



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: January, 2016

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

Rhodes Irrevocable Trust u/t/d 4/20/13

I (WE) David Rhodes, Trustee of the Clayton T./ PRESENTLY

RESIDING AT NUMBER 106 Harding Avenue, Kingston, NY 12401

TELEPHONE NUMBER (845) 331-9134

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:

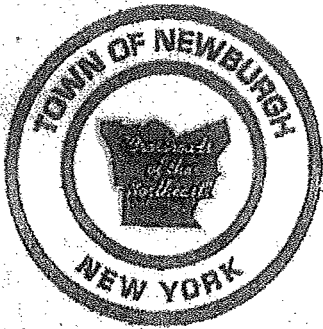
73 - 1 - 24 (TAX MAP DESIGNATION)

50 Fifth Avenue (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Town of Newburgh Municipal Code: Bulk Table Schedule 5
requiring a side yard setback of 15' minimum.



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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: December 8, 2015
- 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 for setback
of 6.4 feet so as to allow the existing 8/6' setback.

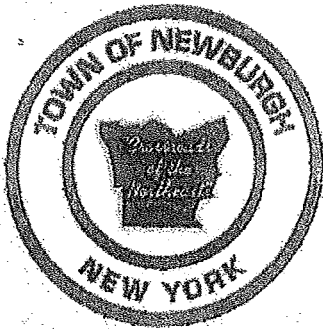
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



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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 current structures have been in their present location in excess of 50 years

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:

Compliance with the current zoning code would require the the removal and reconstruction of the garage and enclosed porch at a cost that is prohibitive in relationship to the property's value.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The structures have been in place in excess of 50 years, prior to the enactment of the current codes establishing a 15' setback and the requested variance is for less than 50 % of the current setback requirement.

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 improvements, now not in compliance with the current zoning setback requirements, were constructed over 50 years ago and no new construction is required which would impact the physical or environmental conditions in the neighborhood or district.

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

Construction of the improvements were made by the Trust Grantor/Life Tenant (now deceased) prior to the enactment of the Town's adoption of the State Building Construction Code (resolution dated 7/5/1960) and all subsequent amendments thereto.



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7. ADDITIONAL REASONS (IF PERTINENT):

It is believed that the construction of the improvements by Clayton T. Rhodes was done prior to the enactment of the building and zoning laws of the Town of Newburgh and are thus grandfathered so long as the structures stand in their present position.

David Rhodes

PETITIONER (S) SIGNATURE

David Rhodes, Trustee of the Clayton T. Rhodes
Irrevocable Trust, u/t/d 4/20/13

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6 DAY OF January 2016

Diane G. Harder

NOTARY PUBLIC

DIANE G. HARDER
Notary Public, State of New York
Qualified in Ulster County
Commission Expires July 31, 2017

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)

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			
David Rhodes, Trustee of the Clayton T. Rhodes Irrevocable Trust u/t/d 4/20/13			
Name of Action or Project: Rhodes Trust Variance Application			
Project Location (describe, and attach a location map): 50 Fifth Ave., Town of Newburgh, County of Orange, Tax Map No. 73-1-24			
Brief Description of Proposed Action: Area variance application of the sideline setback for existing garage, enclosed porch and house, constructed in the 1950's for the purpose of obtaining a certificate of occupancy for the sale of the property by the trust.			
Name of Applicant or Sponsor: David Rhodes, Trustee		Telephone: (845) 331-9134	
		E-Mail: dcroadie@msn.com	
Address: 106 Harding Avenue			
City/PO: Kingston		State: NY	Zip Code: 12401
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 checked="" type="checkbox"/>
			YES <input 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: Town of Newburgh Zoning Board of Appeals			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.29 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?		0.29 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Public Water Connection presently exists for the structure on the property</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Public sewer connection presently exists for the structure on the property</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <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? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <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"/>	<input type="checkbox"/>	

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)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>David Rhodes, Trustee</u>		Date: <u>January 8</u> , 2016
Signature: <u>David Rhodes</u>		

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)

**OWNERSHIP INFORMATION**

RHODES DAVID TTEE
50 5TH AVE
NEWBURGH NY 12550-2718

PARCEL NO: 73-1-24

Mail: 106 HARDING AVE
KINGSTON NY 12401-2144

PHONE NUMBER:

