



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 12/24/15

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

I (WE) MADISON ROSE PROPERTIES, LLC PRESENTLY

RESIDING AT NUMBER 741 HEWITT LANE, NEW WINDSOR

TELEPHONE NUMBER 542 1169 *

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

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

1. LOCATION OF THE PROPERTY:

1-3-13 (TAX MAP DESIGNATION)

16 MADRE DE CRISTO RD (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BULK TABLE SCHEDULE 50' SETBACK



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 12/16/15
- 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: FRONT YARD SETBACK
50' REQUIRED 47.5' EXISTING

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:
X

(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:
X

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



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

X

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 ONLY 2.5' CLOSER TO THE ROAD THAN OTHER HOMES CAN BE LOCATED.

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:

IT IS A FRONT YARD SETBACK AND NO ADDITIONAL PROPERTY IS AVAILABLE.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

IT IS LESS THAN 2.5', 50%

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

THERE ARE NO ENVIRONMENTAL ISSUES ASSOCIATED WITH A HOME PLACED WITHIN A FRONT YARD SETBACK

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

FRONT YARD SETBACK WAS MIS-MEASURED IN THE FIELD



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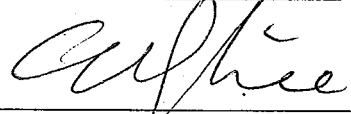
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28th DAY OF DECEMBER 2015



NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

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)

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			
16 MADRE DE CRISTO ROAD -ZBA			
Name of Action or Project:			
16 MADRE DE CRISTO ROAD -ZBA			
Project Location (describe, and attach a location map):			
SBL: 1-3-13, 16 MADRE DE CRISTO ROAD, ATTACHED PLAN PLOT			
Brief Description of Proposed Action:			
ZONING VARIANCE 50' FRONT YARD REQUIRED. 47.5' EXISTING.			
Name of Applicant or Sponsor:		Telephone:	
MADISON REA ROSE PROPERTIES, LLC		E-Mail:	
Address:			
741 HEWITT LANE			
City/PO:		State:	Zip Code:
NEW WINDSOR		N.Y.	12553
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.95 acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.95 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 type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

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)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Applicant/sponsor name: KEN LYCLE - ZEN DESIGN Date: 12/26/15
Signature: [Handwritten Signature]

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

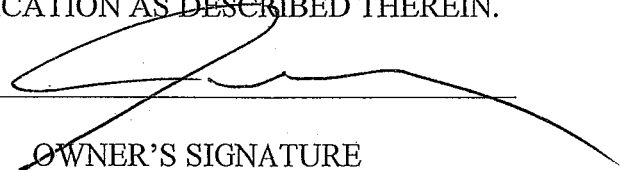
ZONING BOARD OF APPEALS
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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

MADISON ROSE PROPERTIES, LLC DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 741 HEWITT LANE, NEW WINDSOR
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF SBL 1-3-13
16 MADRE DE CRISTO ROAD

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

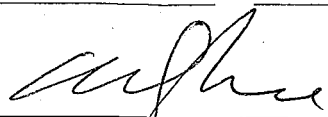
DATED: DEC 28 2015


OWNER'S SIGNATURE

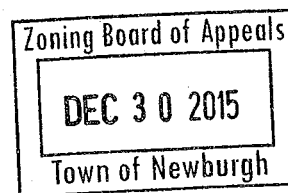
Brenda J. Millonch
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28th DAY OF December 2015


NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017



MADISON ROSE PROPERTIES LLC
741 HEWITT LANE
NEW WINDSOR, NEW YORK
12553

December 30, 2015

To Whom It May Concern:

Joseph Radtke is an officer and a member in Madison Rose Properties LLC and can transact all and any business associated with the LLC.

Please call me if you have any questions at 845-542-1169.

A handwritten signature in cursive script that reads "Richard Shulkin - President".

