

# 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: 11/1/2018

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

I (WE) Robert S. Miller PRESENTLY

RESIDING AT NUMBER 22 Adonna Dr.

TELEPHONE NUMBER 845-220-6961

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:

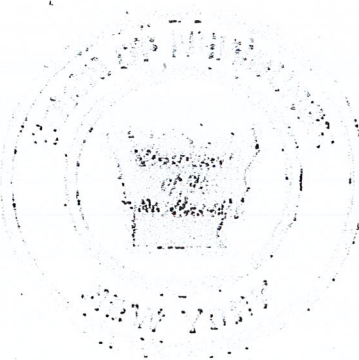
39-1-82 (TAX MAP DESIGNATION)

22 Adonna Dr. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

239



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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: 10/16/2018

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: \_\_\_\_\_  
\_\_\_\_\_

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:

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

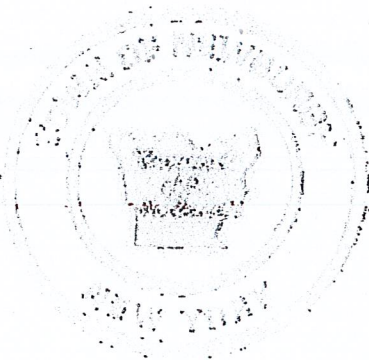
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

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:

no neighbors can see that side of house  
most of the year, because of empty  
wooded lot.

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:

This is the only way of getting out  
of this side of house. Door is already  
there

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

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

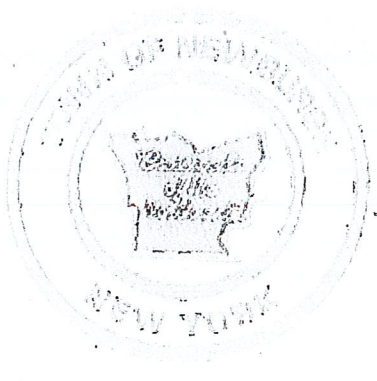
On side of house with no neighbors

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Door and side deck was there when  
house was built, before we bought it.

\_\_\_\_\_



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OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

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

*R. Mill*

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

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2 DAY OF November 20 18

JOSEPH P. PEDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01PE6370913  
Qualified in Orange County  
Commission Expires February 12, 2022

*Joseph P. PEDI*  
\_\_\_\_\_  
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)

# 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:

6' x 10' Deck

Project Location (describe, and attach a location map):

side of house

Brief Description of Proposed Action:

deck + stairs on side of house, by door

Name of Applicant or Sponsor:

Robert S. Miller

Telephone: 845-220-6961

E-Mail: millerro6363@gmail.com

Address:

22 Adonna Dr.

City/PO:

Newburgh

State:

N.Y.

Zip Code:

12550-1262

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	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:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.a. Total acreage of the site of the proposed action?

b. Total acreage to be physically disturbed?

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

1.4 acres

\_\_\_\_\_ acres

\_\_\_\_\_ acres

4. Check all land uses that occur on, adjoining and near the proposed action.

- Urban     Rural (non-agriculture)     Industrial     Commercial     Residential (suburban)  
 Forest     Agriculture     Aquatic     Other (specify): \_\_\_\_\_  
 Parkland

5. Is the proposed action, a. A permitted use under the zoning regulations?		NO	YES	N/A
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO	YES	
		<input 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: <u>N/A</u>		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>		NO	YES	
		<input checked="" 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"/>	
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"/>	
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 type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input 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: Robert S. Miller Date: 11/01/2018  
Signature: R. Miller

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)

orig.  
seen  
11/5/12

# 2

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

PRINT OR TYPE: BLACK INK ONLY

SUSAN BEERMAN ET AL  
TO  
ROBERT S. HILLER &  
DARLENE HILLER

91-1247

SECTION 39 BLOCK 1 LOT 82

RECORD AND RETURN TO:  
(Name and Address)

DAVID KINTZER  
P.O. BOX 2575  
NEWBURGH, N.Y. 12550

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 58251 DATE 8-22-91 AFFIDAVIT FILED \_\_\_\_\_ 19\_\_

