



Steven M. Neuhaus  
County Executive

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

Referral ID#  
(County use only)

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

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

Municipality: Town of Newburgh

Local Referring Board: Zoning Board of Appeals

Applicant: Nicole & Troy Messner

Project Name: \_\_\_\_\_

Location of Project Site: 109 Highlands Avenue

Tax Map #: 67-6-6

Tax Map #: \_\_\_\_\_

Tax Map #: \_\_\_\_\_

Local File No.: 2418-14

Size of Parcel\*: 15,000 SF  
*\*If more than one parcel, please include sum of all parcels.*

Current Zoning District (include any overlays): R-3

Reason for County Review: within 500FT NYS Routes 2

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

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

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

Local Law

Site Plan

Subdivision

Special Use Permit

Lot Line Change

Variance

Other

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

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

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

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

AREA / USE (circle one) increasing degree of non conformity of  
ONE SIDE YARD SETBACK or combined side yards setback

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

Local board comments or elaboration:

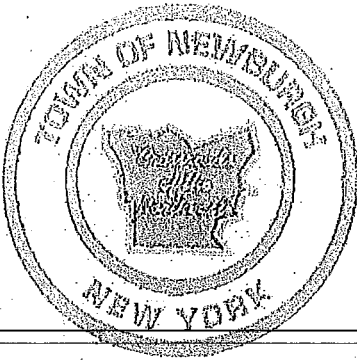
[Signature] 5/14/17  
Signature of local official Date

Chairperson  
Zoning Board of Appeals  
Title

Municipal Contact Phone Number: 845-566-4901

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

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 04/28/17

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

I (WE) Nicole and Troy Messner PRESENTLY  
RESIDING AT NUMBER 8215 Country Oaks Ct, Sarasota, FL 34243  
TELEPHONE NUMBER 845-548-0423

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:

67-6-6 (TAX MAP DESIGNATION)  
109 Highland Ave, Nbg (STREET ADDRESS)  
R-3 (ZONING DISTRICT)

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

185-19-C-1



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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: 03/27/14

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: 185-19-C-1

*increased the degree of nonconformity of one side yard setback and the combined side yard setback*

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:

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

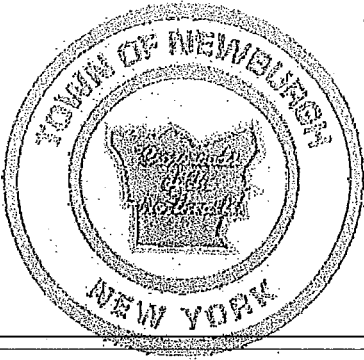
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

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:

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



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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:

The house has had the added room for at least 25 years.

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 room is part of the home and demolition would alter the house negatively.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The house is 5.2 ft from the property line. In 1952 when the house was built 5 ft was legal.

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

The room is behind the home facing the backyard.

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

as homeowners we did not build this room. We only desire a CO for it in order to have the room made legal.



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OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-4901

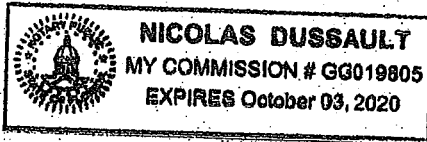
7. ADDITIONAL REASONS (IF PERTINENT):

The entire house should have precode approval since it was built so long in the past.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1 DAY OF MAY 2017

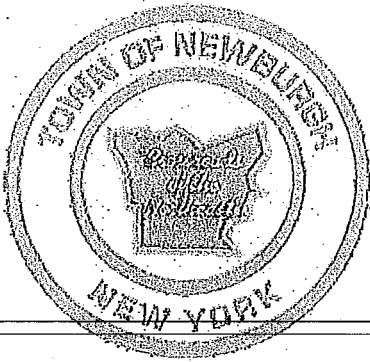


NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS

OLD TOWN HALL

308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK 12550

## PROXY

Troy and Nicole Messner, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 8215 Country Oaks Ct, Sarasota  
IN THE COUNTY OF Manatee AND STATE OF Florida

AND THAT HE/SHE IS THE OWNER IN FEE OF 109 Highland Avenue, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Nicholas Tulve