COUNTY: ORANGE

CENSUS TRACT: 0104.00

PROPERTY CLASS: 210 - ONE FAMILY YEAR-ROUND
RESIDENCE

SALE INFORMATION

Sale Date 04/20/2013

Price \$ 0 Deed Date 06/17/2013

Arms Length N

Libre 13584

Page 879 # Total Parcels 1

Seller RHODES CLAYTON Buyer RHODES DAVID TTEE Personal Property 0

PRIOR SALES	PRICE	DATE	ARMS LENGTH	SELLER	BUYER
-------------	-------	------	-------------	--------	-------

No sale history in database for this parcel.

STRUCTURAL INFORMATION**LOT INFORMATION****TAX INFORMATION**

Square Feet 1,277
Sqft. 1st Floor 912
Sqft. 2nd Floor 365
Fin. Basement Sqft. 0
Year Built 1957
Bldg Style CAPE COD
Units 1
Stories 1.00
Baths 1 FULL, 1 HALF
Bedrooms 4
Fireplaces 0
Kitchens 1
Garage Type GAR-1.0 DET,
BUILT: 1957, 336
SQFT,
DIMENSIONS: (14
X-24); CNDTN:
NORMAL, GRADE:
C
Garage Bays 1
Cooling Detail NONE
Heat Type HEAT: (HOT
WATER/STEAM)
FUEL: (OIL)
Exterior WOOD
Condition NORMAL
Basement Type FULL

Lot Size Dim.: 100.00x125.00
Land SQFT 12,500
Lot Size Acres 0.29
Zoning
Nbhd Code 40803
School District 331100 - NEWBURGH
Desirability TYPICAL
Water Front N
Sewer PRIVATE
Water COMMERCIAL/PUBLIC
Utilities ELECTRIC
Nbhd. Rating UNKNOWN
Nbhd. Type UNKNOWN
Res. Sites 1
Comm. Sites 0
Swis Code 334600

Tax ID# 73-1-24
Assessed Value \$ 36,000
Land Assesment \$ 6,600
School Tax \$ 2,293
County/Town Tax \$ 746
City/Village Tax \$
Total Tax \$ 3,039
Full Tax Value \$ 93,023
Equalization Rate 0.39
Prior Tax ID# 73.-1-24
Full Land Value \$ 17,054

*The calculated tax amounts are not exact.
No special district tax amounts or
exemptions have been included. All
numbers are estimated based on town
values. Taxes should be verified directly
from the local tax collector.

Updated:12/12/2015 1:45 am

EXEMPTIONS:

VETS EX BASED ON ELIGIBLE FUNDS
PERSONS AGE 65 OR OVER
ENHANCED STAR

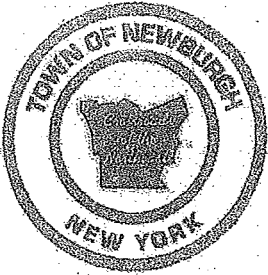
IMPROVEMENTS:

(1) PORCH-ENCLSD, BUILT 1957, 144.00 SQFT, CONDITION NORMAL
(1) PORCH-COVERD, BUILT 1957, 24.00 SQFT, CONDITION NORMAL
(1) GAR-1.0 DET, BUILT 1957, 0 SQFT, CONDITION NORMAL

(1) PORCH-OPEN, BUILT 1957, 88.00 SQFT, CONDITION NORMAL

Note: Display indicates first residential site and up to four improvements.

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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

2536-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/04/2015

Application No. 15-0916

To: *DAVID Rhodes, Trustee*
**(Clayton Rhodes)
50 Fifth Ave
Newburgh, NY 12550**

**SBL: 73-1-24
ADDRESS: 50 Fifth Ave**

ZONE: R3

PLEASE TAKE NOTICE that your application dated 10/21/2015 for permit to keep a prior built 12' x 20' breezeway that connects the dwelling to a detached accessory building on the premises located at 50 Fifth Ave is returned herewith and disapproved on the following grounds:

**Town of Newburgh Municipal Code:
Bulk table schedule 5 Requires a side yard setback of 15' minimum.**


Joseph Mattina

**Cc: Town Clerk & Assessor (500')
File**

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

2536-15

NAME: DAVID RHODES (TRUSTEE)