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

BG20 Blooming Grove _____	SERIAL NO. _____	
CH22 Chester _____	Mortgage Amount \$ _____	CHECK _____ CASH _____ CHARGE <input checked="" type="checkbox"/>
CO24 Cornwall _____	Exempt Yes _____ No _____	MORTGAGE TAX \$ _____
CR26 Crawford _____	3-6 Cooking Units Yes _____ No _____	TRANSFER TAX \$ <u>500<sup>00</sup></u>
DP28 Deerpark _____	Received Tax on above Mortgage	ED. FUND \$ <u>5.00</u>
GO30 Goshen _____	Basic \$ _____	RECORD FEE \$ <u>20<sup>00</sup> (5)</u>
GR32 Greenville _____	MTA \$ _____	REPORT FORMS \$ <u>30<sup>00</sup></u>
HA34 Hamptonburgh _____	Spec. Add. \$ _____	CERT. COPIES \$ _____
HI36 Highlands _____	TOTAL \$ _____	
MK38 Minisink _____		
ME40 Monroe _____		
MY42 Montgomery _____		
MH44 Mount Hope _____		
NT46 Newburgh (T) <input checked="" type="checkbox"/>		
NW48 New Windsor _____		
TU50 Tuxedo _____		
WL52 Wallkill _____		
WK54 Warwick _____		
WA56 Wawayanda _____		
WO58 Woodbury _____		
MN09 Middletown _____		
NC11 Newburgh _____		
PJ13 Port Jervis _____		
9999 Hold _____		

MARION S. MURPHY  
Orange County Clerk  
by: C. Pignato  
ORANGE COUNTY CLERK'S OFFICE S.S.  
Recorded on SEP 4 - 1991  
at 2:46 O'Clock Deed M.  
in Liber/Film 3489 and examined.  
at page 177  
Marion S. Murphy  
County Clerk

RECEIVED  
\$ 500<sup>00</sup>  
REAL ESTATE  
SEP 4 - 1991  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3489 PAGE 177

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 9/4/91 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 11/2/18

ORC 09/04/91 02:46:55 37744 50.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 58251 500.00 \*  
\*\*\*\*\* SERIAL NUMBER: 000771 \*\*\*\*\*

2

Form 8007 10/873M -- Bargain and Sale Deed with Covenant against Grantor's Act -- Ind. or Corp.  
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT -- THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

9/12/91

THIS INDENTURE, made the 22<sup>nd</sup> day of August, nineteen hundred and Ninety-One BETWEEN

SUSAN BECKMAN, ISIDORE BERMAN, STEVE FOX,  
SIDNEY OR SHERLEY LIEBOWITZ, JEFF RODNER and  
BERNICE HEIFETZ STEPPER  
c/o P.O. Box 92, Bloomingburg, New York 12721

party of the first part, and

ROBERT S. MILLER and DARLENE MILLER  
residing at 363 No. Montgomery Street,  
Newburgh, New York 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, 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

DIST:  
SECTION:  
BLOCK:  
LOT:

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

SCHEDULE A

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, bounded and described as follows:

LOT A as shown on a subdivision map entitled "Subdivision Plan-Lands of Land Investment Group" dated December 3, 1984 and to be filed in the Orange County Clerk's Office prior to closing, said lot containing 1.44 acres of land more or less.

SUBJECT TO a right of way easment over a private roadway designated "Adonna Drive" hereby reserved for all purposes of utilities, ingress and egress to grantors, their assigns and successors and to those entitled to the use thereof by reason of ownership of Lots 2, 3, and 4 as shown on a subdivision map filed in Orange County Clerk's Office on April 23, 1975 as Map #3441 or of further subdivision of said lots. The cost of improvement and maintenance of said right of way shall be borne equally by grantees herein and the owners of the aforesaid lots or their subdivisions as residences are constructed thereon.

SUBJECT TO any dedications of record to the County of Orange for highway purposes.

SUBJECT TO terms, covenants, easements and conditions of record on aforesaid filed maps as and if they may still apply.