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

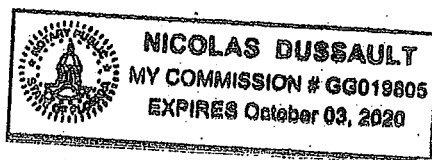
DATED: 1 May 2017

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1 DAY OF MAY 2017

  
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.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Existing room							
Project Location (describe, and attach a location map): 109 Highland Avenue, Newburgh, NY							
Brief Description of Proposed Action: existing room requirements							
Name of Applicant or Sponsor: Troy and Nicole Messner		Telephone: 845-548-0423					
Address: 8215 Country Oaks Ct		E-Mail: nic.ole@hotmail.com					
City/PO: Sarasota		State: FL	Zip Code: 34243				
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"> <tr><td>NO</td><td>YES</td></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:			<table border="1"> <tr><td>NO</td><td>YES</td></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"/>						
3.a. Total acreage of the site of the proposed action?		.34 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.34 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 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?	<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 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"/>	<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"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? 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 type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <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"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? 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"/>	<input type="checkbox"/>



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? 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: Nicole Messner Date: 4/5/17  
Signature: Nicole Messner

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)



*Saw original 5/4/17*

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

MARGARET A. WILLIAMS  
TROY J TO MESSNER  
NICOLE AISSMAN  
LYNN

SECTION 67 BLOCK 6 LOT 6

80-35508

RECORD AND RETURN TO:  
(Name and Address)

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

Mirkin + Gordon  
98 Cutter Mill Rd  
Great Neck, NY 11021

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION		NO. PAGES	CROSS REF
<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)	<u>3</u>	
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)	CERT. COPY _____	ADDL X-REF _____
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)	MAP # _____	PGS. _____
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>	CASH _____
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)	CASH _____	CHARGE _____
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input checked="" type="checkbox"/> 4401 OTISVILLE (VLG)	NO FEE _____	CONSIDERATION \$ <u>27500</u>
<input type="checkbox"/> 2800 CRAWFORD (TN)	<input type="checkbox"/> 4800 NEWBURGH (TN)	TAX EXEMPT _____	MORTGAGE AMT \$ _____
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 4800 NEWWINDSOR (TN)	DATE _____	
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)	<b>MORTGAGE TAX TYPE:</b>	
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)	<input type="checkbox"/> (A) COMMERCIAL/FULL 1%	
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)	<input type="checkbox"/> (B) 1 OR 2 FAMILY	
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)	<input type="checkbox"/> (C) UNDER \$10,000	
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)	<input type="checkbox"/> (E) EXEMPT	
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)	<input type="checkbox"/> (F) 3 TO 8 UNITS	
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)	<input type="checkbox"/> (1) NAT. PERSON/CR. UNION	
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)	<input type="checkbox"/> (J) NAT. PER-CR.UN/1 OR 2	
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)	<input type="checkbox"/> (K) CONDO	
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)		
<input type="checkbox"/> 3801 UNIONVILLE (VLG)			
<input type="checkbox"/> 4089 MONROE (TN)			
<input type="checkbox"/> 4001 MONROE (VLG)			
<input type="checkbox"/> 4003 HARRIMAN (VLG)			
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)			

CITIES

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

*Donna L. Benson*  
DONNA L. BENSON  
Orange County Clerk

RECEIVED FROM: River City

RECORDED/FILED  
11/28/2005/ 07:00:00  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY

FILE # 20050123937  
DEED R / BK 12001 PG 0325  
RECORDING FEES 114.00  
TTX# 003832 T TAX 1,100.00  
Receipt#502578 mr1

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 Nov 28, 2005 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

*Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY  
Nov 17 2017

THIS INDENTURE

RCA 813-35506

MADE the 27<sup>th</sup> day of September, Two Thousand Five between MARGARET A. WILLIAMSON, residing at 109 Highland Avenue, Newburgh, NY 12550, party of the first part, and TROY MESSNER AND NICOLE ISSMAN, residing at 285 Hudson Street #2, Cornwall-On-Hudson, NY 12520, party of the second part:

Lynn WITNESSETH:

*as joint tenants with rights of survivorship*

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, successors and assigns forever,

ALL that tract or parcel of land situate in the Town of Newburgh, County of Orange, and the State of New York, known and designated as Lot No. 3, as shown on a map entitled, "Winona Lake Development Company - Section F", filed in the Orange County Clerk's Office on 10/17/1940 as Map No. 1190, bounded and described as follows:

BEGINNING at a point in the southwesterly line of Highland Avenue, said point being an iron pipe found at the most easterly corner of Lot No. 4, as shown on the said map; thence along the said southwesterly line of Highland Avenue South 50° 10' 00" East 75.00 feet to a point; thence along the northwesterly line of Lot No. 2, as shown on the said map, South 39° 50' 00" West 200.00 feet to a point; thence along the northeasterly line of Lot No. 2, as shown on a map entitled, "Proposed Subdivision of Lands of Bjorn Wethrus", filed in the Orange County Clerk's Office on 10/24/1988 as Map No. 9153, North 50° 10' 00" West 75.00 feet to a point, said point being 0.7 of a foot, more or less, northerly from an iron pipe found; thence along the southeasterly line of the said Lot No. 4 North 39° 50' 00" East 200.00 feet to the point or place of BEGINNING.

