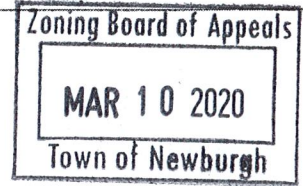


TOWN OF NEWBURGH

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: 3/10/20

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

I (WE) Estate of Thomas Pirger by: John Corbett, Executor
PRESENTLY
RESIDING AT NUMBER c/o Andrea Durgin Pawliczek, Esq
PO Box 97 Montgomery, NY 12549
TELEPHONE NUMBER (845) 457-7702

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:

47-1-30.1 (TAX MAP DESIGNATION)
111 Lakeside Road (STREET ADDRESS)
R1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185-11 Town zoning Law, Table of Use and Bulk Requirements R1 District Schedule 3



TOWN OF NEWBURGH

Crossroads of the Northeast

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: 3/5/20
- 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: Area variance 23.5' from the current 50' front setback for the front porch on house

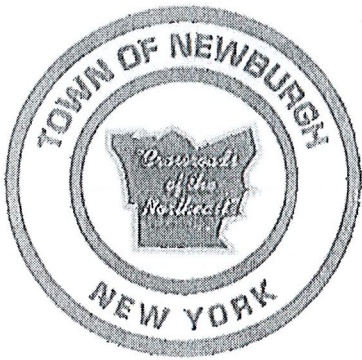
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: N/A

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

Crossroads of the Northeast

ZONING BOARD OF APPEALS
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:

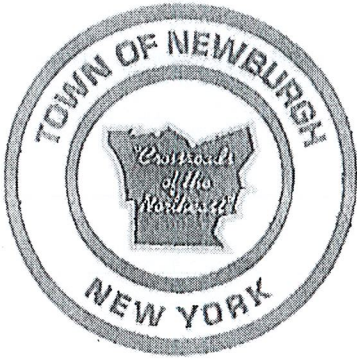
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE: *Assessor believes porch was built circa 1995 and is an attractive feature adding value to the home. It has caused no detriment in +/- 25 years to our knowledge.*

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE: *The only other solution, demolition of porch, would be expensive and reduce value of home which is in contract to sell, and would only change distance from road by approximately 6' or less, as house is from 19th century.*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: *The porch has existed approximately 25 years without incident and with no known adverse physical or environmental impacts.*

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: *The house itself predates zoning and the porch has existed +/- 25 years with no known adverse impacts*

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: *Applicant purchased the property in 2015. Assessor information is that the porch was either created or replaced circa 1995.*



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):

The Estate is in contract to sell this property and had intended to close in March, 2020. The Estate is running out of funds and if sale does not occur soon, the property may be lost.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF March 20 20

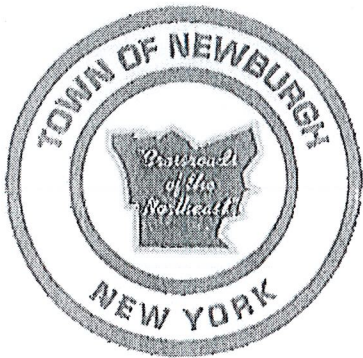
Andrea Pawliczek
NOTARY PUBLIC

ANDREA DURGIN PAWLICZEK
Notary Public, State of New York
No. 01PA4830659
Qualified in Orange County
Commission Expires November 30, 2020

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

Executor of the Estate of
John Corbett Thomas Pirger, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Bargoyle Lane Newburgh NY 12550
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 111 Lakeside
Road, Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Andrea D. Pawliczek, Esq
Attorney for Estate
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/10/20

[Handwritten Signature]
x
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF March 2020

ANDREA DURGIN PAWLICZEK
Notary Public, State of New York
No. 01PA4830659
Qualified in Orange County
Commission Expires November 30, 2021