ADDRESS: 106 HARDING AVE KINGSTON NY 12401

PROJECT INFORMATION:

TYPE OF STRUCTURE: 12 X 20 BREEZEWAY CONNECTING HOUSE TO GARAGE

SBL: 73-1-24 ZONE: R-3

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'	8.6'		6.4'	42.66%
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: **CONNECTED THE EXISTING DWELLING TO A DETACHED ACCESSORY BUILDING.**

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 5 Requires one side yard setback of 15' minimum.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina DATE: 4-Dec-15

This Indenture,

Law signed 1/8/14
RS

Made the ^{20th} hundred and fifty-four, day of December, nineteen

Between MARTIN TIERNEY residing on Fifth Avenue (no street number), Town of Newburgh, County of Orange, State of New York (P. O. Address - Fifth Avenue, M. D. 27, Newburgh, New York),

party of the first part, and

CLAYTON T. RHODES and MARY HELEN RHODES, husband and wife, as tenants by the entirety, residing at No. 82 Grove Street in the City of Newburgh, County of Orange, State of New York,

parties of the second part:

~~Witnesseth~~, that the party of the first part, in consideration of Ten - - - - - (\$10.00) - - - - - Dollars, lawful money of the United States, and other good and valuable considerations paid by the party of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever,

All that certain lot, piece or parcel of land, situate, lying and being on the east side of Fifth Avenue in the Town of Newburgh, County of Orange, State of New York, more particularly bounded and described as follows:-

BEGINNING at a point in the center line of the highway known as Fifth Avenue 400 feet south along said highway from the point where the northerly line of premises conveyed by Frank F. Clark et anos to William Tierney and Ella Tierney by deed dated March 1, 1918, recorded March 18, 1918, in Liber 579 of Deeds at Page 92, intersects the highway, and from said point of beginning running thence southeasterly and along the southerly line of premises heretofore conveyed by Martin Tierney to Chris Zoutis and Adeline A. Zoutis, his wife, by deed dated November 23, 1954 for a distance of 150 feet; running thence southerly and parallel with the center line of Fifth Avenue for 100 feet; running thence westerly and parallel with the first described boundary line of the instantly conveyed premises for 150 feet to the center line of Fifth Avenue; running thence northerly and along the center line of Fifth Avenue for 100 feet to the point or place of beginning.

SUBJECT, HOWEVER, to the following restrictions, viz:-

1. That the premises hereby conveyed shall not be subdivided and only one residence dwelling shall be erected on the premises

conveyed.

2. That no building shall be erected nearer to the easterly side or street line of Fifth Avenue than the bungalow heretofore erected on premises of Henry Fear situated to the north of the instantly conveyed lot.

3. That no building shall be erected on the conveyed premises that shall cost less than \$6,000.00.

BEING a portion of the premises which were conveyed by Ella Tierney to Martin Tierney and Ivan Beam by deed dated November 25, 1944, recorded December 11, 1944 in Liber 947 of Deeds at Page 259, and which were thereafter conveyed by Ivan Beam to Martin Tierney by deed dated December 31, 1946, recorded January 2, 1947 in Liber 1030 of Deeds at Page 516.

XG

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Read.

MARTIN TIERNEY

TO

CLAYTON T. RHODES and
MARY HELEN RHODES, husband and
wife, as tenants by the
entirety.

Dated, December 20th 19 54

Orange County Clerk's Office, s.s.
Recorded on the 23rd day
of December 1954 at 9
o'clock P. M. in Liber 1231 of
at page 493
and Examined.
Allen J. Indzonka, Jr.

Charge ALLEN J. INDZONKA, JR.
ATTORNEY AT LAW
189 LIBERTY STREET
NEWBURGH, N. Y.
Return to 3

Together with the appurtenances and all the estate and rights of the part y of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety, their heirs and assigns forever.

495

And said party of the first part covenants as follows:

First. That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part y of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said party of the first part will forever warrant the title to said premises.

Sixth. The grantor, in compliance with Section 13 of the Lien Law, covenants as follows: That he 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 that he 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.

