

**JACOBOWITZ
AND GUBITS LLP**
COUNSELORS AT LAW

July 2, 2019

Gerald N. Jacobowitz**
David B. Gubits**
Howard Protter
Donald G. Nichol**
Larry Wolinsky**
J. Benjamin Gailey
Mark A. Krohn*
John C. Cappello
George W. Lithco
Michele L. Babcock
Gary M. Schuster
Marcia A. Jacobowitz
William E. Duquette
Kara J. Cavallo
Andrea L. Dumais
Kelly A. Pressler
Robert M. Lefland
Christopher J. Cardinale
Michael Wagner
Marissa G. Weiss

*LLM IN TAXATION
**OF COUNSEL

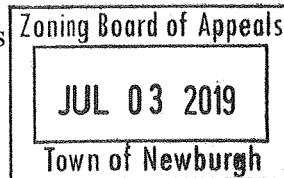
REPLY TO:
158 Orange Avenue
P.O. Box 367
Walden, NY 12586
tel. (845) 778-2121
fax (845) 778-5173

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

JACOBOWITZ.COM

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

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



Attn.: Siobhan Jablesnik, Secretary

Re: Gloria Smith Trapani—Request for Area Variance
9 Libra Lane, Wallkill, Town of Newburgh
Town of Newburgh Tax Map No: 1-2-7.2-22
Our File No. 13954-001

Dear Chairperson Scalzo and Members of the Board:

Attached please find the following documents constituting the application of Gloria Smith Trapani, requesting an area variance of the size limitation for an accessory agricultural building (a prefabricated pole barn):

1. Original completed Zoning Board application on official Town forms with addendum;
2. Email correspondence from Gerald Canfield stating that area variances for building height and location no longer needed (dated June 12 and 28, 2019);
3. Check in the amount of \$300.00, payable to the Town of Newburgh, representing the fee for this application, with included receipt;
4. Eleven (11) copies of a plot plan drawn to scale, prepared by Charles T. Brown, P.E., dated June 5, 2006;
5. The Building Inspector's letter disapproving applicant's request for a building permit for alterations, dated June 19, 2018;

-
6. Certified copy of the Deed to the property in question;
 7. Proxy statement signed by the applicant authorizing Jacobowitz and Gubits, LLP to appear on their behalf;
 8. Completed Environmental Assessment Form, Part 1;
 9. Four photographs from four different angles of the subject property;
 10. Receipt for prefabricated pole barn from Pioneer Pole Buildings, Inc., dated February 14, 2018; and
 11. List of property owners within 500 feet of the exterior boundaries of the lands involved, prepared by the Town of Newburgh Assessor's office.

I respectfully request this matter be placed on the Board's agenda for the July 25, 2019 meeting. Please contact me at your convenience when the notice is ready so we can provide you with the completed envelopes and post the property as required.

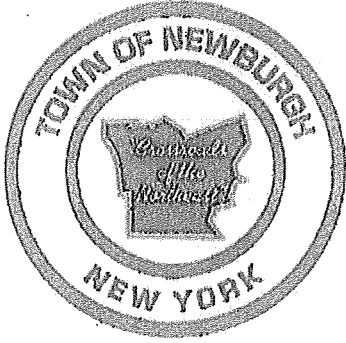
Thank you in advance for your attention to this matter.

Yours very truly,



Marissa G. Weiss

MGW/mys
Enclosures



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: June 13, 2019

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

I (WE) Gloria Smith Trapani PRESENTLY

RESIDING AT NUMBER 9 Libra Lane, Wallkill, NY 11589

TELEPHONE NUMBER (845) 616-8112

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:

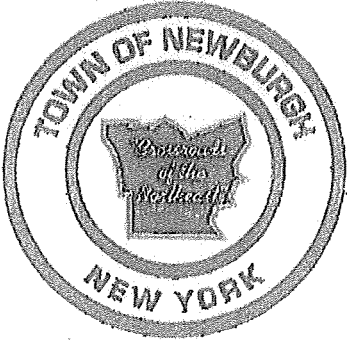
1-2-7.22-22 (TAX MAP DESIGNATION)

9 Libra Lane (STREET ADDRESS)

AR (Agricultural Residential) (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).

