



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#:  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:  
Local Referring Board:  
Applicant:  
Project Name:  
Location of Project Site:

Town of Newburgh  
Zoning Board of Appeals  
DWAYNE & TOMI ROBBINS  
35 Rock Cut Road

Tax Map #: 86-1-24  
Tax Map #:  
Tax Map #:  
Local File No.: 2622-17  
Size of Parcel\*: 0.839 acre  
*\*If more than one parcel, please include sum of all parcels.*

Reason for County Review: ON County Road 23 Rock Cut Rd

Current Zoning District (include any overlays): R-1

**Type of Review:**

- Comprehensive Plan Update/Adoption
- Zoning Amendment
  - Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_
  - Ordinance Modification (cite section): \_\_\_\_\_
- Local Law
- Site Plan
  - Sq. feet proposed (non-residential only): \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Subdivision
  - Number of lots proposed: \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Special Use Permit
- Lot Line Change
- Variance
  - AREA / USE (circle one) PRIOR BUILT DECK
  - INCREASING NON-CONFORMITY OF ONE SIDE YARD AND COMBINED SIDE YARD SETBACKS
- Other

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

*[Signature]*  
Signature of local official

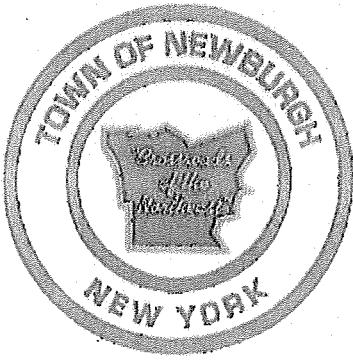
3/2/17  
Date

Chairperson  
Zoning Board of Appeals  
Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# 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: 2-21-17

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

I (WE) Dwayne Robbins + Toni Robbins PRESENTLY

RESIDING AT NUMBER 35 Rockcut rd.

TELEPHONE NUMBER 845-705-2737 + 845-542-6659

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:

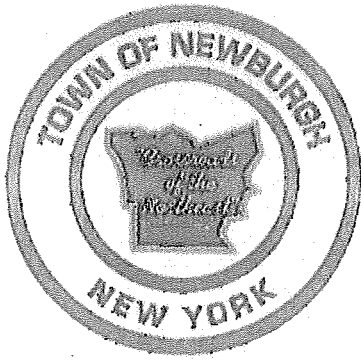
86-1-21 (TAX MAP DESIGNATION)

35 ROCK CUT RD (STREET ADDRESS)

R-1 (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).

1- 185-19-C-1  
2- 185-19-C-1



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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: 2-23-17

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

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

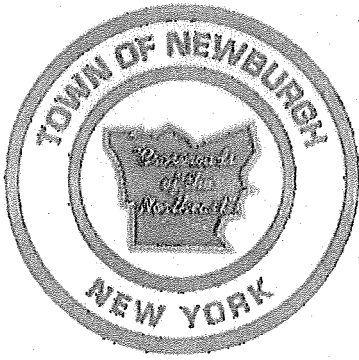
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

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:

DECK IS 24' FROM PROPERTY LINE, IT IS 3' HIGH. IT IS BLOCKED FROM ANY ONE'S VIEW BY HEMLOCK TREE LINE

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:

TOWN DENIED PERMIT

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THIS DECK IS 3' FARTHER IN THE PROPERTY THAN THE REAR CORNER OF HOUSE

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

IT IS A TYPICAL WOOD DECK ON CONCRETE PIERS IT IS 3' HIGH 10" WIDE 24.4' FROM PROPERTY LINE

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

FAILED TO GET PERMIT. DECK IS 3" HIGH 10" WIDE IS SMALLEST STRUCTURE ON PROPERTY



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OLD TOWN HALL  
308 GARDNERTOWN ROAD  
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OFFICE OF ZONING BOARD  
(845) 566-4901

### 7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Imperio Robb*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

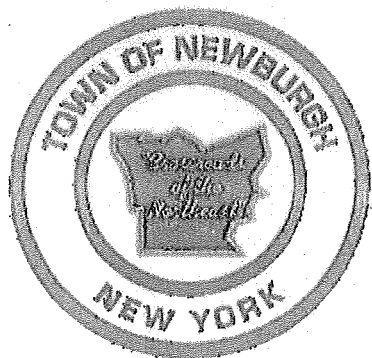
SWORN TO THIS 22 DAY OF FEBRUARY 20 17

*James T. Hinek*  
\_\_\_\_\_  
NOTARY PUBLIC

JAMES T. HINEK  
Notary Public, State of New York  
Reg. #01HI6107382  
Qualified in Orange County 3/29/2020  
Commission Expires

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

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

## PROXY

Toni L Robbins, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 35 Rock Cut Rd Newburgh  
IN THE COUNTY OF orange AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
35 Rock Cut Rd