TOGETHER with the right to use the 20 foot wide drainage easements as shown on said filed subdivision maps.

BEING a portion of the same premises conveyed by K.M.F. Associates to Land Investment Group of Newburgh by deed dated April 5, 1982, and recorded on said date in the Orange County Clerk's Office in Liber 2219 at page 611.

Above described map was filed on January 23, 1985 in the Orange County Clerk's Office as Map #6880.

ALSO being subject to a 50 foot right of way along the most easterly 50 feet of the above described lot, said right of way being, and having been, reserved to the grantor herein, its heirs, and assigns, and others, for the purposes of ingress, egress, drainage, and utilities.

Above subject parcel is further described in recent survey by Vincent Doce as follows:

BEGINNING at a point in the southerly line of the existing Fostertown Road, as it appears in Deed Liber 2078, page 713, where said line is intersected by the division line between the lands of Wolpe (reputed owner) on the west and the parcel herein described on the east; thence, along the last said boundary, S 11 degrees 17' 50" W 213.64 feet to a point on the division line between the lands of Wolpe (reputed owner) on the north and the parcel herein described on the South; thence along the last said line, N 78 degrees 42' 10" W 199.83 feet to a point on the division line between the lands of Girona (reputed owner) on the west and the parcel herein described on the East; thence along the last said line; S 11 degrees 17' 50" W 209.84 feet to a point on the division line between the lands of Richard (reputed owner) on the South and the parcel herein described on the North; thence, along last said division line, S 78 degrees 56' 30" E 236.46 feet to a point, thence, through the lands of the grantor herein, on a curve to the left having a radius of 100.00 feet and a length of 52.30 feet, and N 11 degrees 17' 50" E 370.33 feet to a point in the aforementioned southerly line of Fostertown Road; thence along last said

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 premise 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

Susan Beckman  
SUSAN BECKMAN

Isidore Berman  
ISIDORE BERMAN

Steve Fox  
STEVE FOX

Sidney or Shirley Liebowitz  
SIDNEY OR SHIRLEY LIEBOWITZ

Jeff Rodner  
JEFF RODNER

Bernice Helfetz Stepper  
BERNICE HELFETZ STEPPER

STATE OF NEW YORK, COUNTY OF Kings ss.:  
 On the 31<sup>st</sup> day of July 1991, before me personally came  
 SUSAN BECKMAN  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.  
 Notary Public, State of New York  
 No. 01W124-484897  
 Qualified in Kings County  
 Commission Expires February 17, 1992  
*Loren White*  
 Notary

STATE OF NEW YORK, COUNTY OF Bronx ss.:  
 On the 22 day of Aug 1991, before me personally came  
 SIDNEY OR SHIRLEY LIEBOWITZ  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.  
 Notary Public, State of New York  
 No. 44-6659215  
 Qualified in Rockland County  
 Commission Expires Dec. 10, 1992  
*Bruce Roy Greenwald*  
 Notary

STATE OF NEW YORK, COUNTY OF STROUX ss.:  
 On the 5<sup>th</sup> day of July 1991, before me personally came  
 ISIDORE BERMAN  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.  
 Notary Public, State of New York  
 No. 31-4237551  
 Qualified in New York County  
 Commission Expires Dec. 10, 1992  
*Wade M. Wheeler*  
 Notary


STATE OF NEW YORK, COUNTY OF Westchester ss.:  
 On the 19 day of August 1991, before me personally came  
 JEFF RODNER  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.  
 Notary Public, State of New York  
 No. 4975487  
 Qualified in Westchester County  
 Commission Expires Dec. 10, 1992  
*Paula M. McCann*  
 Notary

STATE OF NEW YORK, COUNTY OF Westchester ss.:  
 On the 13 day of July 1991, before me personally came  
 STEVE FOX  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.  
 Notary Public, State of New York  
 No. 31-4975419  
 Qualified in New York County  
 Commission Expires Dec. 10, 1992  
*John A. Kinyon*  
 Notary