§185-15 (A)(4) - Size



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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: _____
- 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: _____

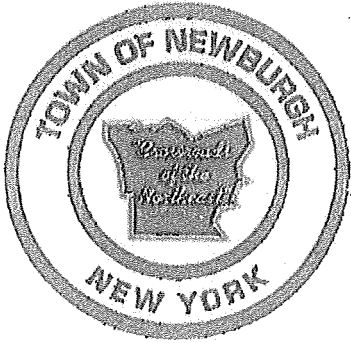
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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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NEWBURGH, NEW YORK 12550

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

6. IF AN AREA VARIANCE IS REQUESTED:

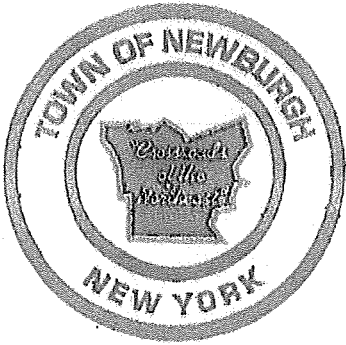
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE: *Please See Addendum

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Marissawickis

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2nd DAY OF July 2019

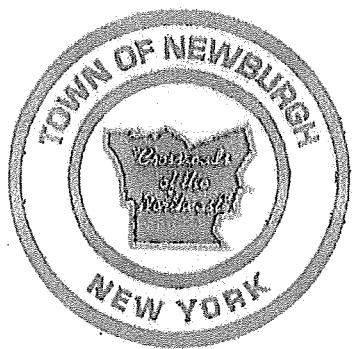
Michelle Yvonne Sparks

NOTARY PUBLIC

Michelle Yvonne Sparks
Notary Public, State of New York
No. 01SP6142352
Qualified in Orange County
Commission Expires August 27, 2023

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)



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NEWBURGH, NEW YORK 12550

ENCLOSURES: SUBMIT ALL ITEMS TOGETHER

OFFICE OF ZONING BOARD
(845) 566-4901

- * RECEIPT(S) ISSUED BY THE TOWN CLERK
(SEE 1-1-2017 FEE SCHEDULE)
- BUILDING INSPECTOR'S DISAPPROVAL
OR REFERRAL LETTER FROM PLANNING BOARD
- PLOT PLAN, ELEVEN (11) COPIES DRAWN
TO SCALE
- * DEED OR CERTIFIED COPY THEREOF
- * ASSESSOR'S LIST OF PROPERTY OWNERS
WITHIN 500 FEET OF PROPERTY
- FOUR PHOTOGRAPHS TAKEN AT DIFFERENT
ANGLES
- * ZONING BOARD APPLICATION WITH SHORT
ENVIRONMENTAL ASSESSMENT FORM
- * PROXY OR STATEMENT FOR REPRESENTATION
THEREOF
- SEPTIC DESIGN BY P.E. (IF APPLICABLE)
- PERCULATION TEST (IF APPLICABLE)

*** ORIGINALS ARE REQUIRED.**

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).

**ADDENDUM TO ZBA APPLICATION
FOR
GLORIA SMITH TRAPANI
9 LIBRA LANE (SBL 1-2-7.2-22)**

1) **Request for area variance of size limitation for accessory agricultural building.**

Relevant Facts.

The applicant proposes to install a prefabricated pole barn measuring 30 feet wide by 40 feet long by 18 feet high on the location depicted on the enclosed site map. The applicant previously purchased the barn on February 14, 2019, but has not installed the barn yet. A receipt for the pre-purchased barn is included as an appendix to this application. The barn will be located next to an existing stone wall and will not be closer to the fronting street than the front of the main building. The barn will hold agricultural supplies and equipment, as this is a property currently used as a tree farm.

Pursuant to § 185-15(A)(4), an accessory use housed within an accessory building shall be limited to a maximum of 1,000 square feet in size. The applicant's proposed pole barn will be 1,200 square feet in size. The barn will meet all other requirements of the Town Zoning Code's supplementary regulations for accessory buildings and the Use and Bulk Tables for the AR zone. The CEO has determined that this pole barn requires an area variance from the building size requirement in order to be installed.

