

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: JANUARY 7, 2020

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

I (WE) ARTHUR W. FOWLER PRESENTLY

RESIDING AT NUMBER 8 SNIDER AVE., WALDEN, NY 12586

TELEPHONE NUMBER 914 213-5285

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

- USE VARIANCE *SEE ADDENDUM FOR EXPLANATION*
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

SBL 32-5-18 (TAX MAP DESIGNATION)

6 SNIDER AVE (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A-1

185-15-A-2

TABLE OF USE AND BULK REQUIREMENTS-SCHEDULE 3

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: 12/10/2019
- 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: SEE ATTACHED

ADDENDUM

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:

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6. IF AN AREA VARIANCE IS REQUESTED: SEE ATTACHED APPENDUM

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

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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:

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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

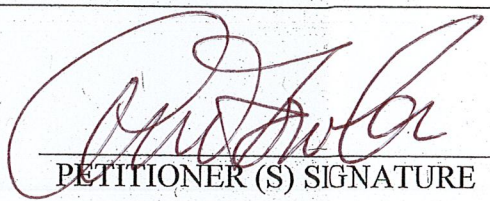
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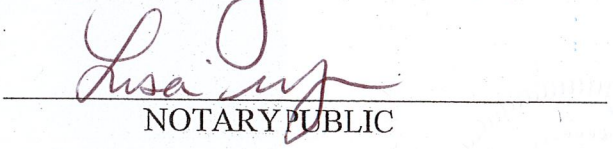
7. ADDITIONAL REASONS (IF PERTINENT):

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

  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9 DAY OF January 2020

  
\_\_\_\_\_  
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  
ZONING BOARD OF APPEALS

PROXY

ARTHUR W. FOWLER, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 8 SNIDER AVE WALDEN  
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

SBL 32-5-18

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED DARREN C. DOLE  
VINCENT J DOLE ASSO/ TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 1/9/2020 [Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9 DAY OF January 2020

[Signature]

NOTARY PUBLIC



## Addendum

### 4. DESCRIPTION OF VARIANCE SOUGHT:

The applicant owns two adjacent tax parcels designated as SBL 32-5-17 and SBL 32-5-18. The applicant resides in a house located on tax parcel SBL 32-5-17. There is an existing bungalow located on tax parcel SBL 32-5-18. The applicant proposes removing this bungalow and replacing it with an accessory building (two car garage.) The accessory building will require an area variance for height and side yard setback. The proposed building is 22 feet high where a maximum of 15 feet is permitted. The proposed side yard setback will be 2.1 feet where a minimum of 5 feet is required. If the applicant is successful in receiving these variances, as a condition to that approval he will consolidate tax parcels SBL 32-5-17 and SBL 32-5-18. Therefore, a use variance will not be necessary.

### 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:

The proposed garage will replace the existing bungalow and have the same side yard setbacks as the existing bungalow. The proposed garage will also have a similar footprint as the existing bungalow it will replace.

The lot will be utilized residentially, in the same manner as the neighboring parcels, and will not produce an undesirable change in the character of the neighborhood.

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

The applicant would like to construct a two car garage to protect his vehicles. The typical two car garage is 24 feet in width. There is an access drive to the lake between the existing house located on SBL 32-5-17 and the proposed garage. In order to provide access to the lake for vehicles/trailer/boats between these two structures a minimum 12-foot wide drive is desirable. This puts the side yard setbacks to the garage at 2-3 feet necessitating the requested side yard setback variance.

The applicant would like to provide an office/work/storage area above the garage causing the building to be higher than the allowed 15 feet; thereby, causing the need for the variance.

c. **THE REQUESTED AREA VARIANCES ARE NOT SUBSTANTIAL BECAUSE:**

The parcels in this neighborhood are smaller than allowed per zoning and more densely developed. A majority of structures in the neighborhood most likely don't conform to lot dimension or setback requirements. Therefore, the subject parcel will be no different than other parcels in this neighborhood.

The existing bungalow is 2-3 feet set back from the southerly property line. The setback for the proposed accessory building will be the same.

