



OFFICE OF ZONING BOARD
(845) 566-4901

TOWN OF NEWBURGH

Crossroads of the Northeast

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



APPLICATION

DATED: 7/31/19

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

I (WE) NINE16 ENTERPRISES LLC (WYATT SAVAGE) PRESENTLY

RESIDING AT NUMBER 24 ROUTE 17K

TELEPHONE NUMBER 845 565 8000

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

99-5-6 (TAX MAP DESIGNATION)

24 ROUTE 17K (STREET ADDRESS)

B (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1

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: 7/17/19
- 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: ENCLOSE 6'10"
X 18' OF FRONT PORCH

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

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

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

THE COMPLETION OF FRONT PORCH
WILL MAKE THE APPEARANCE SYMMETRICAL
& ESTHETICALLY PLEASING.

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:

MAKE THE APPEARANCE ESTHETICALLY
PLEASING

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

STRUCTURE DOESN'T MEET SET
BACKS

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

IT WILL MAKE THE BUILDING LOOK
MUCH BETTER.

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

THE BUILDING HAS BEEN FOR APPROX
70 YEARS AND BEFORE I OWNED IT.

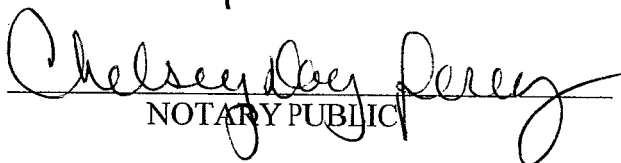
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 31st DAY OF July 2019



NOTARY PUBLIC

CHELSEY DAY PEREZ
Notary Public - State of New York
No. 01PE6369686
Qualified in Orange County
My Comm. Expires Jan. 16, 2022

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
ZONING BOARD OF APPEALS**

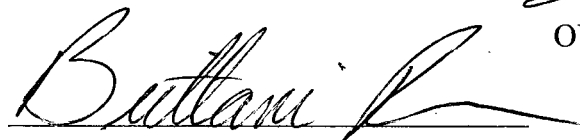
PROXY

NINE16 ENTERPRISES LLC / WYATT SAVAGE, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 31 EMMA LN HARRIMAN NY 10926
IN THE COUNTY OF ORANGE AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 24 ROUTE 17K
NEWBURGH

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

DATED: 8/8/19 

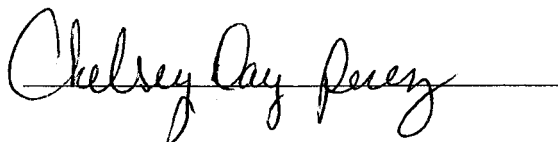
OWNER'S SIGNATURE



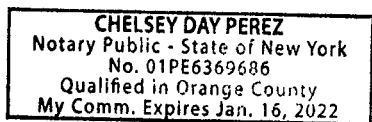
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF August 20 19



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.

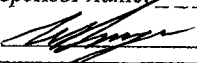
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
<p style="margin: 0;"><i>NINE16 ENTERPRISES LLC</i></p>			
<p>Name of Action or Project: <i>ENCLOSE REMAINING FRONT PORCH</i></p>			
<p>Project Location (describe, and attach a location map): <i>24 ROUTE 17K NEWBURGH</i></p>			
<p>Brief Description of Proposed Action: <i>ENCLOSE 6' 10" X 18' OF EXISTING FRONT PORCH.</i></p>			
<p>Name of Applicant or Sponsor: <i>NINE16 ENTERPRISES LLC (WYATT SAVAGE)</i></p>		<p>Telephone: <i>845 565 8000</i></p>	
<p>Address: <i>24 ROUTE 17K</i></p>		<p>E-Mail: <i>WYATT@WYATTSAVAGE.COM</i></p>	
<p>City/PO: <i>NEWBURGH</i></p>		<p>State: <i>NY</i></p>	<p>Zip Code: <i>12550</i></p>
<p>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.</p>		<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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:</p>		<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p><i>TOWN OF NEWBURGH ZONING BOARD</i></p>			
<p>3.a. Total acreage of the site of the proposed action? <u> .3 </u> acres</p>			
<p>b. Total acreage to be physically disturbed? <u> 0 </u> acres</p>			
<p>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u> .3 </u> acres</p>			
<p>4. Check all land uses that occur on, adjoining and near the proposed action.</p> <p> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) </p> <p> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </p> <p> <input type="checkbox"/> Parkland </p>			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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

Applicant/sponsor name: WYATT SAVAGE

Signature: 

Date: 7/31/19

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

Orig seen
 7/31/19.

