Appeals dated the 16th, day of March,

2020

APPLICANT