Discussion

The applicant hereby requests that the Board grant an area variance to permit the installation of the pole barn, which will not meet the building size limitation but will meet all other zoning requirements, for the following reasons:

1. The variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the proposed pole barn will be located in the AR zone and this is a permitted accessory agricultural building. The barn will be located such that no neighbors will be affected. Therefore, the proposed accessory use is in harmony with the surrounding zoning.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because 1000 ft² is not adequate to house the equipment and supplies, now and in the future; and because the applicant has already purchased the prefabricated barn and cannot change the size of the barn.
3. The requested variance is not substantial because this accessory building is only slightly larger than the 1,000 square foot limitation; and will be located on a 17.6 acre lot (approximately 766,656 square feet). This barn will therefore occupy far less than 1% of the applicant's property. As § 185-15 does not have different accessory building size limitations for large properties such as the applicant's (there are only different size limitations for smaller properties in the formula found

at § 185-15(A)(4)), the required variance is merely de minimis when one takes into account the vast size of the applicant's property in relation to the size of this proposed pole barn.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the building will be used for agricultural use within the AR district, which is a permitted and contemplated use under the Town's Zoning Law, and because of the barn's proposed location on the property.
5. The hardship has not been self-created because the applicant was not aware of the accessory building size limitation when the pole barn was purchased. We note that even if the need for a variance was self-created, this factor alone is not sufficient to warrant denial of an area variance.

Based upon the above, we request that the Board grant this area variance for an accessory agricultural building—the denial of which will prevent the applicant from installing a prefabricated and already purchased pole barn to be used for accessory agricultural storage on an agriculturally zoned property.

We also note that the CEO's original notice of disapproval stated that the applicant needed to obtain three variances—a size limitation, front yard, and height variance. The CEO has now determined that front yard variance is not needed pursuant to email communication dated June 28, 2019. The CEO has also now determined that the height variance is not needed pursuant to email communication dated June 12, 2019. Please see appendix for copies of said emails.

Marissa Weiss

From: Ben Gailey
Sent: Friday, June 28, 2019 2:20 PM
To: Marissa Weiss
Subject: FW: FW: Trapani Proposed Barn



J. Benjamin Gailey, Esq.
Partner
Jacobowitz and Gubits, LLP
158 Orange Avenue, P. O. Box 367
Walden, NY 12586
Phone: 845-778-2121
Fax: 845-778-5173
www.jacobowitz.com

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From: Gerald Canfield [mailto:codecompliance@townofnewburgh.org]
Sent: Friday, June 28, 2019 2:13 PM
To: Ben Gailey
Cc: Joe Mattina
Subject: Re: FW: Trapani Proposed Barn

Ben,
Please accept my apologies on the delay. It has been very busy here! As depicted in the latest submission with the relocation of the structure, it appears to be in the rear yard which is acceptable per our zoning code 185-15 B. The Front yard issue is now a moot point however the Town of Newburgh has consistently viewed this scenario as multiple front yards. You raise very credible points however it is not necessary to petition the Z.B.A. for a determination unless you wish for clarification. Feel free to contact me with any further questions or concerns.
Jerry

On Tue, Jun 25, 2019 at 3:10 PM Ben Gailey <jbg@jacobowitz.com> wrote:

Hi Jerry. Just checking in on this matter below. Ben.



J. Benjamin Gailey, Esq.

Partner

Jacobowitz and Gubits, LLP

158 Orange Avenue, P. O. Box 367

Walden, NY 12586

Phone: 845-778-2121

Fax: 845-778-5173

www.jacobowitz.com

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Fcodrom: Ben Gailey
Sent: Friday, June 21, 2019 1:58 PM
To: codecompliance@townofnewburgh.org
Cc: Marissa Weiss; Sally Christian
Subject: Trapani Proposed Barn

Jerry. Responding to your June 13 email, attached is a survey with my hand-drawn 30' x 40' proposed barn to scale. Re the required front yard definition: The front yard is between the street line and the front setback distance line. By zoning code definition, the "street line" is the dividing line between the lot and a street. A "street" is a public or private way which affords principal means of access to abutting properties. The street that affords principal access to the this lot is Route 300. I suppose one could say that Libra Lane affords principal access to the lot, but the front yard would still be to the front of Trapani's house, same as if the "street" is Route 300. I do not see how Pisces Lane could be considered a "street" for the purpose of determining the front yard, because Pisces does not afford the principal access to this lot. Pls let me know your final determination. If you continue to consider this lot as having two front yards, pls call me to explain. I would like to file the ZBA application asap. Thank you. Ben.