In Witness Whereof the part y of the first part has hereunto set his hand and seal the day and year first above written

In the Presence of

Allen J. Indzonka, Jr.
Allen J. Indzonka, Jr.

Martin Tierney (L.S.)
Martin Tierney



State of New York

County of Orange

ss.:

On the 26th day of December, nineteen hundred and fifty-four before me personally came MARTIN TIERNEY

, to me known to be the individual described in, and who executed, the foregoing instrument, and acknowledged that he executed the same.

Allen J. Indzonka, Jr.
Notary Public

ALLEN J. INDZONKA, JR.
Notary Public in the State of New York
Residence on Appointment - Orange County
Commission Expires March 30, 1956
Orange Co. Clerk's No. 968

IRREVOCABLE TRUST AGREEMENT

*Saw Original
1/2/15 BG
Full document Copy
in ZBA File*

THIS IRREVOCABLE TRUST AGREEMENT, made as of this 20th day of April, 2013, between CLAYTON T. RHODES, having an address at 50 Fifth Avenue, Newburgh, New York 12550 as grantors (collectively hereinafter referred to as the "Grantor"), and DAVID RHODES, having an address at 106 Harding Avenue, Kingston, New York 12401, as trustee (collectively hereinafter referred to as the "Trustee").

WITNESSETH:

WHEREAS, it is the Grantor's intent to establish an irrevocable trust for the purpose of avoiding the expense, delay, and publicity of probate or estate administration, preserving and protecting assets, and providing a vehicle for the orderly management of the Grantor's assets by named Trustee during the Grantor's lifetime and in the event of the Grantor's disability, incapacity, or death; and

WHEREAS, Grantor declares a Trust with respect to the property described in Schedule A, attached hereto and made a part of this Agreement, together with such other and further property as the Trustee may hereafter hold or acquire hereunder (all of such property, together with any additions thereto received pursuant to the Grantor's Last Will and Testament, or as death benefits, or otherwise, being hereinafter referred to collectively as the "Trust Estate"); and

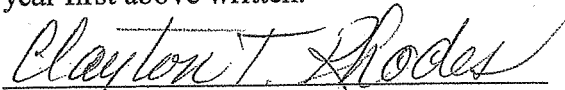
WHEREAS, the Grantor agrees to execute such other and further instruments as shall be necessary to vest the Trustee with title to the property which is currently or may subsequently become the subject of this Trust Agreement;

to make such evaluation.


F. Any provision of this Agreement which may prove unenforceable under any law or regulation shall not effect any other provisions, all of which shall remain in full force and effect.

G. There is only one (1) signed original of this Agreement. Anyone may rely on a copy of said Agreement, as certified by a Notary Public or attorney under the authority of CPLR §2105, to be a true and complete copy of the signed original to the same effect as if such copy were the signed original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.



