

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: 5-31-13

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

I (WE) Thomas + Brie Murphy PRESENTLY
RESIDING AT NUMBER 13 Flamingo Drive
TELEPHONE NUMBER 845-742-8390

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:

90-5-12 (TAX MAP DESIGNATION)
13 Flamingo Drive (STREET ADDRESS)
R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-43-B pools shall be located at least 10 feet FRom any lot line

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: 8-8-12
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 8-8-12

4. DESCRIPTION OF VARIANCE SOUGHT: permit to keep
Prior built 24' round above ground pool

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:

The existing pool was already erected
when we purchased the property in June 2012.

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 pool is already standing.

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

pool is already standing - property fenced behind pool.

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

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

pool was up when we purchased the property June 2012

7. ADDITIONAL REASONS (IF PERTINENT):

Thomas Murphy *Ben Murphy*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 30th DAY OF May 20 13

Patricia Coakley

NOTARY PUBLIC

PATRICIA COAKLEY
Notary Public, State of New York
No. 04CO6036601
Qualified in Orange County
Commission Expires January 31, 2014

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.

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Murphy Thomas/Bre</i>	2. PROJECT NAME <i>Pool</i>
3. PROJECT LOCATION Municipality <i>Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>13 Flamingo Dr Newburgh NY 12550</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>variance to keep prior built ^{above ground} pool</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1.29</i> acres Ultimately <i>1.29</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>prior built pool is too close to property line</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Thomas Murphy / Bre Murphy</i> Date: <i>2/24/13</i> Signature: <i>Thomas Murphy / Bre Murphy</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
no

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
no

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
no

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
no

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
no

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
no

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
no

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 AND provide, on attachments as necessary, the reasons supporting this determination.

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)

Reset

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2311-12

Date: August 8, 2012

To: THOMAS & BRIE MURPHY
13 FLAMINGO DRIVE
NEWBURGH, NY 12550

SBL 90-5-12
ADD: 13 FLAMINGO DRIVE
ZONE R-1

PLEASE TAKE NOTICE that your application dated August 6,
20 12 for permit to keep a Prior Built 24' round above ground pool
At the premises located at 13 Flamingo Drive

Is returned herewith and disapproved on the following grounds:

185 - 43 - B -
POOLS SHALL BE LOCATED AT LEAST (10) TEN FEET FROM ANY LOT LINE.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: _____ THOMAS MURPHY _____

ADDRESS: _____ 13 FLAMINGO DR NEWBURGH NY 12550 _____

PROJECT INFORMATION:

TYPE OF STRUCTURE: _____ 24' ROUND PRIOR BUILT POOL _____

SBL: _____ 90-5-12 _____ ZONE: _____ R / 1 _____

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
SETBACK	10'	8.9'		1.1'	11.0%

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: PRIOR BUILT POOL LOCATED 8.9' FROM THE REAR LOT LINE.

VARIANCE(S) REQUIRED:

1 185-43-B POOLS SHALL BE LOCATED AT LEAST 10' FROM ANY LOT LINE

2 _____

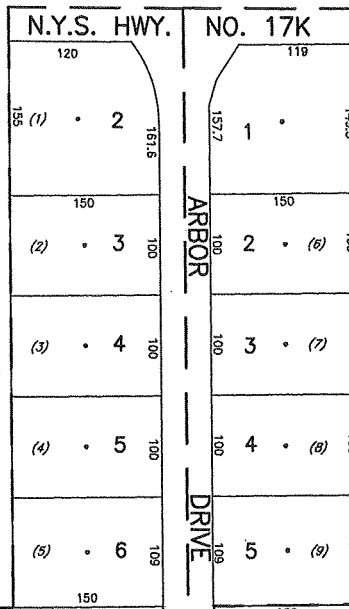
3 _____

4 _____

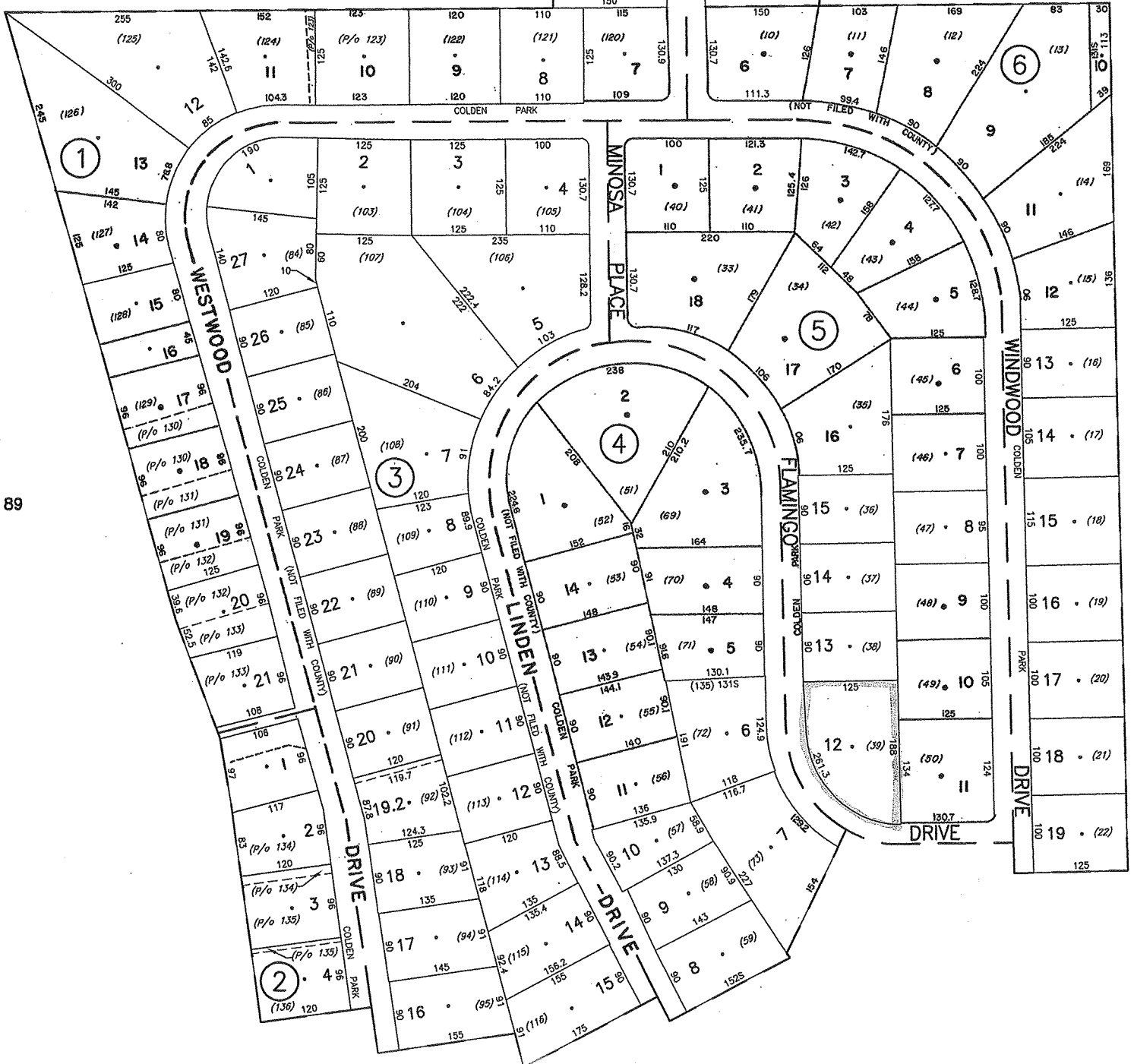
REVIEWED BY: _____ JOSEPH MATTINA _____ DATE: _____ 7-Aug-12 _____

Murphy
 13 Flamingo Drive
 90-5-12

SECTION 89



SECTION 89



89

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



US Bank National Assoc.
Trustee For GSA 2006-1
By PHH Mortgage
TO
Thomas E Murphy III
Eric V Murphy.