J. Benjamin Gailey, Esq.

Partner

Jacobowitz and Gubits, LLP

158 Orange Avenue, P. O. Box 367

Walden, NY 12586

Phone: 845-778-2121

Fax: 845-778-5173

www.jacobowitz.com

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From: Lori Coremin [mailto:lori.thousandwords@gmail.com]

Sent: Friday, June 21, 2019 11:59 AM

To: Ben Gailey

Subject: Doc Jun 21 2019

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From: Gerald Canfield [mailto:codecompliance@townofnewburgh.org]
Sent: Wednesday, June 12, 2019 12:00 PM
To: Ben Gailey
Cc: Joe Mattina; David A. Donovan
Subject: Re: Gloria Smith Variances New19-___

Ben,

I have reviewed your response and offer the following response. I have visited the site this morning and viewed the property from both Pisces Drive and Libra Lane. It appears that there are several trees (what appears to be evergreens) planted with established growth. Your clients property is located in a AR (Agricultural Residence District) which does permit farming of trees. We have consistently maintained that tree farms are a permitted use by right in the AR Zone. With this being said, I agree with your response regarding the building height being exempt per our zoning. However there still remains the issue of the overall size of the building which exceeds our requirement of 1000sq.ft. Additionally we still need a scaled drawing of the building envelope to assure that the new location as proposed is in fact not located in the front yard. Please keep in mind that this property may have two front yards for zoning purposes. I am advised that the June Zoning Board agenda is full. Please feel free to contact me with any additional questions.

Jerry

On Tue, Jun 11, 2019 at 1:47 PM Gerald Canfield <codecompliance@townofnewburgh.org> wrote:

Joe,

Share your thoughts. Looks like they changed the location of proposed building.

Jerry

----- Forwarded message -----

From: Ben Gailey <jbg@jacobowitz.com>

Date: Tue, Jun 11, 2019 at 1:15 PM

Subject: Gloria Smith Variances New19-___

To: codecompliance@townofnewburgh.org <codecompliance@townofnewburgh.org>

Cc: Marissa Weiss <mgw@jacobowitz.com>, Michelle Sparks <mys@jacobowitz.com>

Hi Mr Canfield. Following up our telephone conversation last week, I met with Gloria Smith and reviewed the zoning code. She says that the proposed barn will be used for farm operations. She says the property grows Christmas trees. The proposed barn will house farm equipment and supplies. Based on 185-15A(1) attached, the 15-foot height limitation does not apply to buildings used for farm purposes. Also attached is a portion of the Smith survey showing the house location and proposed barn location. The barn will be built in the rear yard, so it appears that the prohibition against an accessory building being closer to the fronting street than the main building does not apply. Our client would prefer not to apply for a variance (and pay the additional fee) if the variance is not required. Would you pls review and let me know. We need to file the variance application by Thursday. Thank you for your assistance. Ben.

J. Benjamin Gailey, Esq.
Partner
Jacobowitz and Gubits, LLP
158 Orange Avenue, P. O. Box 367
Walden, NY 12586
Phone: 845-778-2121
Fax: 845-778-5173
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-----Original Message-----

From: Jacobowitz and Gubits LLP [mailto:Administrator@jacobowitz.com]
Sent: Tuesday, June 11, 2019 12:14 PM
To: Ben Gailey
Subject: Send data from Municipal 06/11/2019 12:14

Scanned from Municipal
Date:06/11/2019 12:14
Pages:2
Resolution:300x300 DPI

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~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

