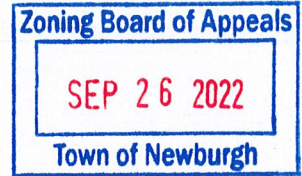




TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: Sept 27, 2022

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

I (WE) Joy B. Pittman PRESENTLY
RESIDING AT NUMBER 5 Palomino Terrace, Newburgh, NY
TELEPHONE NUMBER 845-527-7750

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:

58-1-13 (TAX MAP DESIGNATION)
5 Palomino Ter (STREET ADDRESS)
R2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 1-85

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:

Sept 9, 2022

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:

The rear yard

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:

Upgrading old deck for a modern deck. the new deck will not change the character of the neighborhood, it will enhance the neighborhood.

- 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:

Enlargement of the new deck

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Making the new deck larger than the old deck.

- 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 new deck will be a replacement of the old deck which will enhance the neighborhood. which would be a great impact for the neighborhood.

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

When the house was purchased in 2003 the old deck was constructed based on the building code at that time or requirement for the structure.

7. ADDITIONAL REASONS (IF PERTINENT):

x [Signature]

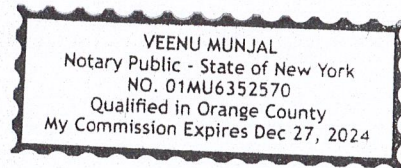
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26th DAY OF September 2022

[Signature]

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 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: REAR DECK			
Project Location (describe, and attach a location map): REAR DECK located in the back yard of house.			
Brief Description of Proposed Action: I am requesting permission to build a 16x18 rear deck in my back yard			
Name of Applicant or Sponsor: Jul B. Pittman		Telephone: 845-527-7750	
		E-Mail: Pittmanjy22@yahoo.com	
Address: 5 Papirino Terrace			
City/PO: Newburgh		State: NJ	Zip Code: 12550
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 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		57 1/2 acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
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			

<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>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Jay B. Kennel</u></p>	<p>Date: <u>Sept 27, 2022</u></p>	
<p>Signature: _____</p>		

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

Daniel Schwarzbeck
Kristine Schwarzbeck

TO

Joy Pittman

SECTION 58 BLOCK 1 LOT 13

RECORD AND RETURN TO:
(name and address)

Marc Kerchman Esq.
310 Falkner 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"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4205 WALDEN (VLG) |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input type="checkbox"/> 4401 OTISVILLE (VLG) |
| <input type="checkbox"/> 2600 CRAWFORD (TN) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input type="checkbox"/> 4800 NEW WINDSOR (TN) |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5200 WALLKILL (TN) |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5401 FLORIDA (VLG) |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5405 WARWICK (VLG) |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5600 WAWAYANDA (TN) |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5889 WOODBURY (TN) |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5801 HARRIMAN (VLG) |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | |
| <input type="checkbox"/> 4089 MONROE (TN) | |
| <input type="checkbox"/> 4001 MONROE (VLG) | |
| <input type="checkbox"/> 4003 HARRIMAN (VLG) | |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG) | |

NO. PAGES 3 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 229,000
TAX EXEMPT _____

MORTGAGE AMT. \$ _____
DATE _____

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

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM:

Ann Real Est

RECORDED/FILED
04/22/2003 09:55:44
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030065020
DEED / BK 11024 PG 1498
RECORDING FEES 64.00
TTX# 008754 TRANS TAX 916.00
Receipt#108149 dab



Standard N.Y.S.U. Form 8002 Bargain and Sale Deed, with Covenants against Grantor's Act - Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE made the 18th day of April, Two Thousand Three **BETWEEN**

Daniel Schwarzbeck and Kristina Schwarzbeck f/k/a Kristina Going, residing at 5 Palomino Terrace, Newburgh, New York 12550 party of the first part, and Joy Pittman, residing at Carpenter Avenue, Newburgh, New York 12550, party of the second part,

WITNESSETH

consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, situate, lying and being in the known and shown as Lot No. 13, Block "R", Map of Meadow Hill Subdivision, Town of Newburgh, Orange County, New York dated July 25, 1963, made by Herbert L. Kartiganer, P.E., L.S., revised April 16, 1964, and filed April 27, 1964 as Map No. 2043, Orange County Clerk's Office.