SECTION 90 BLOCK 5 LOT 12

RECORD AND RETURN TO:
(name and address)

Richard Forbes Esq
372 Fullerton Ave
Newburgh, NY 12550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | |
|--|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN) | <input type="checkbox"/> 4289 MONTGOMERY (TN) |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG) |
| <input type="checkbox"/> 2003 SO. BLOOMING GROVE (VLG) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) |
| <input type="checkbox"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4205 WALDEN (VLG) |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4401 OTISVILLE (VLG) |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2600 CRAWFORD (TN) | <input type="checkbox"/> 4800 NEW WINDSOR (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5200 WALLKILL (TN) |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5401 FLORIDA (VLG) |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5405 WARWICK (VLG) |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5600 WAWAYANDA (TN) |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5889 WOODBURY (TN) |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5801 HARRIMAN (VLG) |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5809 WOODBURY (VLG) |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | CITIES |
| <input type="checkbox"/> 4089 MONROE (TN) | <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 4001 MONROE (VLG) | <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 4003 HARRIMAN (VLG) | <input type="checkbox"/> 1300 PORT JERVIS |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG) | <input type="checkbox"/> 9999 HOLD |

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

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 141,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

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

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From Hudson Abstract

RECORDED/FILED
06/25/2012/ 15:03:31
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20120059612
DEED R / BK 13362PG 1844
RECORDING FEES 190.00
TTX# 005552 T TAX 564.00
Receipt#1468000 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 6-25-12 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 6-26-12
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



SECTION 90 BLOCK 5 LOT12

THIS INDENTURE made the 11th day of May 2012

BETWEEN

US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR GSAA 2006-1, BY
PHH MORTGAGE CORPORATION
4001 Leadenhall Rd., Mount Laurel, NJ 08054

party of the first part, and

THOMAS E. MURPHY III AND BRIE MURPHY *Husband & Wife*
13 Flamingo Drive, Newburgh, NY 12550

(f2)

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten (\$10.00) dollars and other valuable consideration paid by the party of the second part, does hereby grant, convey 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 improvement thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York and further described in Schedule A annexed hereto.

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 line thereof;

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

The property transferred herein does not constitute all or substantially all of the assets of the grantor herein and the sale of this property was made in the regular course of business of the corporation.

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.

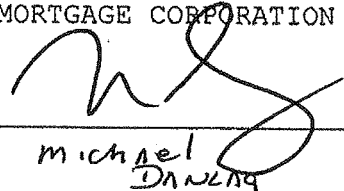
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid

AND 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.

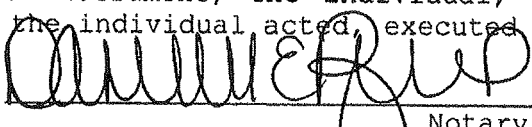
IN PRESENCE OF: PHH MORTGAGE CORPORATION
BY:



Michael Danlag
VICE PRESIDENT
TITLE
BY POWER OF ATTORNEY
RECORDED LIBER 13189
PAGE 487 ON 6/17/11

STATE OF NJ)
COUNTY OF Burlington)
ss.:

On the 11 day of May 2012 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Danlag 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

Name _____ Danielle E. Reeve
State of _____ Notary Public
County of _____ State of New Jersey
Commission Expires _____ Expires May 22, 2013
Attach Stamp _____ Commission No. 2373936

Schedule A Description

Underwriter No. 865-O
Title Number HAS-17067

Page 1

All that certain lot, piece or parcel of land, together with the improvements thereon, situate, lying and being in the Town of Newburgh, Orange County, New York, more particularly bounded and described as follows:

BEGINNING at a point being the following six (6) courses from the westerly corner of the parcel conveyed by Schoonmaker to Joseph Masaracchia and Mary Masaracchia by deed dated January 24, 1956, recorded January 25, 1956 in Liber 1375 of Deeds at Page 259, Orange County Clerk's Office viz:

South 28 degrees 19 minutes West 584.00 feet;
South 28 degrees 50 minutes West 125.00 feet;
South 61 degrees 10 minutes East 110.00 feet;
South 16 degrees 00 minutes East 112.00 feet;
South 09 degrees 00 minutes East 78.00 feet; and
South 28 degrees 10 minutes West 446.00 feet
and

Thence North 61 degrees 50 minutes West 125.00 feet to the easterly side of a proposed road;

Thence along the same South 28 degrees 10 minutes West 65.00 feet more or less;

Thence to the left on a radius of 125.00 feet, a distance of 196.30 feet;

Thence North 28 degrees 10 minutes East 188.00 feet to the place of BEGINNING.

Being and intended to be the same premises conveyed to the Grantor herein by Deed dated August 16, 2011 and recorded on August 23, 2011 in the Orange County Clerk's Office in Liber 13217 at Page 1129.