[Handwritten Signature]
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			
<i>(Estate of) Thomas Pirger</i>			
Name of Action or Project: <i>Pirger Front Porch Variance</i>			
Project Location (describe, and attach a location map): <i>111 Lakeside Road Sec 47- Blk 1 - lot 30.1 Town of Newburgh.</i>			
Brief Description of Proposed Action: <i>Applicant is applying for an area variance for an existing c. (1995) front porch built prior to our ownership, without record of a permit. See Notice of Disapproval dated 3/5/20. Porch is 26.5' from property line instead of 50' as required by Bulk Table schedule 3 for front yard Setback.</i>			
Name of Applicant or Sponsor: <i>Estate of Thomas Pirger c/o Andrea Durgin Pawliczek, Attorney</i>		Telephone: <i>(845) 457-7702</i>	
		E-Mail: <i>adp@orangelaw.net</i>	
Address: <i>1120 NY-17K, PO Box 97</i>			
City/PO: <i>Montgomery, NY 12549</i>		State: <i>NY</i>	Zip Code: <i>12549</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? <i>Yes - area variance 23.5 feet</i>		NO	YES
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.		<input type="checkbox"/>	<input checked="" 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?		<i>3.2</i> acres	
b. Total acreage to be physically disturbed?		<i>-0-</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>4.5</i> acres <i>including 47-1-30.21</i>	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<i>N/A (well)</i>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>N/A (septic)</i>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____		<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 checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain? <i>Rear of property may lie in flood zone area of "minimal hazard"</i>	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? <i>N/A</i> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input type="checkbox"/> NO <input type="checkbox"/> YES	
			<i>N/A</i>

<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>_____</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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <i>Estate of Thomas Pirger c/o Andrea Durcin Pawliczek, Esq.</i> Date: <i>3/10/20</i></p> <p>Signature: <i>Andrea J Pawliczek</i></p>		

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)



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

2831-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/05/2020

Application No. 20-0136

**To: Thomas Pirger
111 Lakeside Rd
Newburgh, NY 12550**

**SBL: 47-1-30.1
ADDRESS: 111 Lakeside Rd**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 02/19/2020 for permit to keep a 6'-4" x 45' covered front porch built without a permit on the premises located at 111 Lakeside Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3 requires a 50' minimum front yard setback


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: Thomas Pirger **Building Application #** 20-0136

ADDRESS: 111 Lakeside Rd. Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** **USE VARIANCE**

TYPE OF STRUCTURE: 6'-4" x 45' Covered front porch

SBL: 47-1-30.1 **ZONE:** R-1 **ZBA Application #** 2831-20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'		26.5'	23.5'	47.00%
REAR YARD					
SIDE YARD					
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: Covered porch built without a permit

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 3: Requires a 50' minimum front yard setback
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 5-Mar-20



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: 13980 / 554
INSTRUMENT #: 20150076545

Receipt#: 2047406
Clerk: CH
Rec Date: 12/07/2015 12:01:04 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: TREACY RUBIN SUSAN E
Party2: PIRGER THOMAS M
Town: NEWBURGH (TN)
47-1-30.1

Recording:	
Recording Fee	40.00
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:	190.00
Transfer Tax	
Transfer Tax - State	1456.00
Sub Total:	1456.00
Total:	1646.00
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 3257	
Transfer Tax	
Consideration: 364000.00	
Transfer Tax - State	1456.00
Total:	1456.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

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 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 12/17/2015 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 3/10/2020

Record and Return To:

GARY A. GALATI
263 ROUTE 17K SUITE 1003
NEWBURGH, NY 12550

HN 54760

47-1-30.1
47-1-30.21

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

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

THIS INDENTURE, made the ^{1ST} day of December, 2015,

BETWEEN Susan E. Treacy-Rubin, residing at 111-113 Lakeside Road, Newburgh, New York 12550,
party of the first part, and

THOMAS M. PIRGER, residing at 86 Meadow Hill Road, Newburg, New York 12550,
party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), 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;

PARCEL I

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, State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the westerly margin of Lakeside Road, as it is intersected by the northerly line of lands now or formerly of New Windsor Lane Company, Inc. and;

THENCE North 68 degrees 43 minutes 39 seconds West along said northerly line of 300.00 feet to a point;

THENCE through the lands of the grantor herein the following two (2) courses:

North 1 degrees 09 minutes 21 seconds East 199.99 feet to a point;

THENCE South 68 degrees 43 minutes 39 seconds East 300.00 feet to a point of intersection with the westerly line of before mentioned road;

THENCE along said westerly line the following two (2) courses:

South 1 degrees 34 minutes 34 seconds East 7.85 feet to a point;

THENCE South 1 degree 16 minutes 03 seconds West 192.15 feet to the point or place of beginning, containing 1.29 acres, more or less, being a portion of lands formerly of A. Russel Scott and more fully shown on a map entitled Survey of Lands of A. Russel Scott to be conveyed to Alit Holding Corporation, dated June 7, 1968, prepared by Eustance and Horowitz, Engineers, Circleville, New York.

