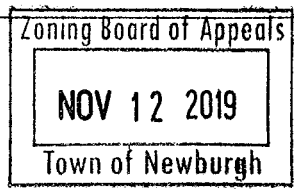


TOWN OF NEWBURGH

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: November 12, 2019

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

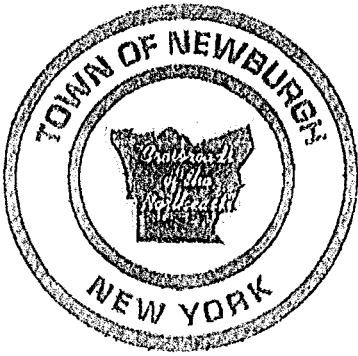
I (WE) Northern Enterprise NY LLC PRESENTLY
RESIDING AT NUMBER P.O. Box 322, Cornwall, NY 12581
TELEPHONE NUMBER (845) 778-2121

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:
 - 67-1-1 (TAX MAP DESIGNATION)
 - 153 South Plank Road (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
 - Bulk Table Schedule 5 - 30' minimum combined side yard setback
 - 185-19-C-1



TOWN OF NEWBURGH

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

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: 8/13/2019
- 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: 3.6' side yard setback variance and

"degree of nonconformity" variance for second story.

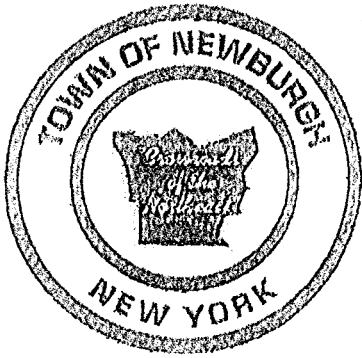
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



TOWN OF NEWBURGH

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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

6. IF AN AREA VARIANCE IS REQUESTED: *Please see addendum

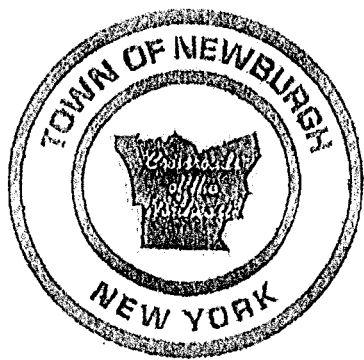
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

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:

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:



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Marissa Weiss

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF November 2019

ROBERT J HUG JR
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HU6186680
Qualified in Dutchess County
My Commission Expires 05-19-2020

Robert J Hug Jr

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

Joel Markowitz, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 2 Prong Bl #304

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 153 S. Plank
Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED _____

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10-31-19

[Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

Affirmed
SWORN TO THIS 31ST DAY OF Oct 2019

[Signature]

NOTARY PUBLIC

Cindy L. Prince O'Shea
Notary Public State of New York
Qualified Orange County No. 4950362
Commission Expires April 24, 2023