Clayton T. Rhodes, Grantor

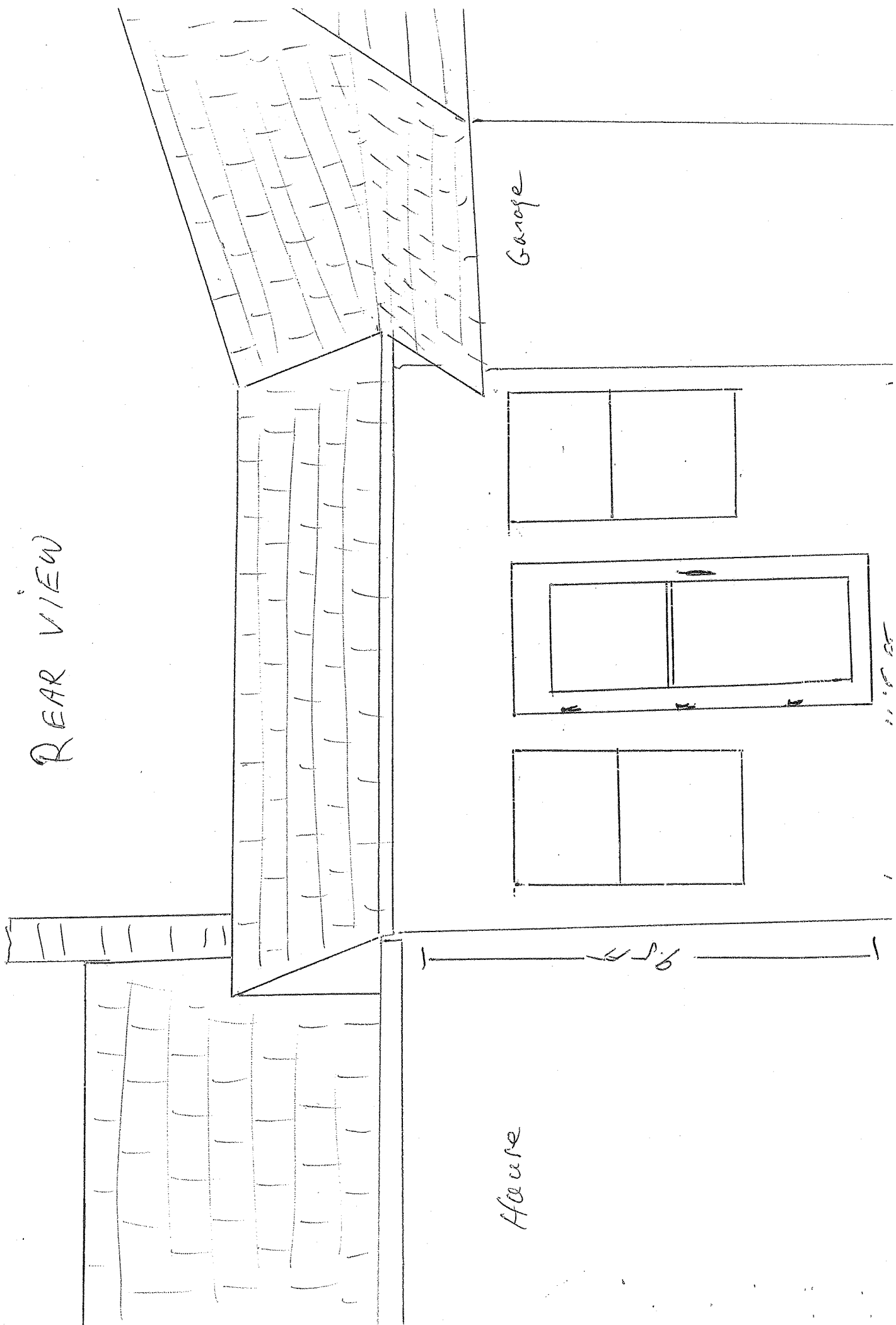


David Rhodes, Trustee

73-1-24

50 Fifth Avenue

REAR VIEW



House

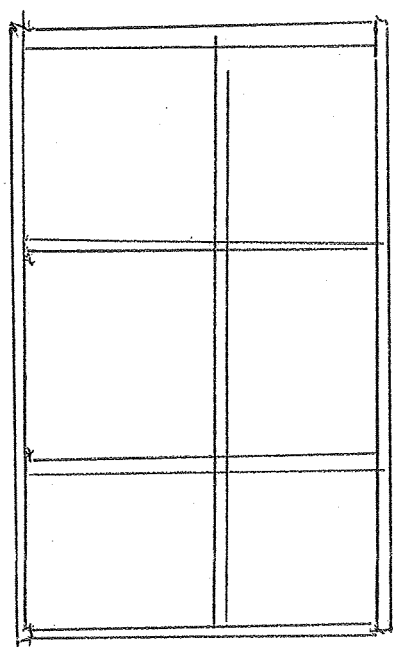
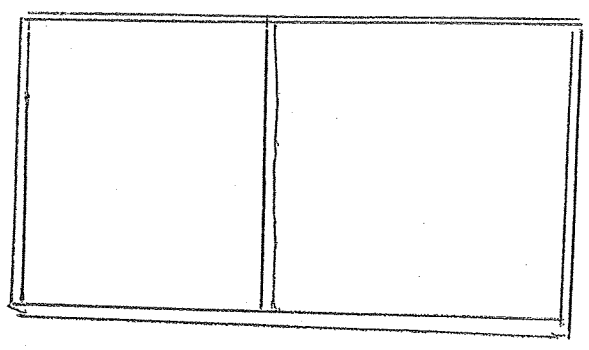
Garage

45'6"