PARCEL II:

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, State of New York and being more accurately bounded and described as follows:

BEGINNING at an iron pipe on the westerly side of Lakeside Road said pipe being in the northerly line of lands now or formerly Daniel C. Balknap;

THENCE from said point of beginning and along the northerly line of lands now or formerly Daniel G. Balknap following a masonry wall, a stone wall and wire on trees on the following two (2) courses and distances, North 66 degrees 44 minutes and 30 seconds West 23.86 feet to a point in the end of a stone wall;

THENCE North 68 degrees 43 minutes 39 seconds West 726.45 feet to a point;

THENCE through lands of the A. Russel Scott Farm on the following two courses and distances, North 1 degree 11 minutes 6 seconds East 200.00 feet to a point;

THENCE South 68 degrees 43 minutes 39 seconds East 750.00 feet to a point on the westerly side of Lakeside Road;

THENCE along the westerly side of Lakeside Road, South 1 degree 06 minutes 53 seconds West 200.87 feet to the point or place of beginning.

BEING and intended to be the same premises conveyed in a certain deed made by The Prudential Home Mortgage Company, Inc. to Susan E. Treacy-Rubin dated 7/31/95 and recorded in the Orange County Clerk's Office in Liber 4257 of Deeds at page 47;

8/15/95 S. T. R.

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 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.

Susan E. Treacy-Rubin
SUSAN E. TREACY-RUBIN

IN PRESENCE OF:

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

On the 1ST day of December in the year 2015, before me, the undersigned, personally appeared **Susan E. Treacy-Rubin**, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cindy L. Prince O'Shea
(signature and office of individual taking acknowledgment)

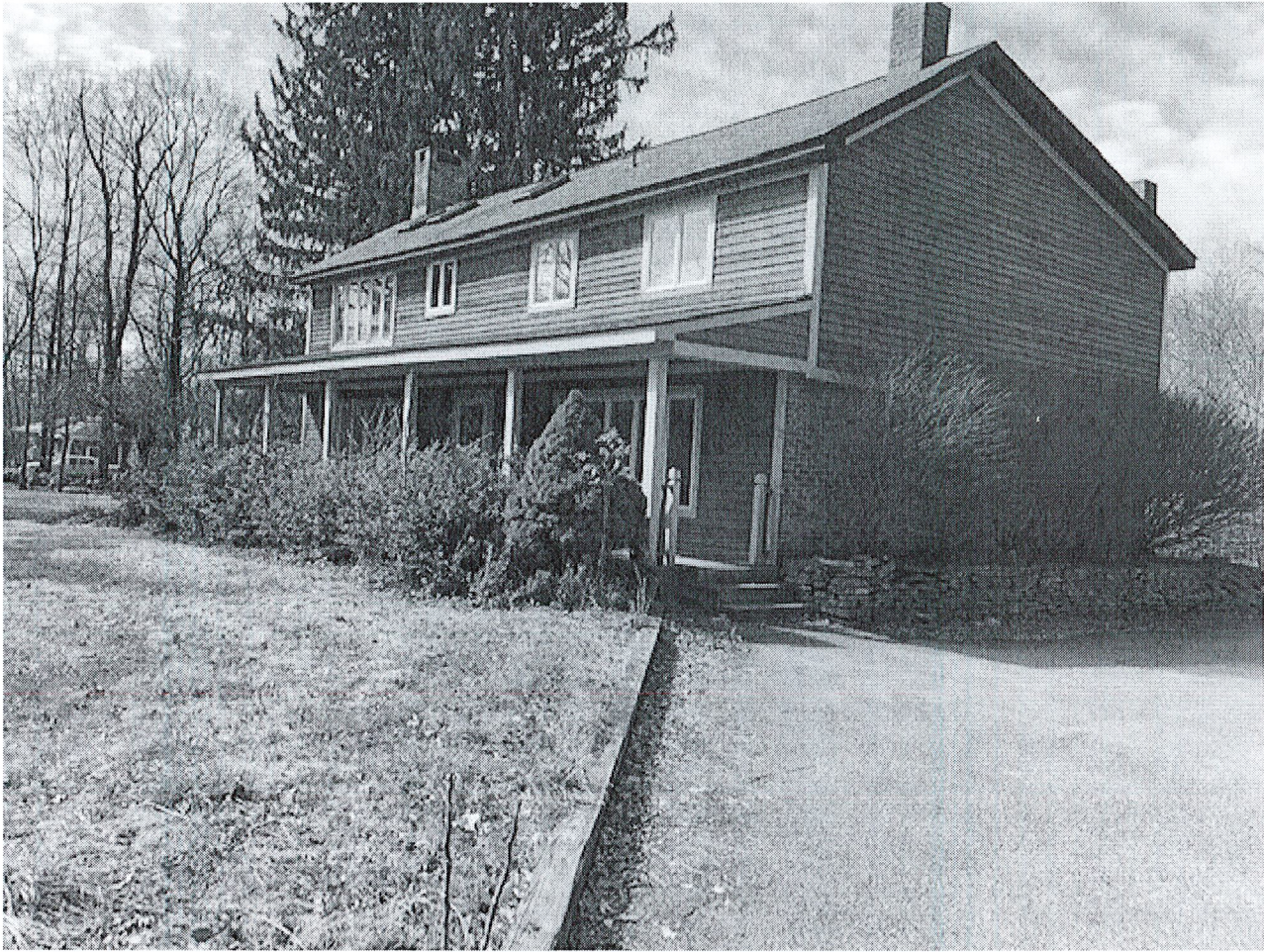
Cindy L. Prince O'Shea
Notary Public State of New York
Qualified Orange County No. 4950352
Commission Expires April 24, 2019