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14298 / 1756
 INSTRUMENT #: 20170070325
 Receipt#: 2388418
 Clerk: JM
 Rec Date: 10/02/2017 10:45:43 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: HARDENBURGH ABSTRACT CORP (28)
 Party1: GAFFNEY WILLIAM E BY EX
 Party2: NINE16 ENTERPRISES LLC
 Town: NEWBURGH (TN)
 99-5-6

Recording:	
Recording Fee	40.00
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:	<u>315.00</u>
Transfer Tax	
Transfer Tax - State	560.00
Sub Total:	<u>560.00</u>
Total:	<u>875.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 2221	
Commercial Transfer Tax	
Consideration: 140000.00	
Transfer Tax - State	560.00
Total:	<u>560.00</u>

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

Ann G. Rabbitt
 Ann G. Rabbitt
 Orange County Clerk

Record and Return To:
 PETER G BOTTI
 14 SCOTCHTOWN AVENUE
 COURT PLAZA PO BOX 388
 GOSHEN, NY 10924

EXECUTOR'S DEED (INDIVIDUAL OR CORPORATION)

FORM 8005 (short version), FORM 8010 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the September 18, 2017

between NANCY C. GAFFNEY, Executrix of the Estate of WILLIAM E. GAFFNEY, residing at 92 Vista Maria Road, P.O. Box 158 Cragsmoor, New York 12420 party of the first part, and

NINE16 ENTERPRISES LLC, a limited liability company, having offices at 24 Route 17K, Newburgh, New York 12550

party of the second part;

WITNESSETH, that the party of the first part, to whom Testamentary letters testamentary were issued by the Ulster County, Surrogate's Court, Kingston, New York County, New York on June 17, 2016, and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of ONE HUNDRED FORTY THOUSAND and 00/100 (\$140,000.00) 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 distributees 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 north side of the Cocheton Turnpike (now known as Route 17K) in the Town of Newburgh, County of Orange and State of New York, bounded and described on the attached Schedule A

Premises known as 24 Route 17K, Newburgh, New York

BEING the same premises described in a deed from Bruce A. Jamieson, Nancy A. Taylor, and Sandra L. Roth to William A. Gaffney, dated May 14, 1984 and recorded in the Orange County Clerk's Office on June 29, 1984 in Liber 2287 at page 1038

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 also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise;

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 costs 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.

99-5-6

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Nancy C. Gaffney

NANCY C. GAFFNEY, *Executive*

IN PRESENCE OF:

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 18 day of SEPTEMBER in the year 2017, before me, the undersigned, personally appeared NANCY C. GAFFNEY 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 she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

G. McAdam

(signature and office of individual taking acknowledgment)

GREGORY McADAM
Notary Public, State of New York
No. 7782690
Qualified in Orange County
Commission Expires June 30, ~~19~~
2018

RECORD & RETURN:
Terrence Seeley, Esq.
Peter G. Botti, Esq.
Court Plaza
P.O. Box 388
Goshen, NY 10924

Schedule A Description

Title Number 730-O-3504

Page 1

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate on the north side of the Cochection Turnpike (now known as Route 17K) in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

Beginning at a point in the northerly line of NYS Route 17K, said point being North 70 degrees 22' West 109.33 feet from the southwesterly corner of lands now or formerly of Plazza marked by a NYS concrete highway monument; thence, along said northerly line of NYS Route 17K North 70 degrees 22' West, 60.0 feet to a point; thence, along the easterly line of lands now or formerly of Edythe McClintock, and lands of the Brookside Ice Co., North 23 degrees 07' 54" East 222.3 feet to a point; thence, along the southerly line of said Brookside Ice Co. South 70 degrees 40' East 54.0 feet to a point; thence, along lands of said Brookside Ice Co. and the westerly line of lands now or formerly of Albert Berry, South 21 degrees 35' West, 222.3 feet to the point and place of beginning.



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

#2779-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/17/2019

Application No. 19-0749

To: Nine16 Enterprises LLC
24 Route 17K
Newburgh, NY 12550

SBL: 99-5-6
ADDRESS: 24 Route 17K

ZONE: B

PLEASE TAKE NOTICE that your application dated 07/17/2019 for permit to enclose the remaining 6'-10" x 18' front porch on the premises located at 24 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (Front yard)