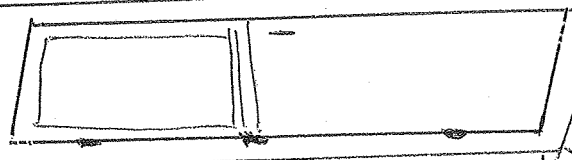
11'5"

13-1-24
50 FIFTH AVENUE

House

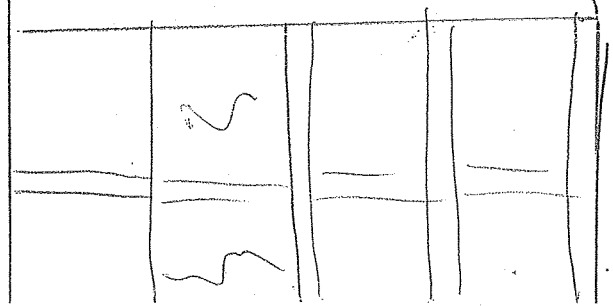


11.5 FT



9'4" -

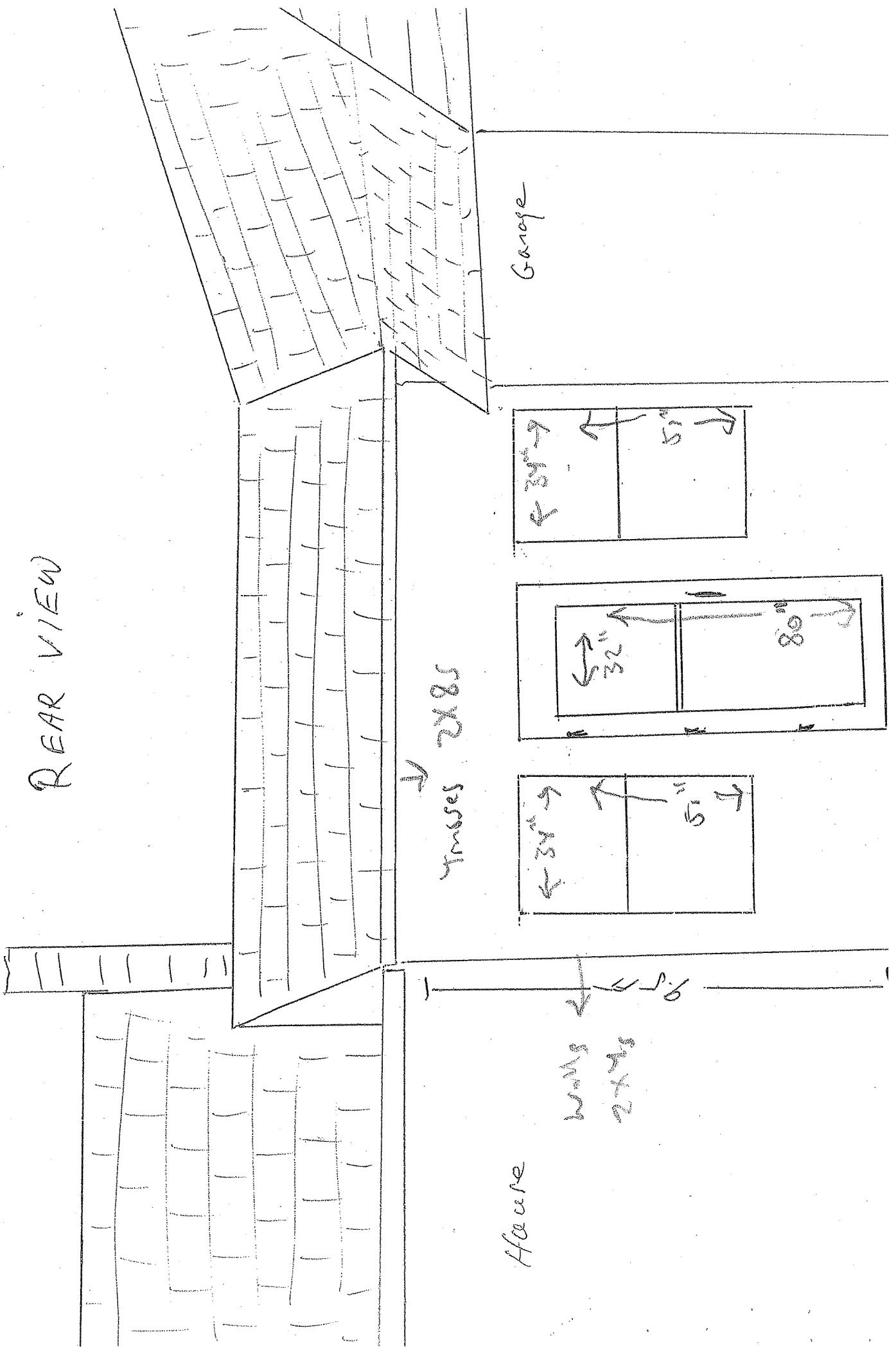
GARAGE