Richard Shulkin-President and General Partner
Madison Rose Properties LLC



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

2540-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/16/2015

Application No. 15-0895

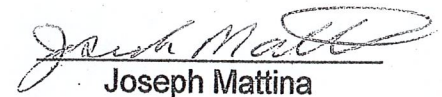
**To: John Hammond
6 Madre De Cristo Road
Walkill, NY 12589**

**SBL: 1-3-13
ADDRESS: 16 Madre De Cristo Road**

ZONE: AR

PLEASE TAKE NOTICE that your application dated 10/15/2015 for permit to continue with the construction of a single family, 4 bedroom, 2 car garage, finished basement, 12 x 16 rear deck dwelling unit on the premises located at 16 Madre De Cristo Road is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:
Bulk table schedule 2 Requires a front yard setback of 50' minimum.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: JOHN HAMMOND

ADDRESS: 6 MADRE DE CRISTO RD

2540-15

PROJECT INFORMATION:

TYPE OF STRUCTURE: SINGLE FAMILY DWELLING @ 16 MADRE DE CRISTO RD

SBL: 1-3-13 ZONE: A/R

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'	48.5'		1.5'	3.00%
REAR YARD	Contractor continued work after the request for the foundation location without consent of the building department. Stop work order issued 12-15-2015				
SIDE YARD					
MAX. BUILDING HEIGHT					
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: Moved the dwelling from the approved location. 11-5-2015 told no further inspection until foundation location submitted & reviewed. Submitted location 12-14-2015

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 2 Requires a front yard setback of 50' minimum.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina DATE: 16-Dec-15



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: 13976 / 672
 INSTRUMENT #: 20150074740

Receipt#: 2042961
 Clerk: CH
 Rec Date: 11/25/2015 03:43:00 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 3
 Rec'd Frm: QUEEN CITY ABSTRACT CORP

Party1: TWIN PONDS DEV LLC
 Party2: MADISON ROSE PROPERTIES LLC
 Town: NEWBURGH (TN)
 1-3-13

Recording:
 Recording Fee 35.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 All others - State 241.00
 RP5217 - County 9.00

Sub Total: 310.00

Transfer Tax
 Transfer Tax - State 232.00

Sub Total: 232.00

Total: 542.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 2979
 Commercial Transfer Tax
 Consideration: 57750.00

Transfer Tax - State 232.00

Total: 232.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

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 *November 25, 2015* AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt December 23, 2015

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
 ORANGE COUNTY

Record and Return To:

RICHARD D FORBES, ATTY
 372 FULLERTON AVE BOX 5
 NEWBURGH, NY 12550

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 19th day of November, two thousand fifteen
BETWEEN

TWIN PONDS DEVELOPMENT, LLC, with a mailing address of 37 Cronk Road,
Wallkill, New York 12589
parties of the first part, and

MADISON ROSE PROPERTIES LLC, with a mailing address of 741 Hewitt Lane,
New Windsor, New York 12553
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, being further bounded and more accurately described as:

C1-2-1

All that plot, piece, or parcel of land situate, lying and being in the Town of Newburgh,
Orange County, New York, bounded and described as Lot 13 as shown on Map entitled
"Hammond Subdivision 13 Subdivision, Survey Plat 1" filed in the Orange County
Clerk's Office on 6/4/15 as Map No. 100-15

Being and intended to be a portion of the same premises conveyed in a certain deed dated
November 19, 2015 by John Hammond and Carmen Hammond A/K/A Carmen I.
Hammond to Twin Ponds Development, LLC and to be recorded in the office of the
Orange County Clerk simultaneously herewith.

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.