There are two-story structures throughout the neighborhood. If the bungalow was enlarged or a new house was constructed on the parcel, a maximum building height of 35 feet would be permitted in this zone. The garage height is only 22 feet, or 13 feet less than would be permitted for a dwelling.

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

The proposed garage is replacing an existing bungalow. Therefore, it will not visually affect the neighborhood. The parcel is proposed to be used in the same manner as the surrounding parcels and will not adversely affect the neighborhood. The footprint of the proposed garage and the existing bungalow it will replace are similar. Therefore, there will be no increase in impervious surfaces.

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

A typical two car garage is 24 feet wide. The position of the existing house on SBL 32-5-17, the lake access drive located between this house and the proposed garage and the south lot line of SBL 32-5-18 make it difficult to meet the minimum required 5-foot side yard setback.

In the R-1 zone, a dwelling with garages located beneath the living area would be permitted a 35-foot building height. Simply because this is office/work/storage space above the garage, the applicant is held to a 15-foot maximum building height.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

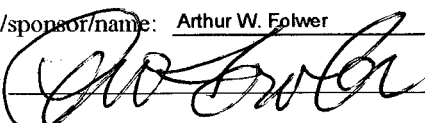
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

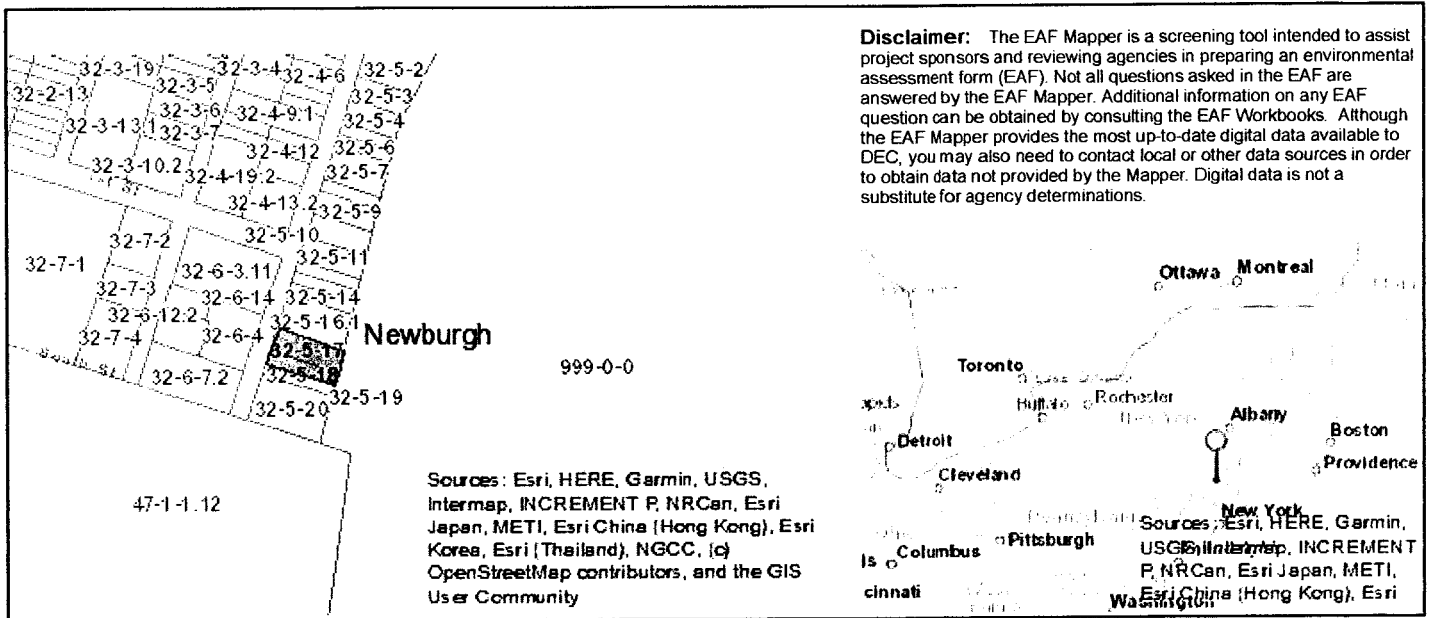
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Plot Plan for Proposed Garage lands of Arthur W. Fowler and Phyllis S. Rubnitz				
Project Location (describe, and attach a location map): 6 Snider Avenue, Town of Newburgh, Orange County				
Brief Description of Proposed Action: Construction of a 24'x32' two-story accessory garage.				
Name of Applicant or Sponsor: Arthur W. Fowler		Telephone: 914 213-5285 E-Mail: afowler@johnleaserealtors.com		
Address: 8 Snider Avenue				
City/PO: Walden		State: NY	Zip Code: 12586	
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"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Code Compliance Dept - building permit Town of Newburgh ZBA - area variance			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.09 +/- acres b. Total acreage to be physically disturbed? _____ 0.05 +/- acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.26 +/- acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				