Joseph Mattina

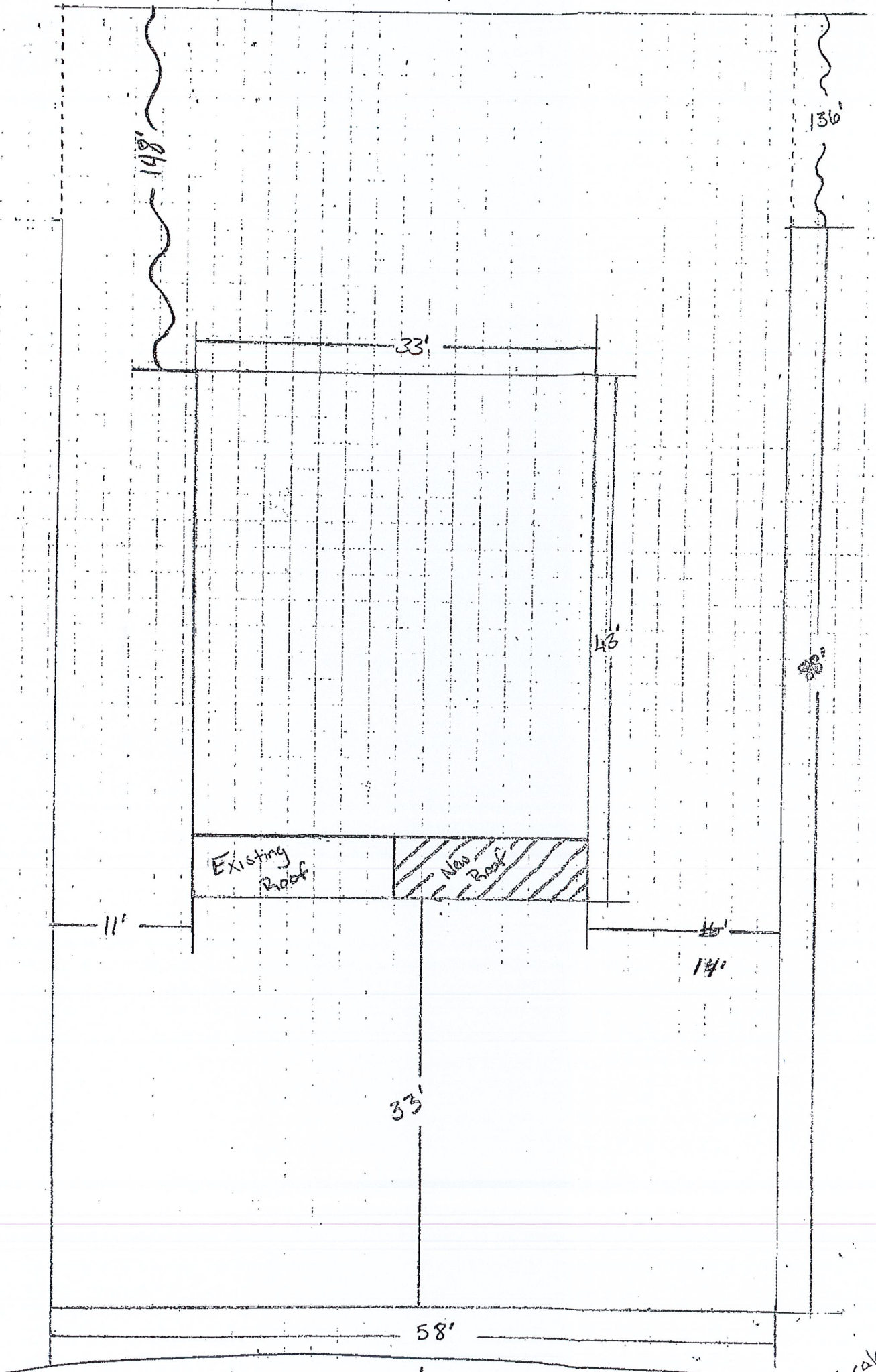
Cc: Town Clerk & Assessor (500')
File











cale's
-2-

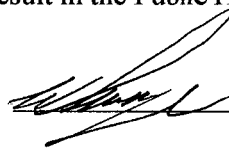
**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

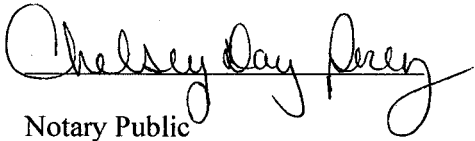
I WYATT SAVAGE, being duly sworn, depose and say that I did on or before
August 8, 2019, post and will thereafter maintain at

24 Route 17k 99-5-6 B 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 1st
day of August, 2019.


Notary Public

CHELSEY DAY PEREZ Notary Public - State of New York No. 01PE6369686 Qualified in Orange County My Comm. Expires Jan. 16, 2022
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[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this
affidavit.]