FRONT VIEW

73-1-24
50 Fifth Avenue

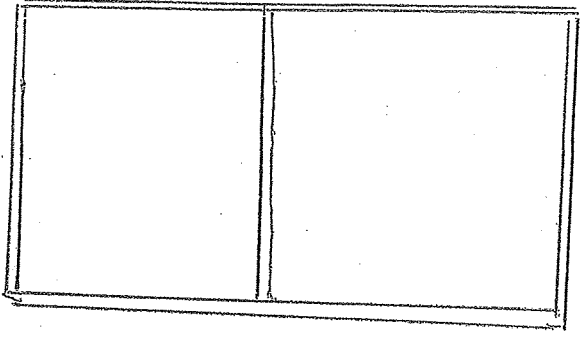
REAR VIEW



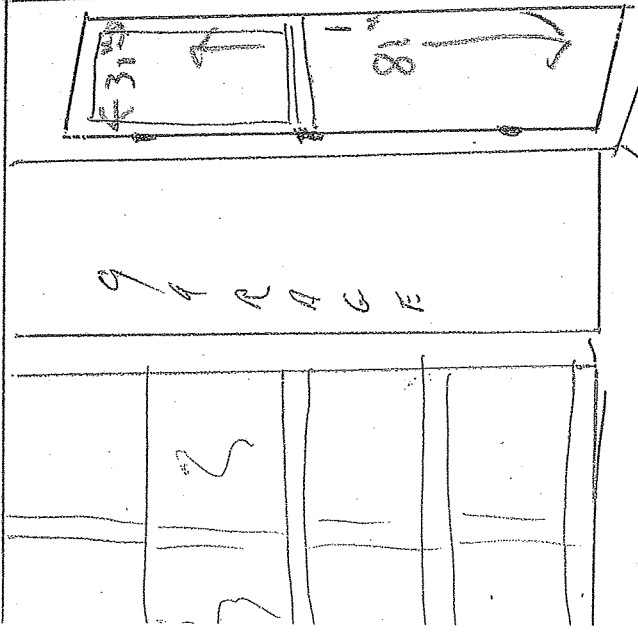
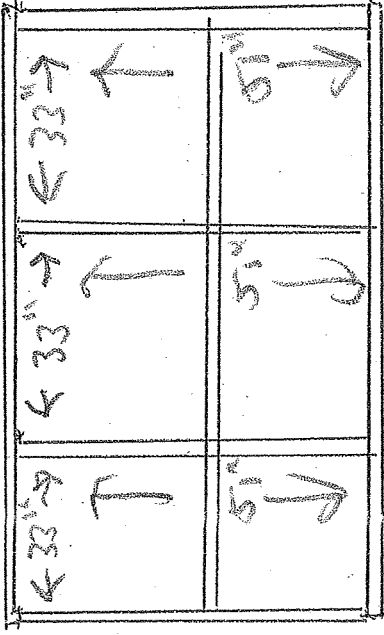
13-1-04
50 Fifth Avenue