5. Is the proposed action,	NO	YES	N/A
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?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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 <input type="checkbox"/>	YES <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: _____ Existing private well _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Existing private septic system _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" 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 <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <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 checked="" 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? Indiana Bat, Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<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, <ul style="list-style-type: none"> <li>a. Will storm water discharges flow to adjacent properties?</li> <li>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</li> </ul> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Arthur W. Folwer</u> Date: <u>1/9/2020</u>		
Signature:  Title: <u>OWNER</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

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)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Gary Curtis  
  
TO  
  
Arthur W. Fowler and Phyllis S. Rubnitz

SECTION 32 BLOCK 5 LOT 18

RECORD AND RETURN TO:  
(Name and Address)

Robert Boolukos, Esq.  
892 Main Street  
P.O. Box 422  
Fishkill, NY 12524

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

PROPERTY LOCATION

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

CITIES

- \_\_\_ 0900 MIDDLETOWN
- \_\_\_ 1100 NEWBURGH
- \_\_\_ 1300 PORT JERVIS
- \_\_\_ 9999 HOLD

NO. PAGES 4 CROSS REF \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ AFFT. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

CONSIDERATION \$ 40,000  
TAX EXEMPT \_\_\_\_\_

MORTGAGE AMT \$ \_\_\_\_\_  
DATE \_\_\_\_\_

MORTGAGE TYPE:

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

*Donna L. Benson*

DONNA L. BENSON  
Orange County Clerk

RECEIVED FROM: *Grenell*

LIBER 5346 PAGE 248

LIBER 5346 PAGE 248

ORANGE COUNTY CLERKS OFFICE 44548 DAB  
RECORDED/FILED 08/09/2000 01:44:53 PM  
FEES \$ 47.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 000339  
DEED CNTL NO 60539 RE TAX 160.00

8/9/00

10/25/19

ORANGE COUNTY CLERK'S OFFICE  
RECORDED COPY WITH  
CORRECT SEAL  
ORANGE COUNTY CLERK'S OFFICE

A 291  
Standard N.Y.B.T.U. Form 8007  
Bargain & sale deed, with covenant against grantor's acts - Ind. Or Corp.

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

THIS INDENTURE, made the 2<sup>nd</sup> day of August, Two Thousand

BETWEEN

Gary Curtis, residing at 572 Fostertown Rd, Newburgh, NY 12550

party of the first part, and

Arthur W. Fowler and Phyllis S. Rubnitz, as joint tenants with right of survivorship, residing at 6 Howard Drive, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 (\$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, further bounded and described in schedule "A" annexed hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

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

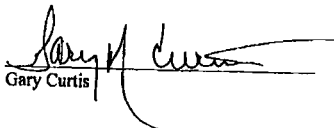
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

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:

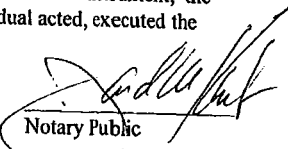
  
Gary Curtis

STATE OF NEW YORK )

ss.:

COUNTY OF ORANGE )

On the 2<sup>nd</sup> day of August, 2000, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Gary Curtis, known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that said individual executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

  
Notary Public

DAVID M. KINTZER  
Notary Public, State of New York  
Qualified in Orange County  
My Commission Expires 11/31/02

Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. GAN-5737-0

Gary Curtis

TO

Arthur W. Fowler and Phyllis S. Rubnitz

SECTION 32  
BLOCK 5  
LOT 18  
COUNTY OF ORANGE  
TOWN OF NEWBURGH

RETURN BY MAIL TO:



Title No. GAN-60020-5737-0

Schedule A

The premises in which the insured has the estate or interest covered by this policy.

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF NEWBURGH, COUNTY OF ORANGE, AND STATE OF NEW YORK AND BEING LOT 554 ON A MAP ENTITLED "SECTION NO. 1, MAP OF ORANGE LAKE ESTATES", FILED 10 APRIL 1928 IN THE ORANGE COUNTY CLERK'S OFFICE AS MAP NUMBER 975 AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN FOUND IN THE EASTERLY LINE OF SNIDER AVENUE, SAID POINT ALSO BEING THE WESTERLY CORNER OF THE LANDS REPUTEDLY OF KOLHASE; THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID LANDS REPUTEDLY OF KOLHASE, SOUTH 61 DEGREES 31 MINUTES 30 SECONDS EAST A DISTANCE OF 149.80 FEET TO A POINT IN ORANGE LAKE, PASSING OVER AN IRON PIPE FOUND AT A DISTANCE OF 113.02 FEET; THENCE ALONG ORANGE LAKE, SOUTH 24 DEGREES 52 MINUTES 54 SECONDS WEST A DISTANCE OF 25.05 FEET TO A POINT IN THE EASTERLY CORNER OF LANDS OF TIERNEY; THENCE ALONG THE SAID LANDS REPUTEDLY OF TIERNEY, NORTH 61 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 151.37 FEET TO A POINT IN THE EASTERLY LINE OF SAID SNIDER AVENUE, NORTH 28 DEGREES 28 MINUTES 30 SECONDS EAST A DISTANCE OF 25.00 FEET TO THE POINT OR PLACE OF BEGINNING.



## 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

#2812-19

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/10/2019

Application No. 19-1256

To: Arthur W. Fowler  
8 Snider Avenue  
Walden, NY 12586


SBL: 32-5-18  
ADDRESS: 6 Snider Ave

ZONE: R1

PLEASE TAKE NOTICE that your application dated 11/18/2019 for permit to build a 24' x 32' x 22' accessory building on a future vacant parcel on the premises located at 6 Snider Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 3 / A private garage is an accessory use to a single family dwelling / Use variance
- 2) 185-15-A-1 / Such building shall not exceed 15' in height
- 3) 185-15-A-2 / Such building shall set back 5' from the side lot line.
- 4) 185-15-A-2 / Such building shall set back 5' from the side lot line.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

**NAME:** Arthur Fowler      **Building Application #** 19-1256

**ADDRESS:** 8 Snider Ave Walden NY 12586

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

**TYPE OF STRUCTURE:** 24' x 32' x 22' accessory building @ 6 Snider Ave

**SBL:** 32-5-18      **ZONE:** R-1      **ZBA Application #** 2812-19

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Accessory Building	Not permitted on a vacnt parcel / Use variance				
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
SIDE YARD	5'		2.1'	2.9'	57.9%
SIDE YARD	5'		Negative 2.4'		
MAX. BUILDING HEIGHT	15'		22'	7'	46.60%
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 \_\_\_\_\_ YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY \_\_\_\_\_ YES / NO  
 CORNER LOT - 185-17-A \_\_\_\_\_ YES / 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