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

2688-18

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/19/2018

Application No. 18-0198

**To: Gloria Smith
9 Libra Lane
Walkill, NY 12589**

**SBL: 1-2-7.2-11
ADDRESS: 9 Libra Ln**

ZONE: AR

PLEASE TAKE NOTICE that your application dated 03/16/2018 for permit to build an 40' x 30' x 18' accessory building on the premises located at 9 Libra Ln is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15 -A-(1) Such building shall not exceed 15 feet in height.
- 2) 185-15-B B. No such building shall project closer to the fronting street than the front of the main building.
- 3) 185-15-4 (4) An accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:
- 4) Bulk table schedule 2 / Allows the storage of no more than 4 vehicles.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



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: 14365 / 1544
INSTRUMENT #: 20180013721

Receipt#: 2452187
Clerk: MP
Rec Date: 02/22/2018 01:02:04 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: N TURNER DUBOIS LAW PLLC

Party1: ARTHUR F SMITH LIVING TRUST
Party2: SMITH GLORIA
Town: NEWBURGH (TN)
1-2-7.2

Recording:
Recording Fee 50.00
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: 200.00

Transfer Tax
CORRECTION DEED
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 200.00

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

***** Transfer Tax *****
Transfer Tax #: 6791
Transfer Tax
Consideration: 0.00

Total: 0.00

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

Comment: _____

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 2/22/18 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY 6/11/18

Record and Return To:

N TURNER DUBOIS LAW PLLC
1662 RTE 300, SUITE 100
NEWBURGH, NY 12550

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)**

FORM 8002 (short version), FORM 8007 (long version)

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

THIS INDENTURE, made the 20th day of February, 2018,

Between **ARTHUR F. SMITH**, Trustee of the Arthur F. Smith Living Trust, dated 7/15/99, having an address at 15 Countryman Lane, Wallkill, NY 12589, party of the first part,

And **GLORIA SMITH**, of 9 Libra Lane, Wallkill, NY 12589, 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;

ALL their interest in that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of ~~Wallkill~~ ^{Newburgh}, County of Orange, and State of New York more particularly described in Scheduled A attached hereto; ⁽¹⁶⁾

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.

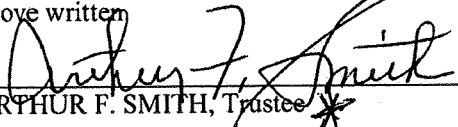
BEING AND INTENDED TO BE the same property conveyed by Arthur F. Smith to Arthur F. Smith Living Trust by deed dated November 9, 1999 and recorded in the office of the Orange County Clerk on November 17, 1999 in Liber 5187 page 217 and by deed dated November 9, 1999 and recorded in the office of the Orange County Clerk on November 17, 1999 in Liber 5187 page 200.

This deed is being recorded to correct deed transferring the property to Gloria Smith dated July 21, 2016 and recorded in the office of the Orange County Clerk on March 20, 2017 in Liber 14201 of Deeds at page 1300. The previously recorded deed contained an incomplete Schedule A description which did not include or reflect a Lot Line Change filed by Arthur Smith in 2007, which combined two parcels of land- former tax

map section 1 block 2 lot 7 and tax map section 1 block 2 lot 17. Both parcels of land were previously combined to form Section 1-2-7.2, and this full parcel, correctly described in the Amended Schedule A attached hereto, were intended to be conveyed in the July 21, 2016 deed.

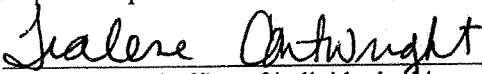
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

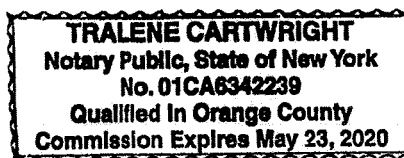
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written


ARTHUR F. SMITH, Trustee *

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

On the 21 day of February in the year 2018, before me, the undersigned, personally appeared ARTHUR F. SMITH, 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 they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)



Section Block Lot: 1-2-7.2

Record and return to: N. Turner DuBois Law, PLLC, 1662 Route 300 Suite 100, Newburgh, NY 12550