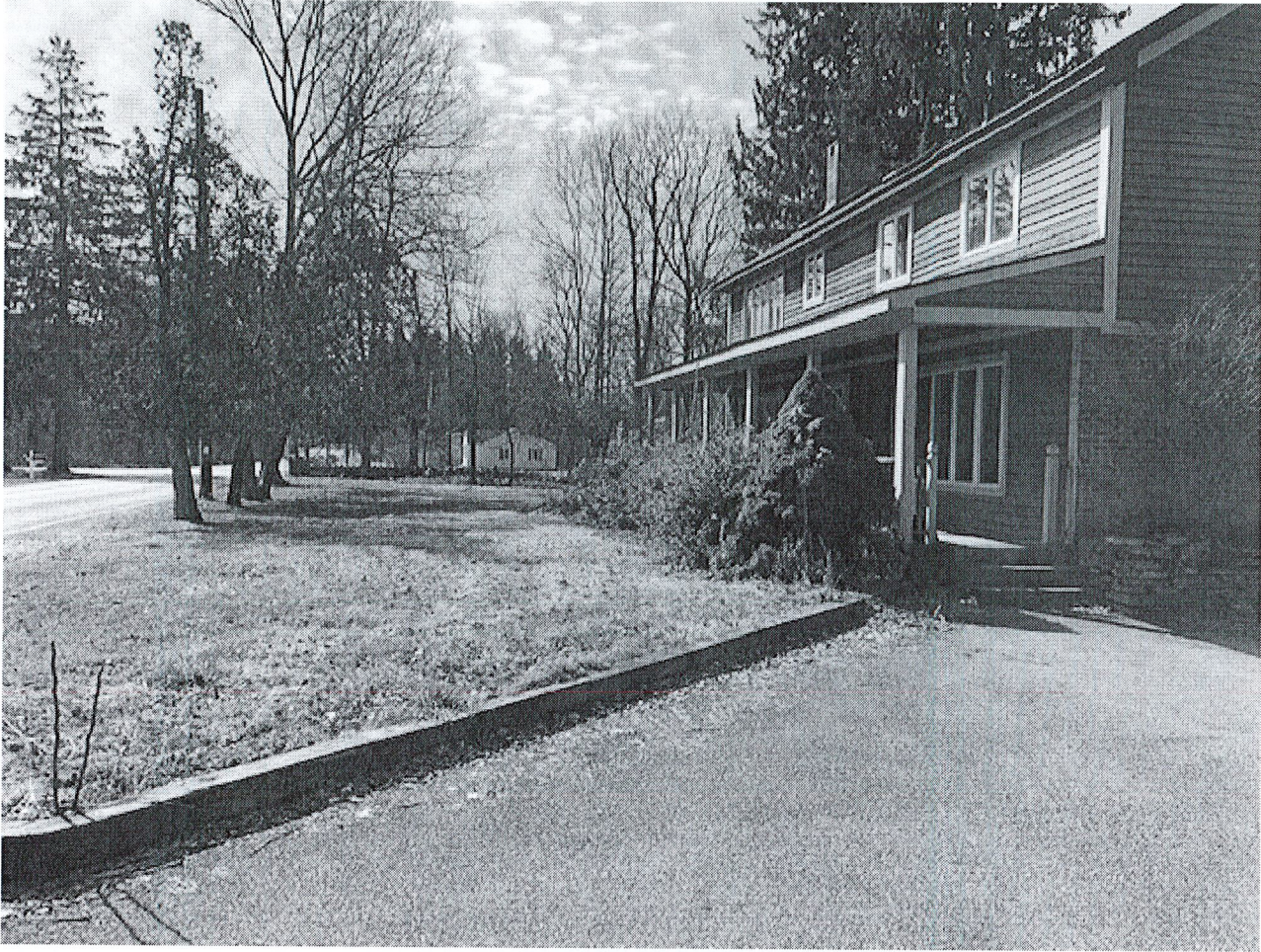
R. & B.
GARY A. GALATI, ESQ.
263 RT 17K
NEWBURGH, N.Y. 12550.