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

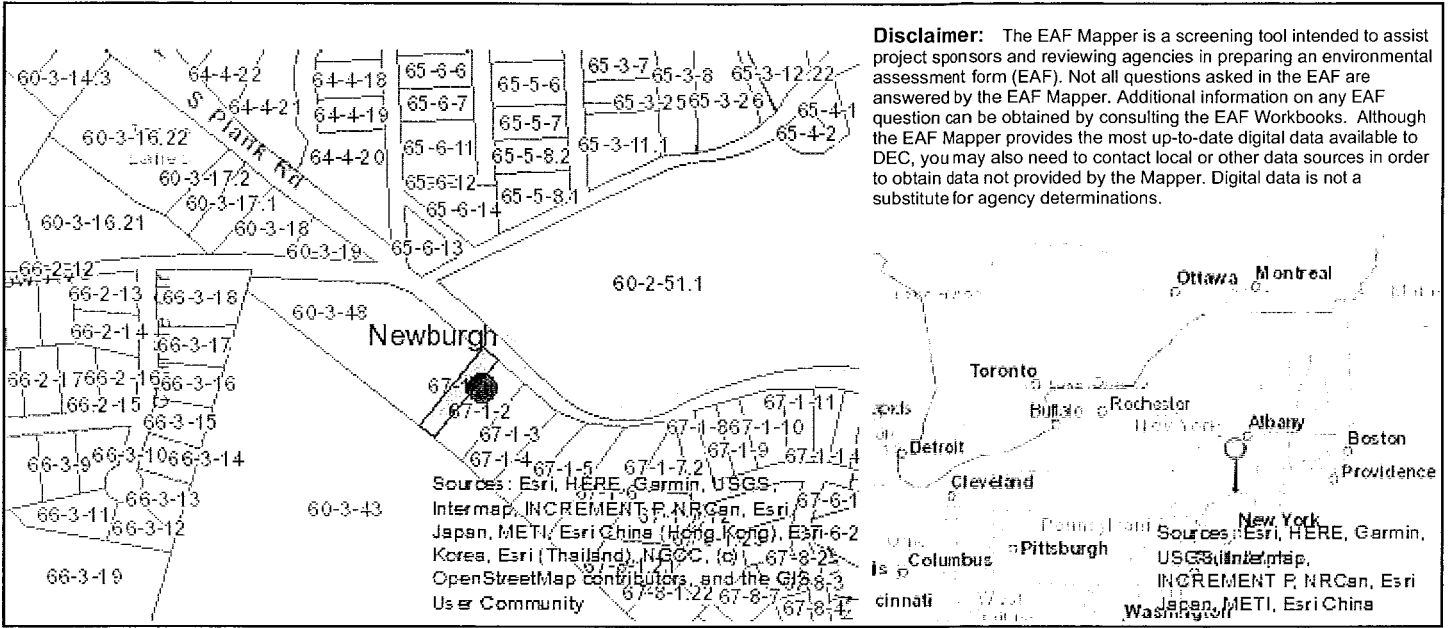
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Northern Enterprise NY LLC			
Name of Action or Project: Northern Enterprise NY LLC ZBA application			
Project Location (describe, and attach a location map): 153 South Plank Road Newburgh, NY 12550			
Brief Description of Proposed Action: Town of Newburgh Zoning Board of Appeals requests: 1) Request for area variance of the 30' minimum combined side yard requirement; (2) Request for area variance from "degree of nonconformity requirement" per Section 185-19-C-1			
Name of Applicant or Sponsor: Jacobowitz & Gubits, c/o Marissa Weiss		Telephone: (845) 778-2121 E-Mail:	
Address: 158 Orange Avenue PO Box 367			
City/PO: Walden		State: NY	Zip Code: 12586
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 <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.349 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?		0.349 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	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 type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban</p>		
<p>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? Indiana Bat</p>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</p> <p>a. Will storm water discharges flow to adjacent properties?</p> <p>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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? If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Jacobowitz & Gubits, c/o Marissa Weiss</u> Date: <u>11/12/2019</u></p> <p>Signature: <u><i>Marissa Weiss</i></u> Title: <u>Attorney for applicant</u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

For more information please visit <http://www.symanteccloud.com>

*****CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.*****



**ADDENDUM TO ZBA APPLICATION
FOR
NORTHERN ENTERPRISE NY LLC
153 SOUTH PLANK ROAD (SBL 67-1-1)**

- 1) **Request for area variance of 30' minimum combined side yard setback.**

Relevant Facts.

The previous property owner constructed a second floor addition, 8' by 12' front deck, 8' by 14' enclosed rear porch, and a 12' by 18' rear deck, without the requisite permits. The addition of the rear deck encroaches into the minimum combined side yard. The applicant purchased this property through a foreclosure sale and therefore inherited these preexisting violations and is attempting to bring the property into compliance by applying for this variance.

Pursuant to Bulk Table Schedule 5 for R-3 districts, a 30' minimum combined side yard setback is required. The existing side yard setback measures at 26.4'. The CEO has determined that the deck requires a 3.6' side yard variance in order to be in compliance with the R-3 bulk requirements.

Discussion

The applicant hereby requests that the Board grant an area variance of the 30' combined yard setback for the following reasons:

1. The variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the deck is preexisting. No change to the existing deck footprint or size is proposed. Bringing the property into full compliance with the Town Zoning Law is beneficial to the surrounding neighborhood and Town as a whole.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because this deck has already been constructed. It would be a waste of time, money, and resources to destroy the deck.
3. The requested variance is not substantial because the variance requested is a relatively small numeric value (3.6') in relation to the size of the property (15,210 ft²).
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the deck is preexisting and no changes to the deck area are proposed.
5. The hardship has not been self-created because the applicant did not construct the rear deck and merely wishes to bring the deck into full compliance with the Town's zoning laws via this variance.