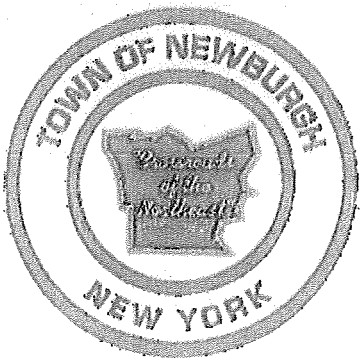
SCHEDULE A DESCRIPTION

All that certain plot, piece, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, and State of New York and being shown on a map entitled "Lot Line Change for Arthur Smith", said map filed in the Orange County Clerk's office on 19 January 2007 as map number 25-07 and being more particularly bounded and described as follows;

Beginning at the intersection of the easterly side of North Plank Road (a.k.a New York State Route 300) with the northerly side of Libra Lane (a private road) and also being in the line of lands reputedly of Squires; thence from said point or place of beginning the following two (2) courses and distances along the northerly side of said Libra Lane, the lands reputedly of Squires, 1) on a curve concave to the northeast having a radius of 25.00 feet and an arc length of 39.27 feet; 2) on a curve concave to the south having a radius of 225.00 feet and an arc length of 85.91 feet; thence continuing along the northerly side of said Libra Lane, and along the lands reputedly of said Squires and along the lands reputedly of Gallimore, South 65 degrees 44 minutes 39 seconds East a distance of 380.38 feet; thence continuing along the lands reputedly of said Gallimore, North 24 degrees 15 minutes 21 seconds East a distance of 150.00 feet; thence along the lands reputedly of Taylor and along the lands reputedly of HL Rentals LLC, South 65 degrees 42 minutes 29 seconds East a distance of 609.06 feet; thence continuing along the lands reputedly of said HL

Rentals LLC the following two (2) courses and distances , 1) North 24 degrees 07 minutes 40 seconds East a distance of 268.55 feet; 2) South 68 degrees 54 minutes 58 seconds East a distance of 48.19 feet; thence along the lands reputedly of Smith, South 68 degrees 40 minutes 09 seconds East a distance of 193.84 feet; thence along the lands reputedly of Fox, South 19 degrees 17 minutes 11 seconds West a distance of 343.40 feet; thence continuing along the lands reputedly of said Fox and along the lands reputedly of Byrnes, South 22 degrees 21 minutes 11 seconds West a distance of 280.80 feet; thence continuing along the lands reputedly of said Byrnes, South 18 degrees 35 minutes 11 seconds West a distance of 59.80 feet; thence the following two (2) courses and distances along the lands reputedly of Wilkins, 1) South 18 degrees 35 minutes 11 seconds West a distance of 149.00 feet; 2) South 15 degrees 02 minutes 11 seconds West a distance of 180.60 feet; thence along the lands reputedly of Cutney and along the lands reputedly of Blaize, North 65 degrees 27 minutes 02 seconds West a distance of 294.38 feet; thence continuing along the lands reputedly of said Blaize, North 64 degrees 36 minutes 47 seconds West a distance of 219.44 feet; thence continuing along the lands reputedly of said Blaize and along the lands reputedly of Barringer, North 65 degrees 42 minutes 29 seconds West a distance of 226.86 feet; thence along the lands reputedly of McKenzie, North 24 degrees 15 minutes 21 seconds East a distance of 161.18 feet; thence continuing along the lands reputedly of said McKenzie and along the lands reputedly of Garcia, and being along the southerly side of Pisces Drive (a private road), North 65 degrees 44 minutes 39 seconds West a distance of 437.54 feet; thence the following two (2) courses and distances along the lands reputedly of said Garcia and being the southerly side of said Pisces Drive, 1) on a curve concave to the south having a radius of 175