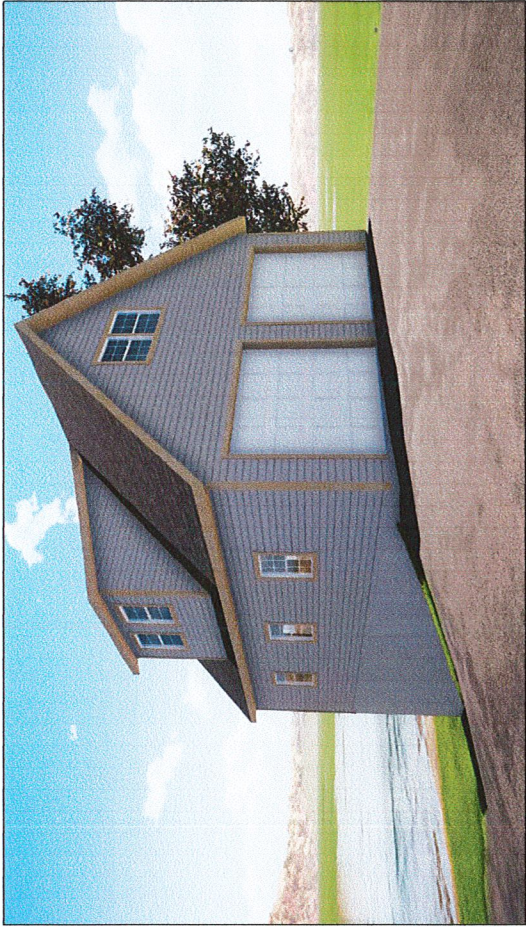
**NOTES:** Will only be 7' from the neighbors dwelling

**VARIANCE(S) REQUIRED:**

- 1 Bulk table schedule 3 / Private garage is an accesory use permitted with a single family dwelling. \_\_\_\_\_
- 2 185-15-A-(1) / Such buildings shall not exceed 15' in height \_\_\_\_\_
- 3 185-15-A-(2) / Shall setback 5' from side lot line \_\_\_\_\_
- 4 185-15-A-(2) / Shall setback 5' from side lot line \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 10-Dec-19





# 24' X 32' ELITE A-FRAME

COLORS ARE AN APPROXIMATION AND NOT REPRESENTATIVE OF THE ACTUAL PRODUCT. LANDSCAPING BY CUSTOMER.

ART FOWLER  
 8 SINDER AVE  
 WALDEN, NY 12586  
 914-213-5285

TOWN OF ----- ORANGE COUNTY - SBL# - ----

**GREY'S  
 WOODWORKS**  
 7862 State Route 55 | Grahamsville, NY  
 845.985.7006  
 www.greyswoodworks.com

DATE DRAWN: OCTOBER 19  
 SCALE: NOT TO SCALE  
 DRAWN BY: MIKE CAREY  
 L&ST UPDATE: 10.25.2019

SHEET

CI

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I PARREN C DOLE, being duly sworn, depose and say that I did on or before