STATE OF NEW YORK, COUNTY OF Westchester ss.:  
 On the 15 day of August 1991, before me personally came  
 BERNICE HEIFETZ STEPPER  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.  
 Notary Public, State of New York  
 No. 4975487  
 Qualified in Westchester County  
 Commission Expires Dec. 10, 1992  
*Paula M. McCann*  
 Notary

**Warranty and Sale Deed**  
 WITH COVENANT AGAINST GRANTOR'S ACTS  
 TITLE No. \_\_\_\_\_  
 SUSAN BECKMAN, ISIDORE BERMAN,  
 STEVE FOX, SIDNEY OR SHIRLEY  
 LIEBOWITZ, JEFF RODNER, and BERNICE HEIFETZ STEPPER  
 TO  
 ROBERT S. MILLER and  
 DARLENE MILLER

SECTION 39  
 BLOCK 1  
 LOT 82  
 COUNTY OR TOWN Newburgh, Orange County  
 Recorded At Request of American Title Insurance Company  
 RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK STATE LAND TITLE ASSN.  
 Distributed by  
  
 American Title Insurance Company  
 Northeast Region

DAVID KINTZER, ESQ.  
 P.O. Box 2575  
 Newburgh, New York 12550  
 Zip No. \_\_\_\_\_

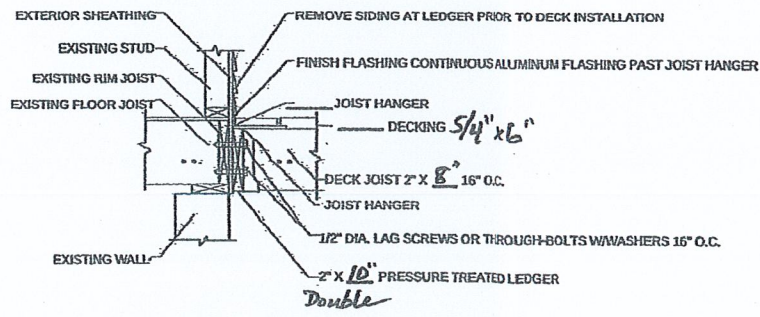
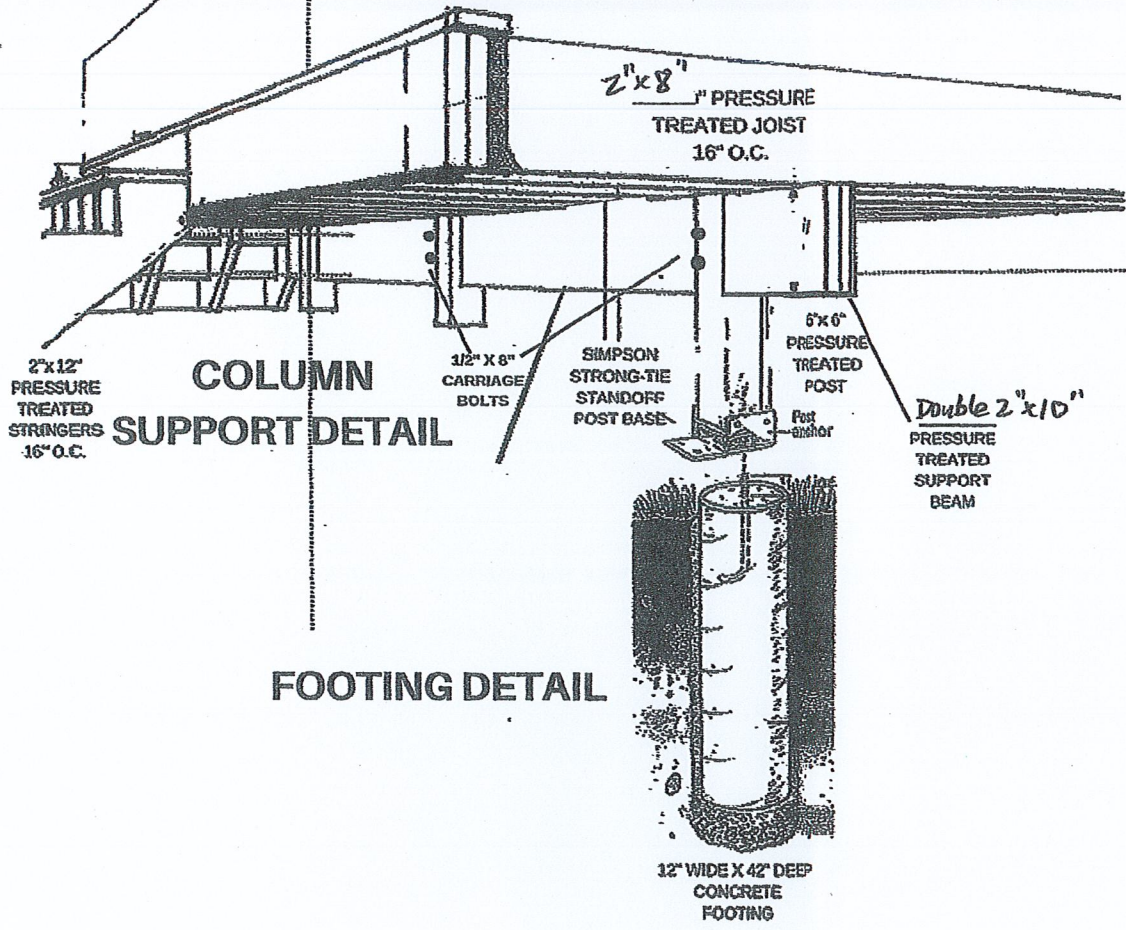
RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3489 PAGE 182