.00 feet and an arc length of 66.82 feet; 2) on a curve concave to the southeast having a radius of 25.00 feet and an arc length of 39.27 feet; thence along the easterly side of said North Plank Road, North 02 degrees 22 minutes 44 seconds East a distance of 100.00 feet; thence the following three (3) courses and distances along the lands reputedly of Greco, and being the northerly side of said Pisces Drive, 1) on a curve concave to the northeast having a radius of 25.00 feet and an arc length of 39.27 feet; 2) on a curve concave to the south having a radius of 225.00 feet and an arc length of 113.58 feet; thence continuing along the lands reputedly of said Greco the following two (2) courses and distances, 1) North 24 degrees 15 minutes 21 seconds East a distance of 150.03 feet; 2) North 65 degrees 44 minutes 41 seconds West a distance of 48.43 feet; thence along the lands reputedly of Blount, North 24 degrees 15 minutes 21 seconds East a distance of 150.03 feet; thence continuing along the lands reputedly of said Blount the following three (3) courses and distances, and also being along the southerly side of said Libra Lane, 1) North 65 degrees 44 minutes 39 seconds West a distance of 205.71 feet; 2) on a curve concave to the south having a radius of 175.00 feet and an arc length of 66.82 feet; 3) on a curve concave to the southeast having a radius of 25.00 feet and an arc length of 39.27 feet; thence along the easterly side of said North Plank Road, North 02 degrees 22 minutes 44 seconds East a distance of 100.00 feet to the point or place of beginning, and containing 17.63 acres of land, more or less.



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Gloria Smith, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Libra Lane Wallkill NY 12589
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 9 Libra Lane Wallkill NY 12589

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

DATED: 6/10/19 Gloria Smith
OWNER'S SIGNATURE

Maisa Wein
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June, 2019

Jessica Fetherston
Notary Public, State of New York
No. 01FE6378659
Qualified in Orange County
Commission Expires July 30, 2020

Jessica Fetherston
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			
Gloria Smith Trapani			
Name of Action or Project: 9 Libra Lane ZBA variance application			
Project Location (describe, and attach a location map): 9 Libra Lane, Newburgh, NY 12589 (SBL 1-2-7.2-22)			
Brief Description of Proposed Action: Town of Newburgh Zoning Board of Appeals request for area variance of size limitation for accessory agricultural building.			
Name of Applicant or Sponsor: Jacobowitz & Gubits, c/o Marissa Weiss		Telephone: (845) 778-5173	
Address: 158 Orange Avenue PO Box 367		E-Mail: mgw@jacobowitz.com	
City/PO: Walden		State: NY	Zip Code: 12586
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 17.6 acres			<input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed? _____ 0 acres			<input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 17.6 acres			<input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

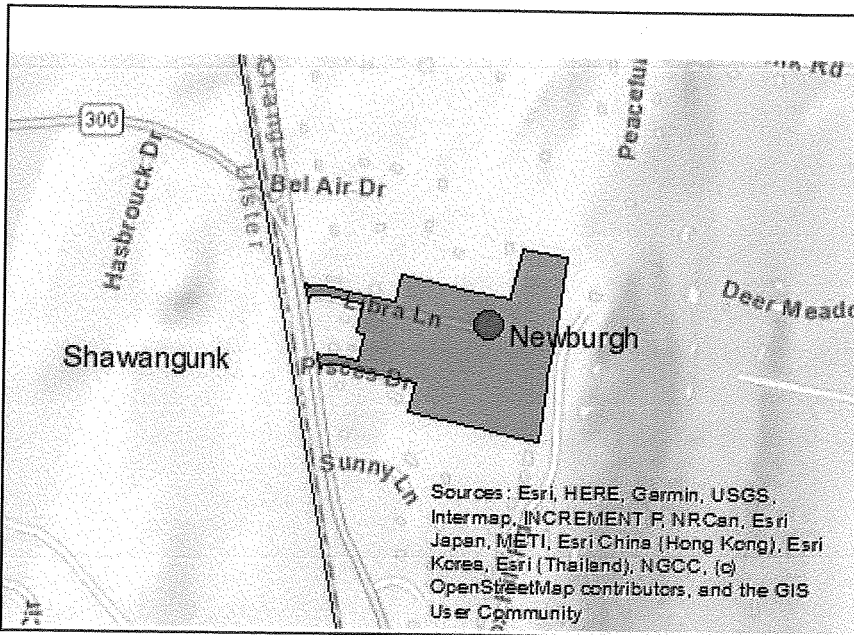
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline	<input checked="" type="checkbox"/> Forest	<input checked="" type="checkbox"/> Agricultural/grasslands
<input checked="" type="checkbox"/> Wetland	<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 plan?		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?		NO YES
If Yes,		<input checked="" type="checkbox"/> <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?		<input checked="" type="checkbox"/> <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?		NO YES
If Yes, explain the purpose and size of the impoundment:		<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?		NO YES
If Yes, describe:		<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?		NO YES
If Yes, describe:		<input checked="" type="checkbox"/> <input type="checkbox"/>