House

↑ walk
2x4's



↑ Insul 2x8's

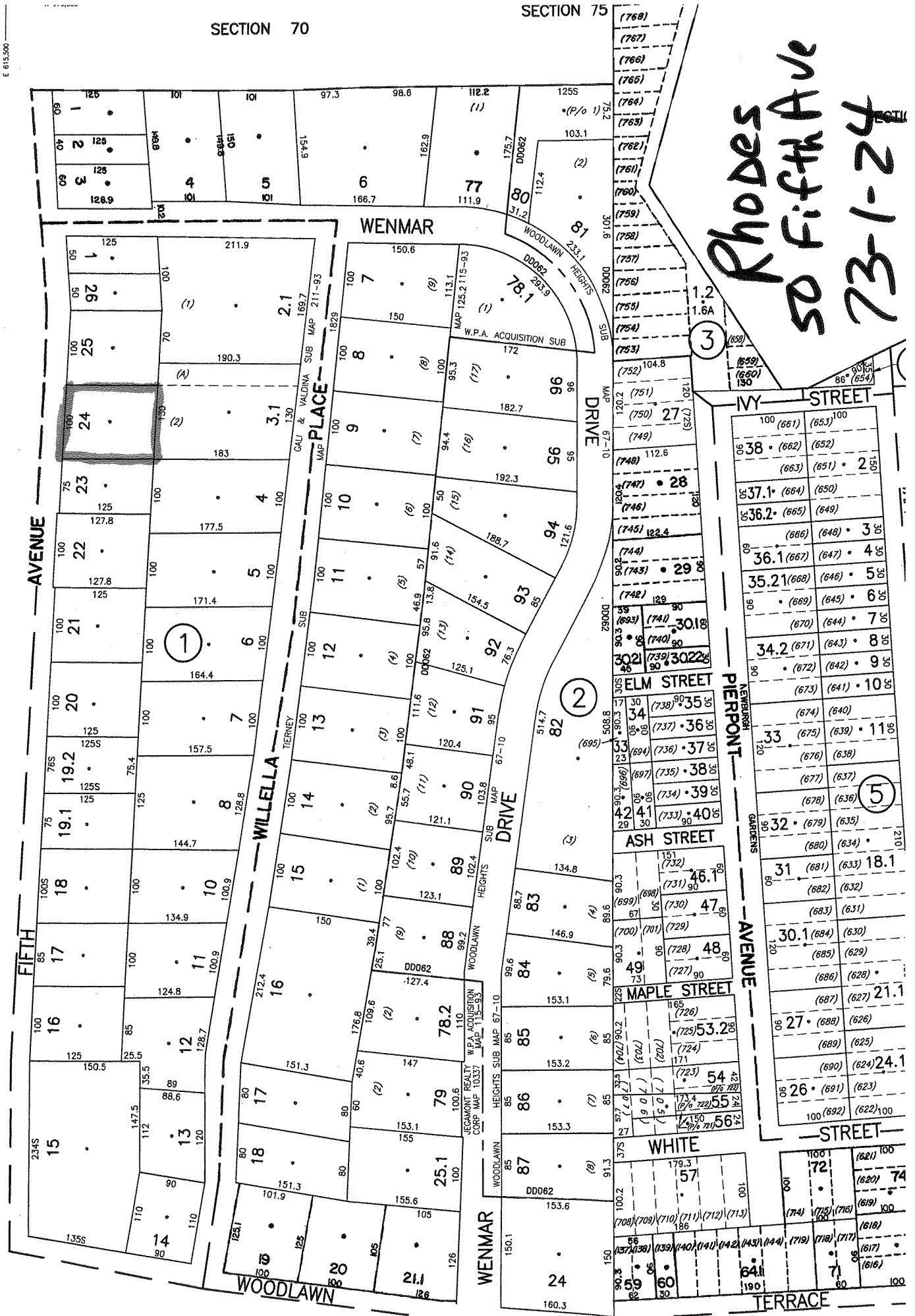


11.5 FT
Floor - Concrete w/ Carpet

Doors/Windows -
ABC Supply Co
→ 30 YEARS - F... 11/16/04

SECTION 70

SECTION 75



Rhodes
50 Fifth Ave
73-1-24

E 615,500

AVENUE

FIFTH AVENUE

WILLELLA DRIVE

PLACE

WENMAR

WENMAR

DRIVE

DRIVE

ELM STREET

ASH STREET

MAPLE STREET

WHITE TERRACE

PERPONT AVENUE

IVY STREET

STREET

TERRACE

1

2

3

5

JEGAMONT REALTY
W.P.A. ACQUISITION
CORP MAP 10337
MAP 115-93