(2)

PROPOSED *P.T. Wood* DECK  
*SIDE 6'x10'*

*Robert Miller*  
*22 Adama Dr*  
*Newburgh*

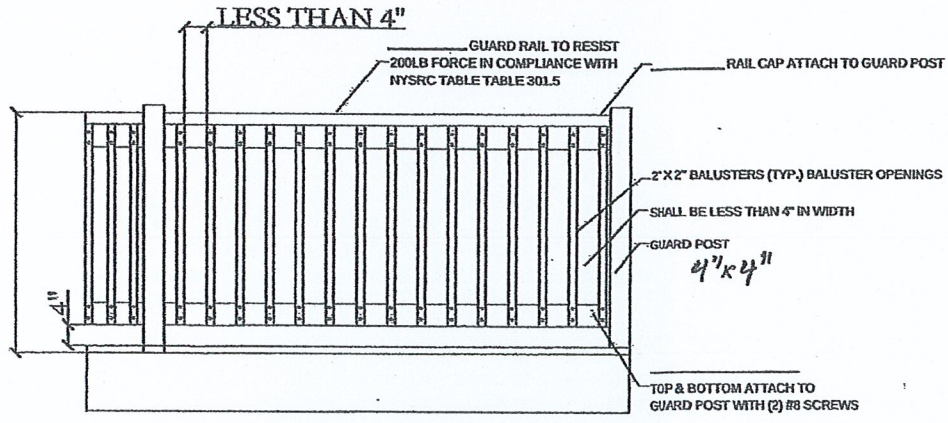


**JOIST CONNECTION DETAIL**

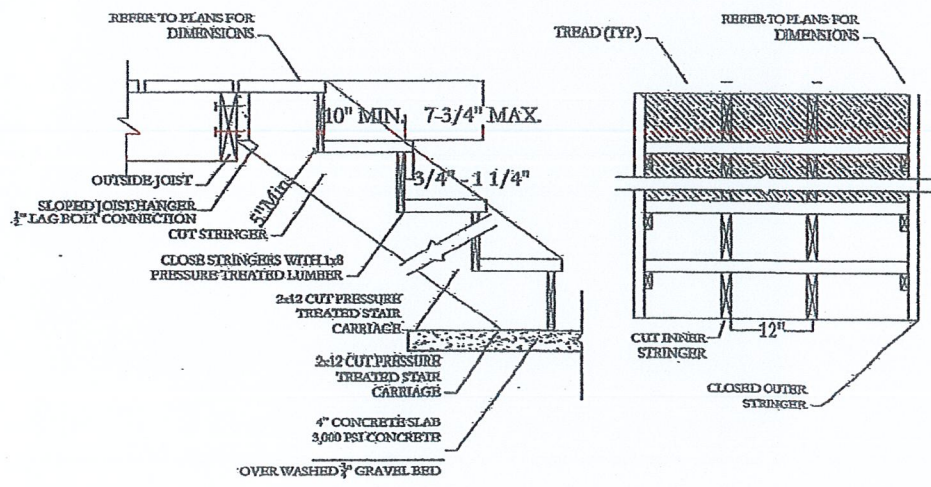
2