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

DATED: 2/22/17

Toni L Robbins

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF FEBRUARY 2017

JAMES T. HINEK  
Notary Public, State of New York  
Reg. #01HI6107382  
Qualified in Orange County  
Commission Expires 3/29/2020

James T. Hinek  
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.

|  |  |   |                                 |
|--|--|---|---------------------------------|
| <b>Part 1 - Project and Sponsor Information</b>  |  |   |                                 |
| Name of Action or Project:<br><i>PREVIOUS BAIT DECK</i>  |  |   |                                 |
| Project Location (describe, and attach a location map):<br><i>35 Rock Cut Rd</i>   |  |   |                                 |
| Brief Description of Proposed Action:  |  |   |                                 |
| Name of Applicant or Sponsor:<br><i>DWAYNE + TONI ROBBINS</i>  |  | Telephone: <i>845-705-2737/845-542-6659</i> | E-Mail:                         |
| Address:<br><i>35 ROCK CUT ROAD</i>  |  |   |                                 |
| City/PO:<br><i>NEWBURGH <del>NY</del> <del>12550</del></i>   |  | State:<br><i>NY</i>                         | Zip Code:<br><i>12550</i>       |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input checked="" type="checkbox"/>   | YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  | NO<br><input type="checkbox"/>              | YES<br><input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | <i>0.839</i> 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>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>   | <p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>  | <p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>                      | <p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
| <p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>  | <p>NO</p> <p><input type="checkbox"/></p>  | <p>YES</p> <p><input checked="" type="checkbox"/></p>  |  |
| <p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br/>If Yes, identify: _____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |
| <p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation service(s) available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</p>  | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |  |
| <p>9. Does the proposed action meet or exceed the state energy code requirements?<br/>If the proposed action will exceed requirements, describe design features and technologies: _____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |
| <p>10. Will the proposed action connect to an existing public/private water supply?<br/><br/>If No, describe method for providing potable water: <del>_____</del></p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input checked="" type="checkbox"/></p>  |  |
| <p>11. Will the proposed action connect to existing wastewater utilities?<br/><br/>If No, describe method for providing wastewater treatment: _____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |
| <p>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?<br/>b. Is the proposed action located in an archeological sensitive area?</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>  | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>                                 |  |
| <p>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?<br/>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br/>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p>  | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>  | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>                                 |  |
| <p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br/> <input type="checkbox"/> Shoreline    <input type="checkbox"/> Forest    <input type="checkbox"/> Agricultural/grasslands    <input type="checkbox"/> Early mid-successional<br/> <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?</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |
| <p>16. Is the project site located in the 100 year flood plain?</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |
| <p>17. Will the proposed action create storm water discharge, either from point or non-point sources?<br/>If Yes,<br/>a. Will storm water discharges flow to adjacent properties?    <input checked="" type="checkbox"/> NO    <input type="checkbox"/> YES<br/>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br/>If Yes, briefly describe:    <input checked="" type="checkbox"/> NO    <input type="checkbox"/> YES</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p>   | <p>YES</p> <p><input type="checkbox"/></p>   |  |



|  |                             |     |
|--|-----------------------------|-----|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br/>         If Yes, explain purpose and size: _____<br/>         _____<br/>         _____</p> | NO                          | YES |
| <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?<br/>         If Yes, describe: _____<br/>         _____<br/>         _____</p>   | NO                          | YES |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br/>         If Yes, describe: _____<br/>         _____<br/>         _____</p>   | NO                          | YES |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>  |                             |     |
| <p>Applicant/sponsor name: <u>John Fremgen</u><br/>         Signature: _____</p>   | <p>Date: <u>2-21-17</u></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.

|  |  |
|--|--|
| <input type="checkbox"/>                                 | 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. |
| <input type="checkbox"/>                                 | 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)  |

Bargain & Sales Deed with Covenant against Grantor's Acts  
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS DOCUMENT

*Law original*  
*2/23/17*  
*RS*

**THIS INDENTURE**, made the 31<sup>st</sup> day of January, 2017.

**BETWEEN** John A. Fremgen, both presently residing at 35 Rock Cut Road, Newburgh, New York 12550,

party of the first part, and

Dwayne C. Robbins and Toni L. Robbins, husband & wife, both presently residing at 28 Marlorville Road, Wappingers Falls, New York 12590,

party of the second part,

**WITNESSETH**, that party of the first part, in consideration of Ten Dollars and other valuable 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, 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 more particularly described as follows:

SEE SCHEDULE "A" ANNEXED HERETO

**BEING** and intended to be the same premises conveyed by Patricia M. Fremgen to John A. Fremgen by Deed dated June 2, 1998 and recorded in the Orange County Clerk's Office on June 11, 1998 in Liber 4804 of Deeds at page 133.

The premises are not in an agricultural district and the subject premises are entirely owned by the transferor.