Based upon the above, we respectfully request that the Board grant this area variance for an existing deck—the denial of which will prevent the applicant from keeping this deck as they make necessary improvements to the property.

- 2) **Request for area variance from § 185-19-C-1, which states that a property owner shall not increase the degree of nonconformity.**

Relevant Facts.

The relevant facts above in Request #1 also relate to Request #2.

Pursuant to § 185-19-C-1, structural alteration or enlargement of a building which does not house a nonconforming use, but is nonconforming as to the bulk regulations, is prohibited if the same increases the degree of nonconformity with the bulk regulations in such building. As the deck addition (see Request #1) created a nonconformity with the side yard setback regulation, any structural additions to or enlargement of the property—including the addition of a second story—are considered by the CEO to be increasing the degree of nonconformity. Therefore, the applicant is requesting a variance from this requirement to allow for the second story addition to remain.

Discussion

The applicant hereby requests that the Board grant an area variance of § 185-19-C-1 to permit the second story addition to remain for the following reasons:

6. The variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the second story addition is preexisting. No additional change to the existing floor area is proposed. In addition, many other homes in the neighborhood have a second story. Therefore, the existing second story is in harmony with the surrounding zoning.
7. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because the second story has already been constructed. It would be a waste of time, money, and resources to destroy the second story.
8. The requested variance is not substantial because the second story itself is not prohibited by the Zoning Code—what is prohibited is the fact that the second story increased the degree of nonconformity. With this variance, the property can be brought into full compliance with the Town’s zoning laws.
9. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the second story is preexisting and no changes to the floor area are proposed.
10. The hardship has not been self-created because the applicant did not construct the second story and merely wishes to bring the building into full compliance with the Town’s zoning laws via this variance.

Based upon the above, we request that the Board grant this area variance to allow the applicant to bring the building into full compliance with the Town's zoning laws.



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

2780-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/13/2019

Application No. 19-0710

To: Northern Enterprise NY, LLC
PO Box 322
Cornwall, NY 12581

SBL: 67-1-1
ADDRESS: 153 S Plank Rd

ZONE: R3

PLEASE TAKE NOTICE that your application dated 07/10/2019 for permit to keep a second floor addition, enclosed porch and 2 decks built without permits on the premises located at 153 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 5 requires a 30' minimum combined side yard setback.
- 2) 185-19-C-1 Shall not increase the degree of non-conformity



Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT YES / NO

NAME: Northern Enterprise NY LLC **Building Application #** 19-0710

ADDRESS: PO Box 322 Cornwall NY 12581

PROJECT INFORMATION:

AREA VARIANCE **USE VARIANCE**

TYPE OF STRUCTURE: SEE BELOW

SBL: 67-1-1 **ZONE:** R-3 **ZBA Application #** 2780-19

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	15'	9'	Increasing the degree of non-conformity		
COMBINED SIDE YARDS	30'	31.20	26.4'	3.6'	12.00%
BUILDING COVERAGE	The rear deck created new violation				
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: Second floor addition / 8' x 12' front deck / 8' x 14' enclosed rear poch / 12' x 18' rear deck all built without permits

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 5 requires a 30' minimum combined side yard setback _____
- 2 185-19-C-1 / Shall not increase the degree of non-conformity _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 13-Aug-19



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

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



BOOK/PAGE: 14325 / 1365
INSTRUMENT #: 20170084438

Receipt#: 2413105
Clerk: JM
Rec Date: 11/24/2017 11:40:29 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 3
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: REVELLA JOHN J REF
Party2: NORTHERN ENTERPRISE NY LLC
Town: NEWBURGH (TN)
67-1-1

Recording:
Recording Fee 35.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 Residential/Agricu 116.00
RP5217 - County 9.00

Sub Total: 185.00

Transfer Tax
Transfer Tax - State 348.00

Sub Total: 348.00

Total: 533.00

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

***** Transfer Tax *****
Transfer Tax #: 4041
Transfer Tax
Consideration: 86800.00

Transfer Tax - State 348.00

Total: 348.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

Handwritten signature of Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME COURT OF THE COUNTY OF ORANGE, DO
HEREBY CERTIFY THAT THIS COPY WITH
THESE TAXES IS A CORRECT
REPRODUCTION OF THE ORIGINAL AS
RECORDED IN MY OFFICE.
I HAVE
SEEN THE ORIGINAL AND
I HAVE
SEEN MY OFFICIAL SEAL.
11/24/17
10/25/19
COUNTY CLERK OF THE SUPREME COUNTY COURT
ORANGE COUNTY