SUBJECT, however, to the following restrictions and covenants which shall run with the title to the land above described and shall be binding upon the parties of the second part, their heirs and assigns forever:

1. That no buildings shall be erected upon the said premises within 20 feet of Highland Avenue, nor shall any building be erected within 8 feet of the adjoining property lines.
2. No store, road stand or commercial garage shall be permitted on said premises nor shall any offensive or noxious trade, business or calling be carried on on said premises nor any nuisance maintained thereon and no shack nor shanty shall be erected thereon nor any building for dwelling purposes which shall cost less than the sum of \$2500. No intoxicating liquors shall be sold on said premises.
3. The owner of the above described premises shall have the use of a right of way to lower Winona Lake so long as said lake is in existence for the purpose of boating, bathing and fishing at such times as the Company may permit, which privileges, however, shall not be commercialized. Said right of way to said lake to be at a point to be designated by the Winona Lake Development Company.
4. Not more than one dwelling house shall be erected on the above described lot.

BEING the same premises described in Deed dated November 26, 1991 from James F. Williamson and Margaret A. Williamson to Margaret A. Williamson and recorded in the Orange County Clerk's Office on April 6, 1992 in Liber 3584 at page 56.

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, its 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 he 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 hand and seal the day and year first above written.

*Margaret A. Williamson*  
Margaret A. Williamson

ACKNOWLEDGEMENT

STATE OF NEW YORK )

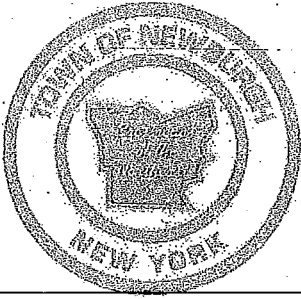
SS:

COUNTY OF ORANGE )

On the 27<sup>th</sup> day of September in the year 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared MARGARET A. WILLIAMSON, 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.

*Diane K. Halstead*  
Notary Public

DIA'EK, HALSTEAD  
Notary Public, State of New York  
No. 4856289  
Qualified in Orange County  
Commission Expires March 31, 2006



**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

2418-14

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 03/27/2014**

**Application No. 14-0157**

**To: Troy Messner**  
109 Highland Ave  
Newburgh, NY 12550

**SBL: 67-6-6**  
**ADDRESS: 109 Highland Ave**

**ZONE: R-3**

PLEASE TAKE NOTICE that your application dated 03/25/2014 for permit to converted a screened porch into habitable space without a permit on the premises located at 109 Highland Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

185-19-C-1 Increased the degree of nonconformity of one side yard setback.

185-19-C-1 Increased the degree of nonconformity of the combined side yard setbacks.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES

NAME: Nicole & TROY MESSNER

ADDRESS: 109 HIGHLAND AVE NEWBURGH NY 12550

2418-14

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 19' X 14.5' PRIOR BUILT PLAY ROOM

SBL: 67-6-6 ZONE: R-3

TOWN WATER: YES TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
COMBINED SIDE YARDS	30'	14'-2"	INCREASING THE DEGREE OF NONCONFORMITY		
SIDE YARD	15'	5.2'			
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: AN EXISTING NONCONFORMING SCREENED PORCH WAS CONVERTED INTO HABITABLE SPACE.**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 Shall not increase the degree of nonconformity ( 1 side yard )
- 2 185-19-C-1 Shall not increase the degree of nonconformity ( combined side yard )
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA DATE: 26-Mar-14



Messner  
109 Highland Avenue  
(67-6-6)



2

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F

6

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7

NO 52

STATE

HIGHLAND

AVE.

HILLTOP

AVENUE

NEW STREET

FERN

AVENUE

WINTERGREEN

AVENUE

WINONA LAKE

WINONA LAKE

WINONA LAKE

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