



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 11/4/20

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

I (WE) Jeffrey & Barbara Johnson PRESENTLY
RESIDING AT NUMBER 51 Merritt Lane, Newburgh, NY 12550
TELEPHONE NUMBER 845-569-3090

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:

Section 7 Block 1 Lot 55 (TAX MAP DESIGNATION)
51 Merritt Lane (STREET ADDRESS)
AR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

2876-20

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:

4. DESCRIPTION OF VARIANCE SOUGHT:

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:

it is behind the house with no
neighbors west, south.
not visible east, north by trees, house

- 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:

deck surrounds an above ground
pool

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

neighboring properties behind our house
are undevelopable

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

it is a deck behind the house.

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

it does not affect neighbors
property

7. ADDITIONAL REASONS (IF PERTINENT):

Retention pond on west side of property
w/ a stream behind property(s)
that leads to another retention pond.
No one could ever build behind us

[Handwritten Signature]
PETITIONER(S) SIGNATURE

[Handwritten Signature]

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4th DAY OF November 20 20

[Handwritten Signature]
NOTARY PUBLIC

Alice A. Ticehurst
Notary Public State of New York
Orange County
Comm. Expires on 08/25/2020
Lic# 01TI6191981 exp 8/25/2024

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 action 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 AGENDA OF THE MEETING).

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
Name of Action or Project:							
Project Location (describe, and attach a location map):							
Brief Description of Proposed Action:							
Name of Applicant or Sponsor: <i>Jeffrey & Barbara Johnson</i>		Telephone: <i>845-569-3090</i>					
Address: <i>51 Merritt Lane</i>		E-Mail: <i>bjohnson@adamsfarmms.com</i>					
City/PO: <i>Newburgh</i>		State: <i>ny</i>	Zip Code: <i>12550</i>				
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.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <i>Town of Newburgh</i>			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres		<i>40 x 30 feet</i>					
b. Total acreage to be physically disturbed? _____ acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

<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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Barbara Johnston</u></p> <p>Signature: _____</p>	<p>Date: <u>11/4/20</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)

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

Y & G WELL DONE INSULATION
CORP.

TO
JEFFERY J. JOHNSON
BARBARA A. JOHNSON

SECTION 7 BLOCK 1 LOT 55

RECORD AND RETURN TO:
(name and address)

Alan Axelrod, Esq.
Larkin & Axelrod Et Al
356 Meadow Ave.
Newburgh, NY 12550

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

*orig xcn
11/5/20*

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) | |

NO PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 544,641.00
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
 - ____ (I) NAT.PERSON/CR. UNION
 - ____ (J) NAT.PER-CR.UN/1 OR 2
 - ____ (K) CONDO

- CITIES
- 0900 MIDDLETOWN
 - 1100 NEWBURGH
 - 1300 PORT JERVIS
 - 9999 HOLD

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Hamdenburgh

BARGAIN AND SALE DEED
With Covenant Against Grantor's Acts

THIS INDENTURE made the 8th day of December, Two Thousand Five,

BETWEEN Y & G WELL DONE INSULATION CORP., with offices at 7 Lizensk Boulevard, Unit 203, Monroe, New York 10950, party of the first part, and **JEFFREY J. JOHNSON and BARBARA A. JOHNSON**, husband and wife, residing at 62 Valley Avenue, Newburgh, New York 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten 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, State of New York, and being Lot No. 4 on a map entitled "Subdivision Plat Hickory Shadow, Inc." filed in the Orange County Clerk's Office on December 17, 2002 as filed Map N^o 275-02. See Schedule "A" attached.

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

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

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid and, if a corporation, the party of the first part covenants that this conveyance is made in the regular course of the business conducted by it.

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby 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:

Y & G WELL-DONE INSULATION, CORP.

By: *Yoel Grunhut*
Yoel Grunhut, President

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

On the 8th day of December, 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared Yoel Grunhut, president of Y & G Well-Done Insulation, Corp, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he 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.