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

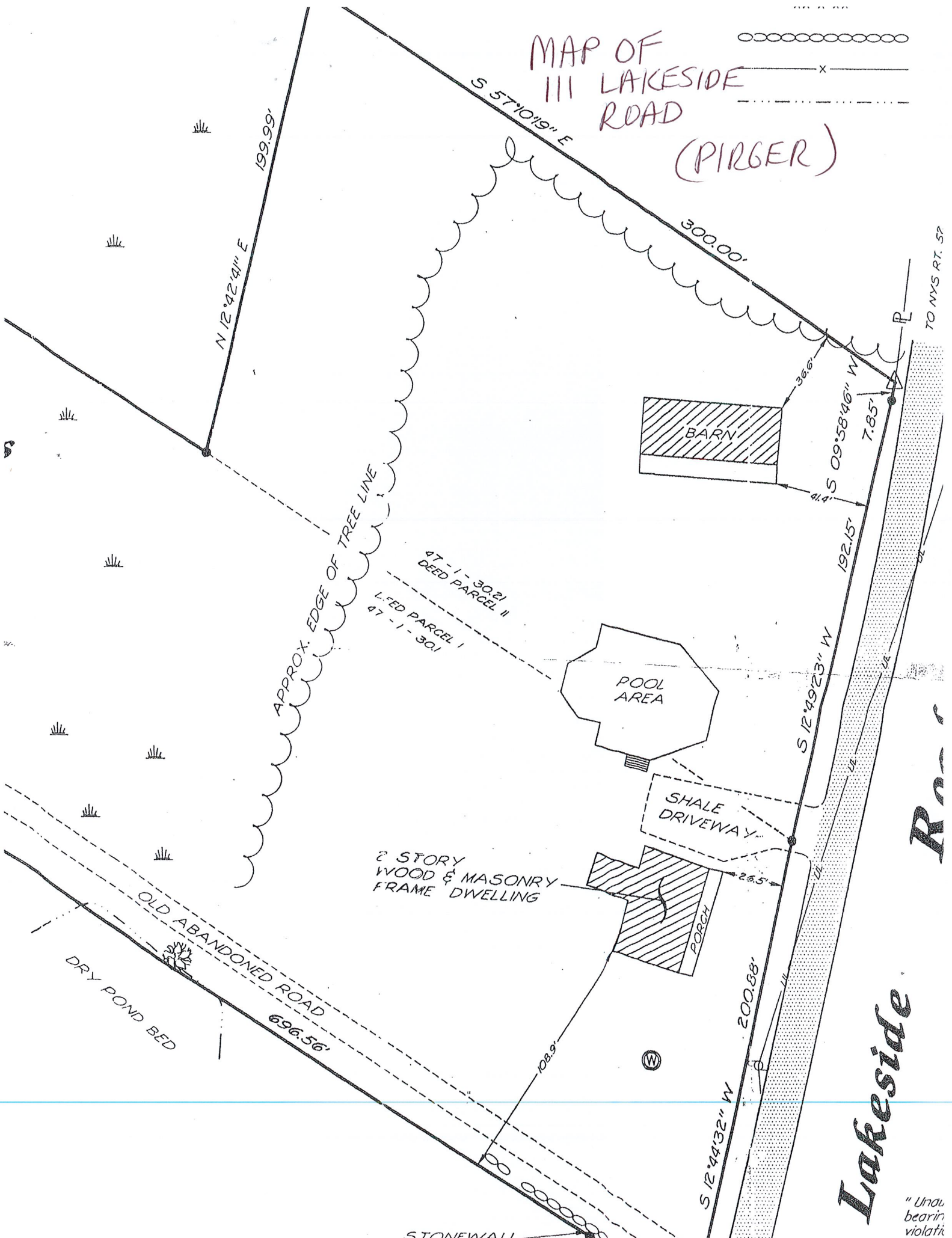








MAP OF
 III LAKESIDE
 ROAD
 (PIRGER)