# PROPOSED P.T. WOOD DECK SIDE 6'x10'

Robert Miller  
22 Adonna Dr  
Newburgh



### RAILING DETAIL



### STAIR DETAIL

48" WIDE  
6 STEPS



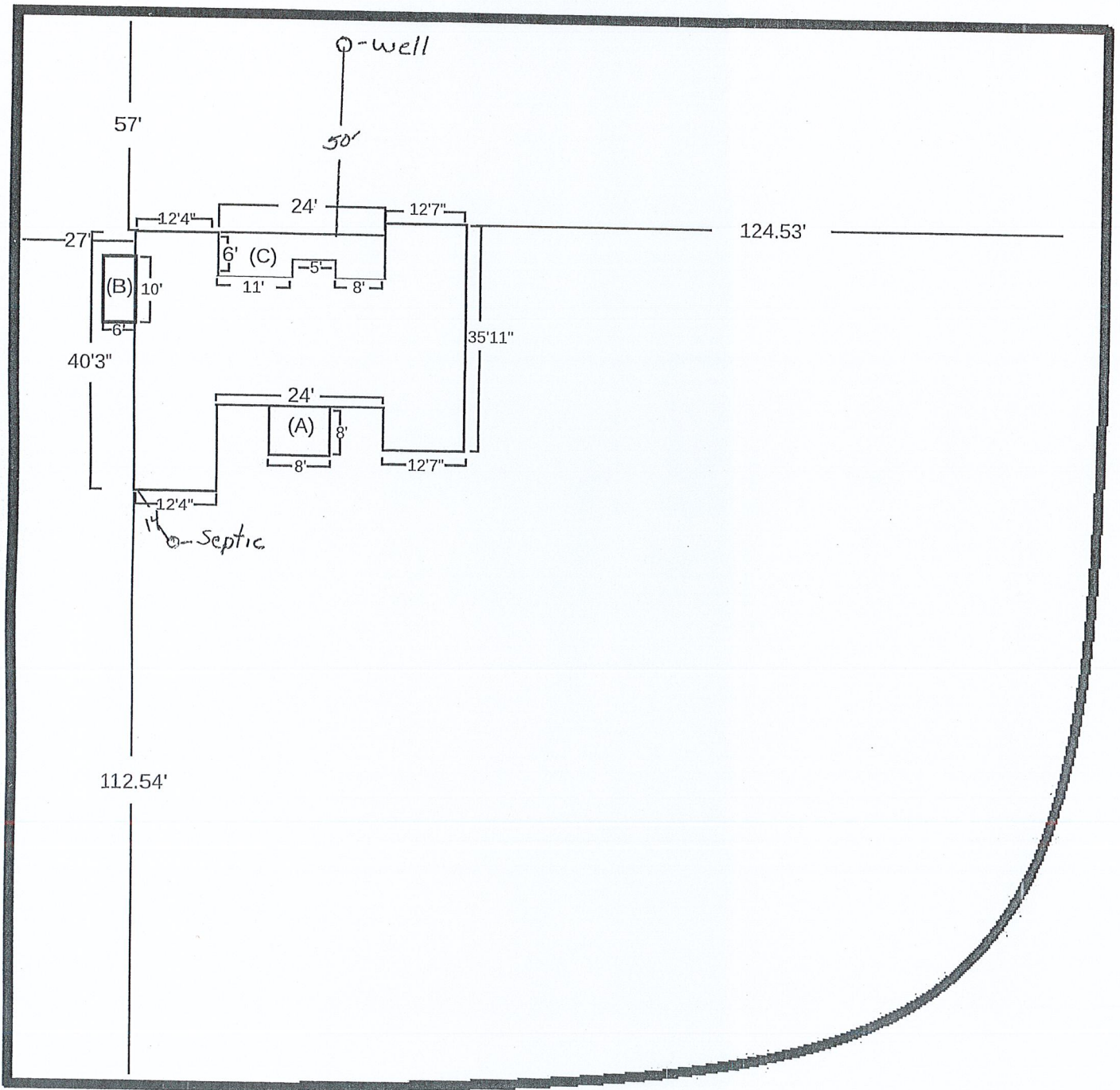
Front Deck 8' X 8' (A)