**TOGETHER** with all right, title and interest, if any, of the party of the first part of, 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 whatsoever, 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 written above.

**IN PRESENCE OF:**

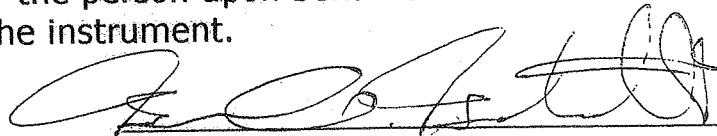
  
**JOHN A. FREMGEN**

STATE OF NEW YORK)

..:SS

COUNTY OF ORANGE)

On the 31<sup>st</sup> day of January in the year two thousand seventeen, before me, the undersigned, a Notary Public in and for the said State, personally appeared John A. Fremgen, personally know to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

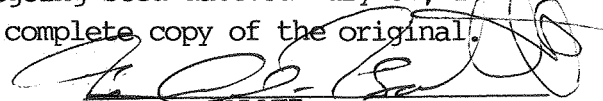


**NOTARY**

GARY A. GALATI  
Notary Public, State of New York  
Certified in Orange County  
Commission Expires Oct. 31, 19/2017.

I, Gary A. Galati, pursuant to CPLR 2105, do hereby state that I am an attorney duly admitted to practice law in the courts of New York State, and I do hereby certify that I have compared the foregoing Deed dated January 31, 2017 with the original thereof, and that it is a lawful and complete copy of the original.

Dated: February 22, 2017.

  
GARY A. GALATI

THOROUGHBRED TITLE SERVICES, LLC  
as Agent for  
EnTitle Insurance Company

Title Number: TTS-32164

**SCHEDULE A (Legal Description)**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, bounded and described a follows:

BEGINNING at a point marked by a found concrete right of way monument on the westerly side of County Road No. 23 better know as Rock Cut Road, said monument marks the northeasterly most corner of lands now or formerly of one Monroe and the southeasterly most corner of the parcel herein described;

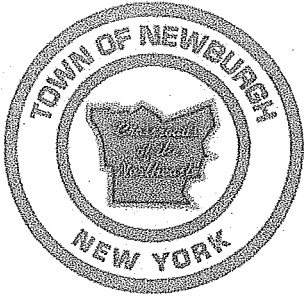
RUNNING THENCE along the lands of Monroe, North 71° 00' West 369.13 feet to a found "X" cut on a large stone on a stone wall;

THENCE running along the lands now or formerly of one Banks, North 19° 00' East 100 feet to a corner;

THENCE running along the lands now or formerly of Mychalczyas, South 71° 00' East 362.13 feet to a point on the westerly side of the above mentioned public road;

THENCE running along the same, South 15° 00' West 100.24 feet to the point and place of BEGINNING.

TOGETHER WITH AND SUBJECT TO covenants, easements, restrictions and agreements of record, if any.



# 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

2622-17

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/23/2017

Application No. 17-0105

To: Dwayne Robbins  
35 Rock Cut Rd  
Newburgh, NY 12550

SBL: 86-1-21  
ADDRESS: 35 Rock Cut Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 02/22/2017 for permit to keep a rear deck that was built without a permit on the premises located at 35 Rock Cut Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-19-C-1 Shall not increase the degree of non-conformity. (1 side yard)
- 2) 185-19-C-1 Shall not increase the degree of non-conformity. (Combined side yards)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT**

YES

NAME: Dwayne Robbins <sup>+ Toni</sup>

Application # 17-0105

ADDRESS: 35 Rock Cut Rd

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

**TYPE OF STRUCTURE:**

Prior built rear deck

SBL: 86-1-21

ZONE: R-1

TOWN WATER:  YES / NO

TOWN SEWER:  YES / NO

2622-17

|                     | MINIMUM | EXISTING | PROPOSED                           | VARIANCE | VARIANCE PERCENTAGE |
|---------------------|---------|----------|------------------------------------|----------|---------------------|
| LOT AREA            |         |          |                                    |          |                     |
| LOT WIDTH           |         |          |                                    |          |                     |
| LOT DEPTH           |         |          |                                    |          |                     |
| FRONT YARD          |         |          |                                    |          |                     |
| REAR YARD           |         |          |                                    |          |                     |
| ONE SIDE YARD       | 30'     | 13.4'    | Increase the degree non-conformity |          |                     |
| COMBINED SIDE YARDS | 80'     | 31.6'    | Increase the degree non-conformity |          |                     |
| BUILDING COVERAGE   |         |          |                                    |          |                     |
| SURFACE COVERAGE    |         |          |                                    |          |                     |

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1

YES  X  2

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:**

**Prior built rear deck / Non-conforming to side yard setbacks**

**VARIANCE(S) REQUIRED:**

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

2 185-19-C-1 Shall not increase the degree of non-conformity. (Combined side yard)

3 \_\_\_\_\_

4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina

DATE: 23-Feb-17