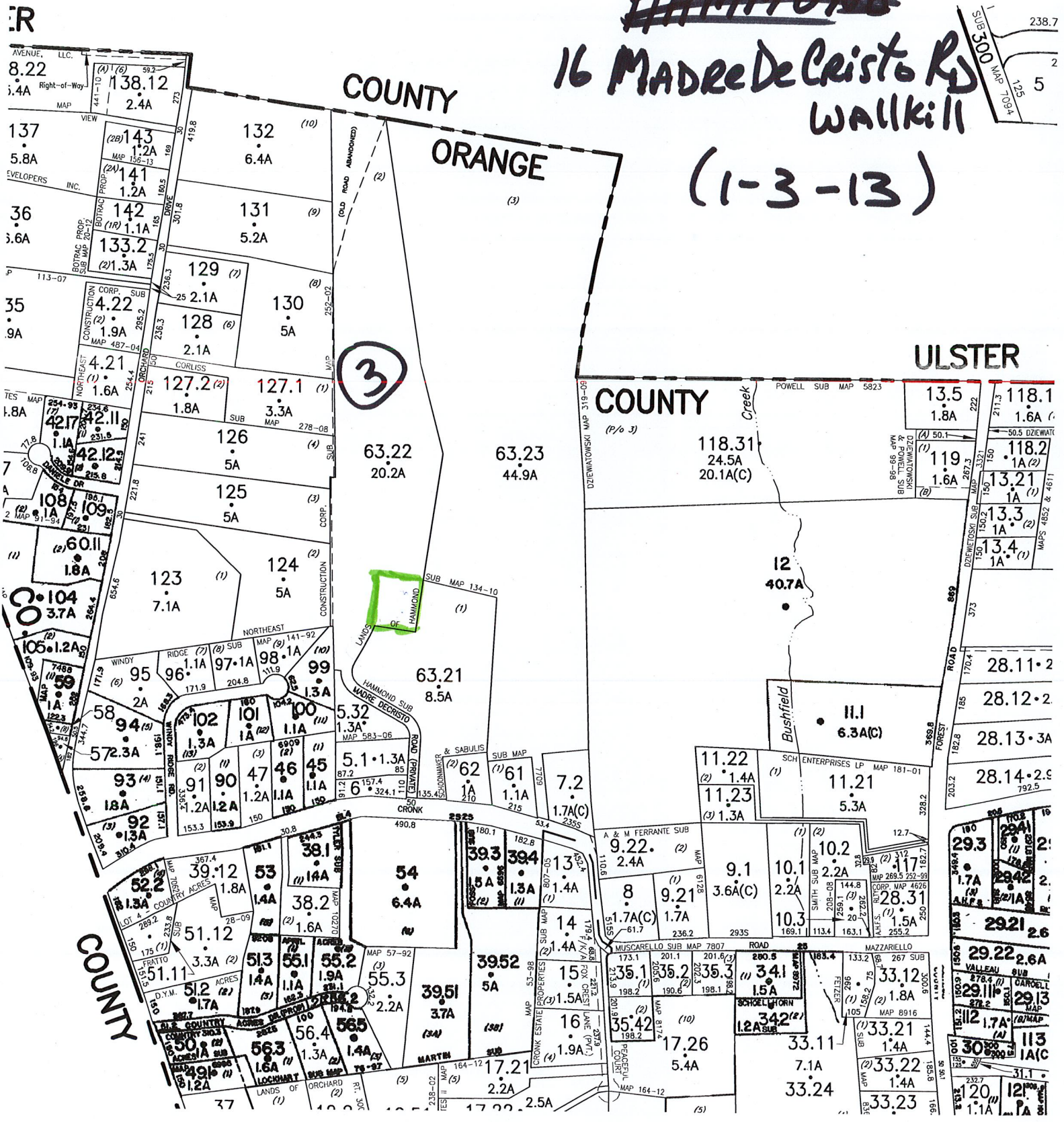
AND the party of the first part covenants that the party of the first part has not done or
suffered anything whereby the said premises have been encumbered in any way whatever,
except as aforesaid.

MADISON ROSE PROPERTIES LLC

~~HAMMOND~~

16 MADRE DE CRISTO RD WALKKILL

(1-3-13)



3

COUNTY

ORANGE

ULSTER

COUNTY

COUNTY