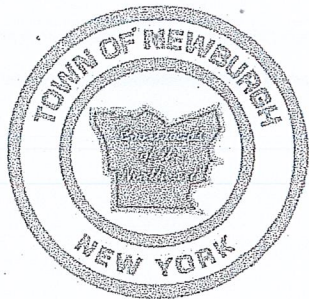
Side Deck 6' X 10' (B)

Rear Deck 6' X 24' (C)

199.83'

209.84'





**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

2719-13

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 10/16/2018**

**Application No. 18-0896**

**To: ROBERT MILLER  
22 ADONNA DRIVE  
NEWBURGH, NY 12550**

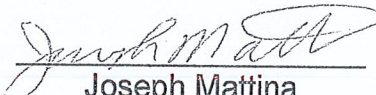
**SBL: 39-1-82  
ADDRESS: 22 Adonna Dr**

**ZONE: R2**

PLEASE TAKE NOTICE that your application dated 07/31/2018 for permit to build a 6' x 10' side deck on the premises located at 22 Adonna Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 4 Requires a 30' minimum side yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

2719-18

# Town of Newburgh Code Compliance

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

NAME: Robert Miller Building Application # 18-0896

ADDRESS: 22 Adonna Dr. Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 6' x 10' Side deck

SBL: 39-1-82 ZONE: R-2 ZBA Application # \_\_\_\_\_

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD	30'		21'	9'	30.00%
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: The front and rear deck have valide building permits.

### VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 4 Requires a 30' minimum side yard setback.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 16-Oct-18

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

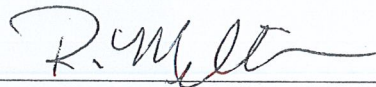
STATE OF NEW YORK: COUNTY OF ORANGE:

I Robert Miller, being duly sworn, depose and say that I did on or before

November 6th, 2018, post and will thereafter maintain at

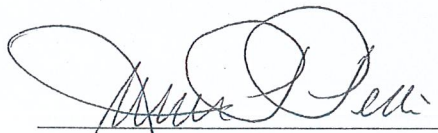
22 Adonna Dr 39-1-82 R-2 Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

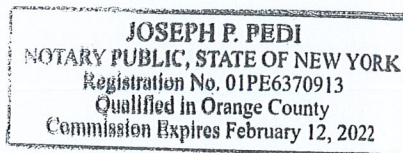
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