Record and Return To:

NORTHERN ENTERPRISE NY LLC
PO BOX 322
CORNWALL NY 12518

HN 59289
GP Case Number: 16-004618

REFEREE'S DEED

67-1-1

This Deed, made this 16th day of November, 2017, between Sean Glander AKA Sean P. Glander and Kayla Collins AKA Kayla V. Glander by John J. Revella, Esq., Referee, with an address of 16 Church Street, Walden, NY 12586, being the party of the first part and Northern Enterprise NY, LLC with an address of P.O. Box 322, Cornwall, NY 12518 being the party of the second part.

WITNESSETH, that the party of the first part was appointed REFEREE in an action entitled WELLS FARGO BANK, NA vs. Sean Glander AKA Sean P. Glander and Kayla Collins AKA Kayla V. Glander, et al. The Mortgage was recorded at Book 12707, Page 1283 in the Office of the Orange County Clerk on July 30, 2008. The mortgage was subsequently assigned by an assignment executed May 11, 2015 and recorded on September 2, 2015, in the Office of the Orange County Clerk at Book 13941, Page 607. Plaintiff is also holder of a mortgage dated April 5, 2013 executed by Sean Glander AKA Sean P. Glander and Kayla Collins AKA Kayla V. Glander to secure the sum of \$741.14 and recorded at Book 13941, Page 609 in the Office of the Orange County Clerk on September 2, 2015. Said mortgage was consolidated with the mortgage referred to at Book 12707, Page 1283 by a Consolidation, Extension and Modification Agreement executed by Sean Glander AKA Sean P. Glander and Kayla Collins AKA Kayla V. Glander dated April 5, 2013 and recorded September 2, 2015 at Book 13941, Page 619 in the Office of the Orange County Clerk to form a single lien in the amount of \$184,918.00.

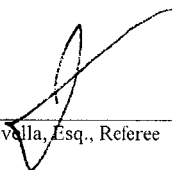
Index # EF007024-2016
In pursuance of a Judgment of Foreclosure in said action, executed by the Supreme Court of Orange County and duly entered on the June 19, 2017, and in consideration of the sum of Eighty-Six Thousand Eight Hundred Dollars and No Cents Dollars (\$86,800.00), being the highest sum bid at sale, the party of the first part does hereby grant and convey unto the party of the second part, its successors and assigns, the premises described in "Schedule A" attached hereto,

To have and to hold the premises so conveyed unto the party of the second part, its successors and assigns forever.

The premises are not subject to a credit line mortgage.

In witness whereof, the party of the first part has set his/her hand the day and year first above written.

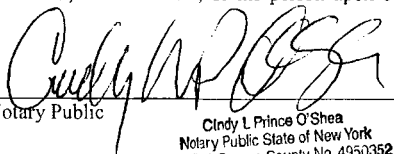
For tax assessor/indexing use:
SBL #: 67 - 1 - 1
Property address: 153 South Plank Road, Newburgh, NY 12550
Tax mailing address: P.O. Box 322, Cornwall, NY 12518



John J. Revella, Esq., Referee

STATE OF NEW YORK)
COUNTY OF Orange) SS.
CITY OF _____)

On this 16 day of Nov, 2017, before me, the undersigned, personally appeared John J. Revella, Esq., 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
Cindy L. Prince O'Shea
Notary Public State of New York
Qualified Orange County No. 4950352
Commission Expires April 24, 2019

After recording, return this deed to: Northern Enterprise NY LLC
P.O. Box 322
Cornwall, NY 12518

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being bounded and described as follows:

BEGINNING on the Southwesterly side of the South Plank Road at a corner of lands conveyed to Abrams by deed dated May 23, 1952;

RUNNING THENCE South 49 degrees 31 minutes 00 seconds West, 276 feet along the Westerly line of Abrams lands to a point in a stone wall on the line between the herein described lot of land and lands of Stewart;

XD

THENCE along the line of lands of Stewart, North 42 degrees 35 minutes 00 seconds West, 55 feet to a point;

THENCE along the Easterly line of other lands of Warford and Partington, North 49 degrees 31 minutes 00 seconds East, 278 feet to the Southwesterly side of the South Plank Road;

THENCE along the Southwesterly side of the South Plank Road, South 36 degrees 46 minutes 00 seconds East, 55 feet to the point or place of BEGINNING.