TO NYS RT. 52

Road

Lakeside

"Unadvised bearing violation"

**Surrogate's Court of the State of New York
Orange County**

On the Date Written Below LETTERS TESTAMENTARY were granted by the Surrogate's Court of Orange County, New York as follows:

Name of Decedent: **Thomas Michael Pirger**
AKA **Thomas M Pirger**
Domicile: **Town Of Newburgh**
Type of Letters Issued: **LETTERS TESTAMENTARY**
Fiduciary Appointed: **John Corbett**
9 Gargoyle Lane
Newburgh NY 12550

File #: 2019-488

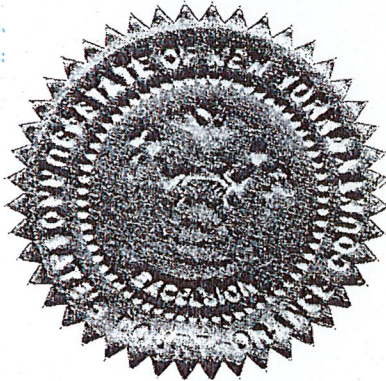
Date of Death: 03-14-2019

Limitations: NONE

SCPA 710(4) provides in part: "No fiduciary shall remove property of the estate without the state without the prior approval of the Court and upon filing a bond if required by the Court"

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above-named fiduciary or fiduciaries to perform all acts requisite to the proper administration and disposition of the estate/trust of the Decedent in accordance with the decree and the laws of New York State, subject to the limitations and restrictions, if any, as set forth above.

Dated: June 25, 2019



IN TESTIMONY WHEREOF, the seal of the Orange County Surrogate's Court has been affixed.

WITNESS, Hon Craig Stephen Brown, Judge of the Orange County Surrogate's Court

Amy J. Miller

Amy J. Miller, Chief Clerk

These Letters are Not Valid Without the Raised Seal of the Orange County Surrogate's Court

Attorney:
Andrea D Pawliczek
1120 Route 17k
PO Box 97
Montgomery NY 12549

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

STATE OF NEW YORK: COUNTY OF ORANGE:

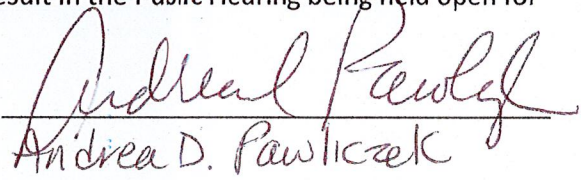
I Andrea D. Pawliczek Esq. Pinger
Attorney for Estate of Thomas Pinger, being duly sworn, depose and say that I did on or before

March 12, 2020, post and will thereafter maintain at

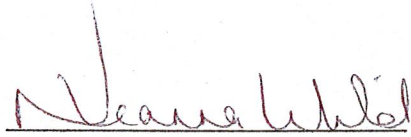
111 Lakeside Rd 47-1-30.1 R1 Zone in the Town of Newburgh, New York, at or near the front

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.


Andrea D. Pawliczek

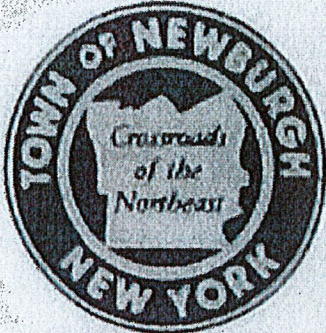
Sworn to before me this 11th
day of March, 2020.



Notary Public

DEANNA L WILD
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01WI6387894
Qualified in Orange County
Commission Expires February 25, 2023

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



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

NOTICE OF HEARING

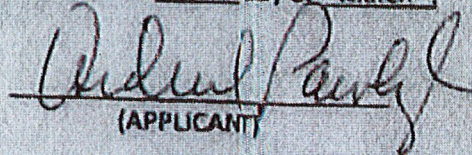
NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 26th day of March, 2020 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 the Estate of Thomas Pinger (John Corbett, Executor) for an area variance to keep a 6.4' x 45' covered front porch that has a 26.5' front yard setback where 50' is required.

PREMISES LOCATED at 111 Lakeside Rd 47-1-30.1 R1 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 March, 2020.


(APPLICANT)