February 13, 2020, post and will thereafter maintain at

6 Snider Ave 32-5-18 R-1 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.

*Parren C Dole*

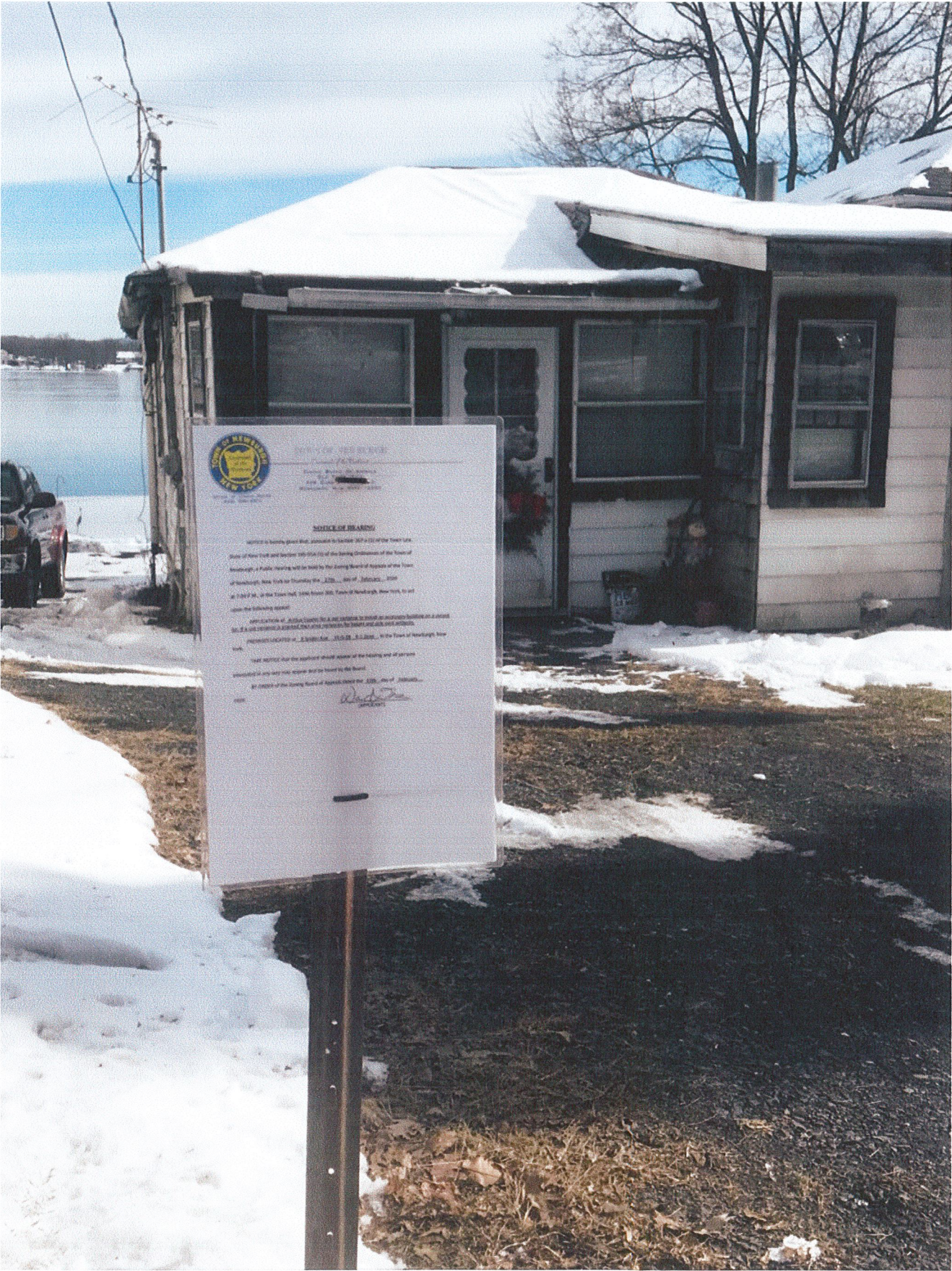
Sworn to before me this 21

day of January, 2020.

*Lisa M Ayers*  
Notary Public



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



TOWN OF NEWBURGH

Consent of the Board

Board of the Town of Newburgh

1000 State Street, Newburgh, NY 12551

Phone: 518-532-2200

Fax: 518-532-2201

Website: www.newburgh.org

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NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 207-a(2) of the Town Law, Board of Town and Section 100-15(a)(1) of the zoning Ordinance of the Town of Newburgh, a Public Hearing will be held by the zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 27th day of February, 2008 at 7:00 P.M. in the Town Hall, 1000 State St., Town of Newburgh, New York, to and under the following appeal:

APPLICANTS: JESSICA GARDNER, 201 JANE STREET, NEWBURGH, NEW YORK 12551 AND JOHN J. GARDNER, 201 JANE STREET, NEWBURGH, NEW YORK 12551

PROPERTY LOCATED AT: 201 JANE STREET, NEWBURGH, NEW YORK 12551

THESE APPLICANTS are requesting approval of the zoning and all persons interested in any way may appear and be heard by the Board.

By Order of the zoning Board of Appeals dated the 22nd day of February, 2008.

*[Signature]*

Chairman