  
\_\_\_\_\_

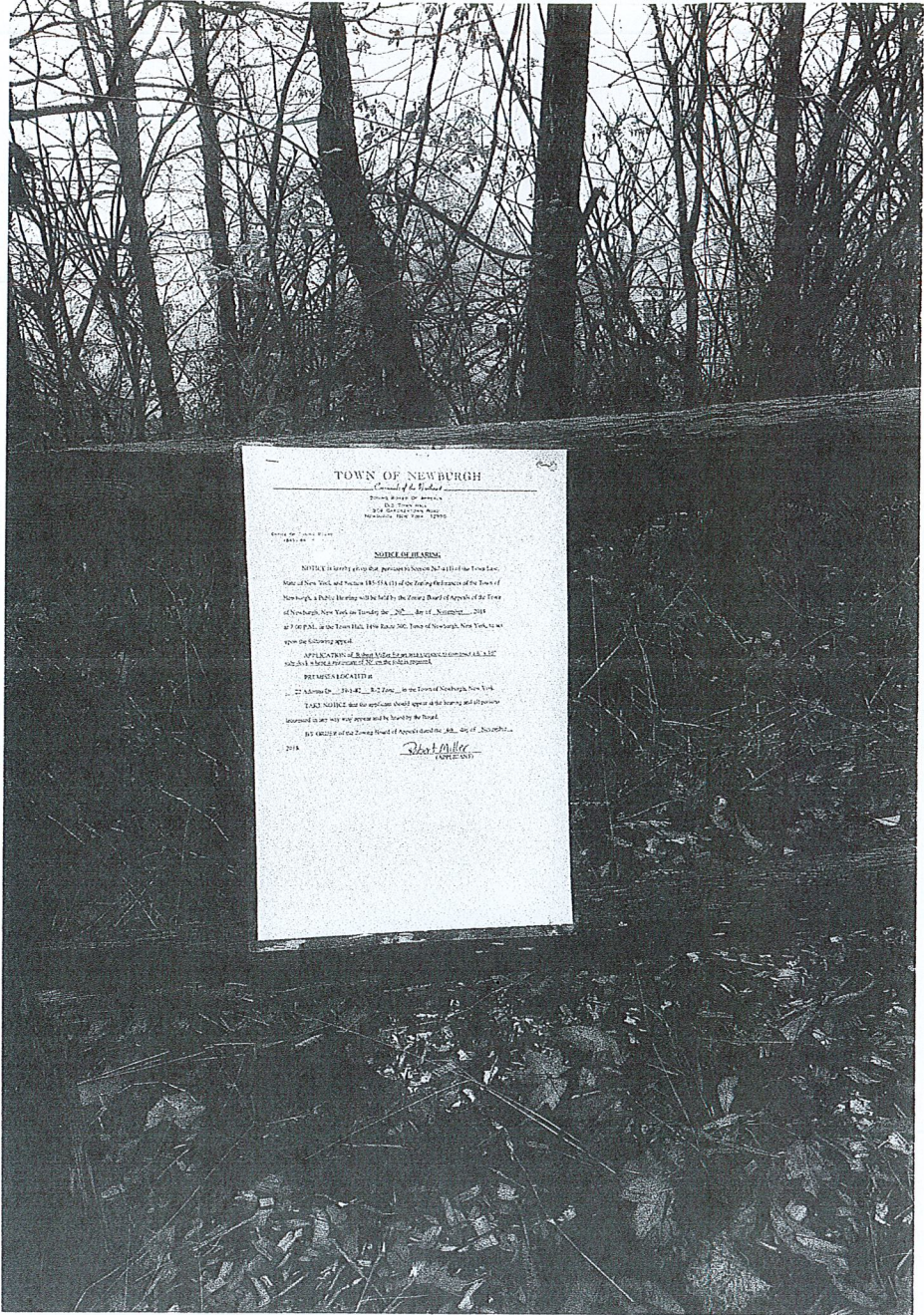
Sworn to before me this 6

day of November, 2018.

  
\_\_\_\_\_  
Notary Public



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



**TOWN OF NEWBURGH**  
*Charter of 1814, as amended*  
 Town of Newburgh, New York  
 Incorporated March 10th 1784

**NOTICE OF HEARING**

NOTICE is hereby given that pursuant to Section 264 of the Town Law, State of New York, and Section 185-5(a) of the zoning regulations 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 Tuesday the 20th day of November, 2018 at 7:00 P.M. at the Town Hall, 1490 Route 90C, Town of Newburgh, New York, to consider the following appeal:

APPLICANT: *Robert Miller* 1490 Route 90C, Newburgh, New York 12551  
 1490 Route 90C, Newburgh, New York 12551

**PREMISES LOCATED AT:**  
 1490 Route 90C, 1490 Route 90C, Newburgh, New York

**TAKING NOTICE:** that the applicant should appear at the hearing and if present be sworn in and will not be represented by counsel at the hearing.

THE CLERK OF THE Zoning Board of Appeals of the Town of Newburgh,  
*Robert Miller*  
 (OFFICIAL)