Also described as follows:

ALL that certain plot, piece or parcel of land situate known and shown as Lot No. 13, Block "R", Map of Meadow Hill Subdivision, Town of Newburgh, Orange County, New York, dated July 25, 1963, made by Herbert L. Kartiganer, P.E., L.S., revised April 16, 1964, and filed April 27, 1964, as Map No. 2043, Orange County Clerk's Office; the said premises being known by street number as No. 5 Palomino Terrace, more particularly bounded and described in accordance with a survey as follows:

BEGINNING at a point on the street line of Palomino Terrace (a cul-de-sac), said point being located the following two courses and distances from the intersection of the northerly line of Coach Lane and the westerly line of Palomino Terrace: (1) North 27 degrees 45 minutes 16 seconds East 85.54 feet;

THENCE (2) on a curve to the right R-50.00, Delta 122 degrees 47 minutes 41 seconds an arc distance 107.16 feet;

THENCE North along the easterly line of Lot No. 14, 00 degrees 38 minutes 57 seconds East 152.62 feet to a point;

THENCE along the southerly line of Lots No. 2, 3 and 4 South 50 degrees 08 minutes 17 seconds East 211.06 feet to a point marked by an iron marker;

THENCE along the westerly line of Lot No. 12, South 67 degrees 52 minutes 15 seconds West 126.66 feet to a point on the street line of Palomino Terrace, said point marked by an iron marker;

THENCE along the street line on a curve to the left, R-50.00 Delta 67 degrees 19 minutes 18 seconds, arc distance 58.75 feet to the point of beginning.

SAID PREMISES ALSO KNOWN AS 5 Palomino Terrace, Newburgh, New York.

BEING AND INTENDED TO BE same premises conveyed to the party of the first part by Deed dated July 25, 1991 and recorded on August 16, 1991 in Liber 3482 at page 230.

TOGETHER with all the 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 reads "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:

Edward J. Sullivan

Daniel Schwarzbeck 4/18/03

DANIEL SCHWARZBECK

Kristina Schwarzbeck f/k/a Kristina Going

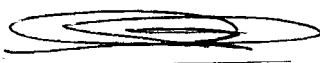
KRISTINA SCHWARZBECK

f/k/a KRISTINA GOING

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-A)

STATE OF NEW YORK, COUNTY OF Orange

On April 18, 2003, before me, the undersigned, personally appeared Daniel Schwarzbeck and Kristina Schwarzbeck 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 he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.



NASHAT S. GHALI
NOTARY PUBLIC, STATE OF NEW YORK Notary Public
RESIDING IN ORANGE COUNTY
COMMISSION EXPIRES FEBRUARY 28, 2007

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL-309-b)

STATE OF NEW YORK, COUNTY OF _____

On _____ before me, the undersigned personally appeared _____ 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 he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the personal upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in
(Insert city or political subdivision and state or county or other place acknowledgment taken).

Notary Public

DISTRICT
SECTION 58
BLOCK 1
LOT 13
COUNTY OR TOWN ORANGE

BARGAIN AND SALE DEED

with Covenants Against Grantors Act
Daniel Schwarzbeck and Kristina Schwarzbeck
f/k/a Kristina Going
TO
Joy B. Pittman

RETURN BY MAIL TO:

Marc Kerchman, Esq.
310 Fullerton Avenue
Newburgh, NY 12550



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3000-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/09/2022

Application No. 22-0944

To: Joy Pittman
5 Palomino Terrace
Newburgh, NY 12550

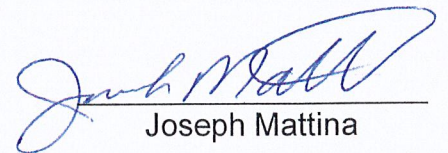
SBL: 58-1-13
ADDRESS: 5 Palomino Ter

ZONE: R2

PLEASE TAKE NOTICE that your application dated 08/31/2022 for permit to build a 16' x 18' rear deck. on the premises located at 5 Palomino Ter is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 4: Requires a 40' minimum rear yard setback


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File









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

STATE OF NEW YORK; COUNTY OF ORANGE:

I, Jay B. Akmal, being duly sworn, depose and say that I did on or before

October 13, 2022, post and will thereafter maintain at

5 Palomino Dr 58-1-13 R2 Zone in the Town of Newburgh, New York, at or near the front

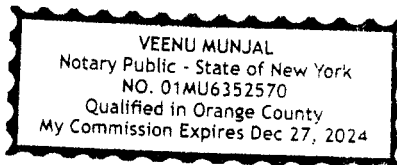
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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.

Jay B. Akmal 10/8/22

Sworn to before me this 8th

day of October, 2022.



X Manoj



TOWN OF NEWBURGH
Crossroads of the Northeast
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4901
FAX LINE 845-564-7802

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 27th day of October, 2022 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 Joy Pittman for an area variance of the rear yard to build a new 16' x 18' rear deck.

PREMISES LOCATED at 5 Palomino Dr 58-1-13 R2 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 13th day of October, 2022.


(APPLICANT)

COPY

PAIOMINO DR.