Margaret Andryshak
Notary Public

MARGARET ANDRYSHAK
No. 01AN468248
Notary Public, State of New York
Qualified in Orange County
My Commission Expires 11/30/2006

RECORD AND RETURN BY MAIL TO:
Alan Axelrod, Esquire
Larkin, Axelrod, Ingrassia & Tetenbaum
356 Meadow Avenue
Newburgh, New York 12550

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, being known and designated as Lot Number 4 on a map entitled "Subdivision Plat Hickory Shadow, Inc.", filed in the Orange County Clerk's Office on December 17, 2002 as filed map number 275-02:

BEING and intended to be the same premises conveyed from Prime Construction, LLC to Y & G Well Done Insulation Corp. by deed dated the 6th day of January, 2005 and recorded in the Orange County Clerk's Office on the 19th day of January, 2005 in Book 11724 at page 1469.

RESERVING to the party of the first part (the seller herein), hereof, an easement for the installation and maintenance of a drainage system, and the right to grant easements to third parties and/or municipalities for such purpose and the right, power and authority but not the duty to improve for purposes consistent with access and the installation and maintenance of such easements, in common with the party of the second part, between Lot N^o 3 and Lot N^o 4, as shown upon Map No. 275-02 filed in the Orange County Clerk's office on December 17, 2002, and described as follows:

ALL THAT CERTAIN drainage easement being 20' in width and passing over Lot #4 as shown on a map entitled "Hickory Shadow, Inc., Town of Newburgh, Orange County, New York" dated May 3, 2002, last revised December 12, 2002, prepared by T.M. DePuy Engineering & Land Surveying, P.C., filed in the Orange County Clerk's Office on December 17, 2002 as Filed Map #275-02 and being more particularly described as follows:

BEGINNING at a point being the northwesterly corner of Lot #3 of said subdivision and being in the southwesterly bounds of Merritt Lane; thence along the boundary line between said Lot #3 and said Lot #4 of said subdivision, South 30°-13'-10" West 222.44 feet to a point being the southwesterly corner of said Lot #3 and being in the northerly bounds of Lot #5 of said subdivision; thence along the northerly bounds of said Lot #5 of said subdivision, North 89°-23'-21" West 23.00 feet to a point; thence through said Lot #4 of said subdivision, North 30°-13'-10" East 229.17 feet to a point in the said southwesterly bounds of said Merritt Lane; thence along said southwesterly bounds of said Merritt Lane on a curve to the left having a radius of 650.00 feet and arc length of 20.53 feet whose chord bears South 72°-49'-42" East 20.53 feet to the point or place of beginning;

CONTAINING 4,515 square feet of land, more or less.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

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

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

2876 20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/08/2020

Application No. 20-0766

To: Jeffrey Johnson
51 Merritt Ln
Newburgh, NY 12550

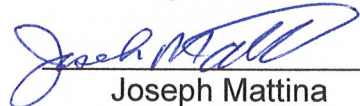
SBL: 7-1-55
ADDRESS: 51 Merritt Ln

ZONE: AR

PLEASE TAKE NOTICE that your application dated 08/12/2020 for permit to keep a 30' x 40' pool deck that was built without a permit on the premises located at 51 Merritt Ln is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 2: Requires a 50' minimum rear yard setback.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



Southwest

Southern



faing eas





west

Facing North



Facing West



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Barbara Johnson, being duly sworn, depose and say that I did on or before

November 10, 2020, post and will thereafter maintain at

51 Merritt Ln 7-1-55 AR 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 9th

day of November, 2020.

Barbara Johnson

Alice A. Ticehurst

Alice A. Ticehurst
Notary Public State of New York
Orange County

Comm. Expires on 08/25/2020

Lic# 01TI6191981 ex 8 8/25/2024

Alice A. Ticehurst