HILL-N-DALE ABSTRACTERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581









**JACOBOWITZ
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Robert M. Lefland
Michael Wagner
Marissa G. Weiss
Martin S. Butcher
Samuel C. Bergsohn

November 12, 2019

VIA HAND DELIVERY
& VIA EMAIL: zoningboard@townofnewburgh.org

Honorable Darrin J. Scalzo, Chairperson
and Zoning Board of Appeals Members
Town of Newburgh Zoning Board of Appeals
Old Town Hall
308 Gardentown Road
Newburgh, New York 12550

Attn.: Siobhan Jablesnik, Secretary

Re: Northern Enterprise NY LLC—Request for Area Variances
153 South Plank Road, Town of Newburgh
Town of Newburgh Tax Map No: 67-1-1
Our File No. 12663-003

*LLM IN TAXATION
**OF COUNSEL

REPLY TO:
158 Orange Avenue
P.O. Box 367
Walden, NY 12586
tel. (845) 778-2121
fax (845) 778-5173

548 Broadway
Monticello, NY 12701
tel. (845) 791-1765
fax (845) 794-9781

JACOBOWITZ.COM

Dear Chairperson Scalzo and Members of the Board:

Attached please find the following documents constituting the application of Northern Enterprise NY LLC, requesting (1) an area variance of the 30' minimum combined side yard setback and (2) an area variance from the "degree of conformity" requirement per § 185-19-C-1, both of which relate to a second floor addition, 8' by 12' front deck, 8' by 14' enclosed rear porch, and 12' by 18' rear deck all built without permits by the previous owner, prior to our client's purchase of the property:

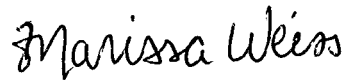
1. Original completed Zoning Board application on official Town forms with addendum;
\$300.00
2. Check in the amount of ~~\$550.00~~, payable to the Town of Newburgh, representing the fee for this application, with included receipt;
3. Eleven (11) copies of a plot plan drawn to scale, prepared by Howard W. Weeden, dated January 11, 2018;
4. The Building Inspector's letter disapproving applicant's request for a building permit for alterations, dated August 13, 2019;

5. Certified copy of the Deed to the property in question;
6. Proxy statement signed by the applicant authorizing Jacobowitz and Gubits, LLP to appear on their behalf;
7. Completed Environmental Assessment Form, Part 1;
8. Four photographs from four different angles of the subject property;
9. List of property owners within 500 feet of the exterior boundaries of the lands involved, prepared by the Town of Newburgh Assessor's office.

I respectfully request this matter be placed on the Board's agenda for the November 26, 2019 meeting. Please contact me at your convenience when the notice is ready so we can provide you with the completed envelopes and post the property as required.

Thank you in advance for your attention to this matter.

Yours very truly,



Marissa G. Weiss

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I VALERIA RIOS, being duly sworn, depose and say that I did on or before
December 12, 2019, post and will thereafter maintain at
153 S Plank Rd 67-1-1 R-3 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.



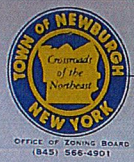
Sworn to before me this 6th
day of December, 2019.

Robert J. Hug Jr
Notary Public

ROBERT J HUG JR
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HU6186680
Qualified in Dutchess County
My Commission Expires 05-19-20²⁰

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

Zoning Board of Appeals
DEC 11 2019
Town of Newburgh



TOWN OF NEWBURGH

Crossroads of the Northeast

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

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances 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 Thursday the 26th day of December, 2019 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Northern Enterprise NY for an area variance to keep a second floor addition, enclosed porch and two decks and increasing the degree of non-conformity of the side yard with an existing 9' where 15' is required and combined side yards of 31.2' where 30 is required.

PREMISES LOCATED at 153 S Plank Rd 67-1-1 R-3 Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 12th day of December, 2019.

Matthew Wein
(APPLICANT)