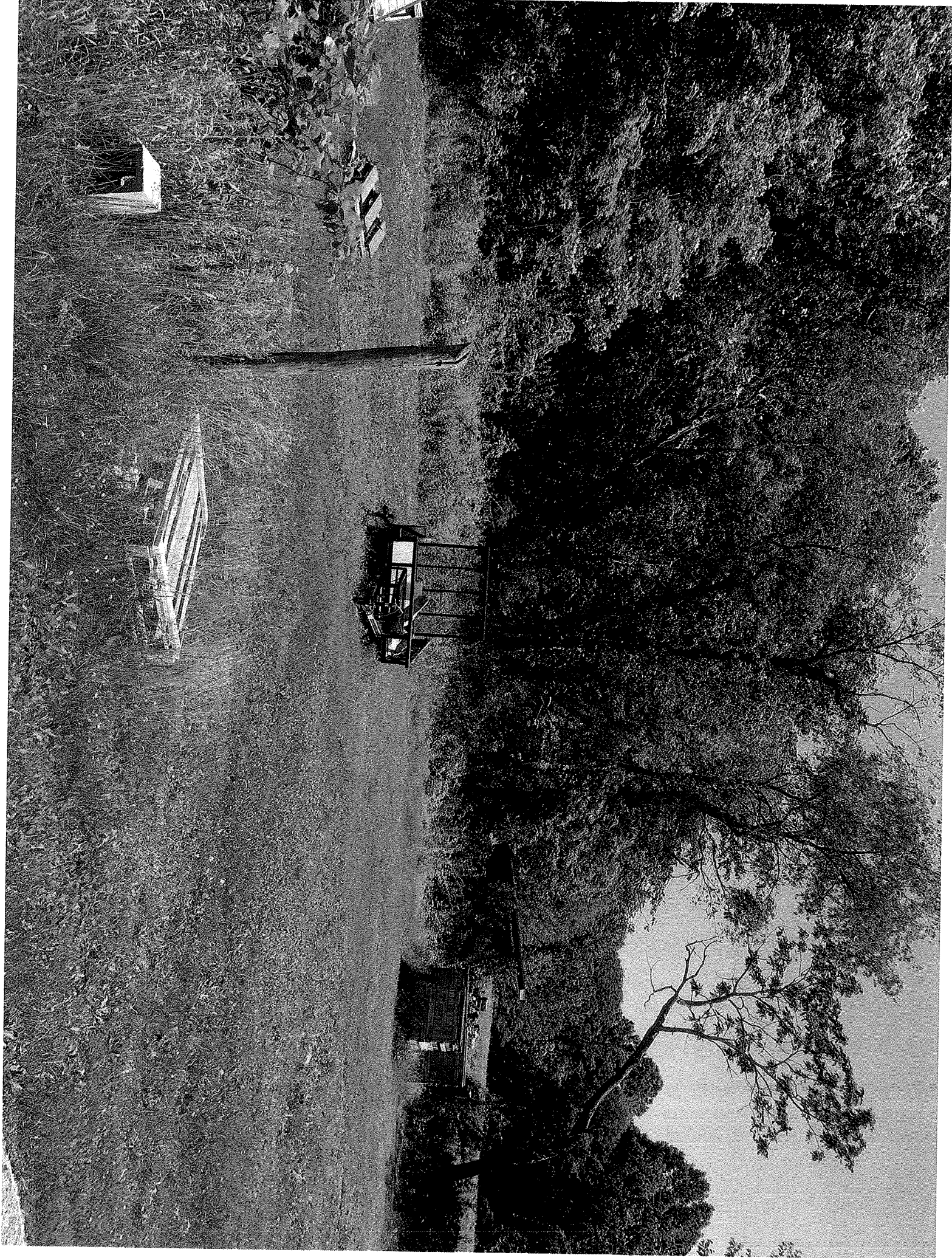
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Jacobowitz & Gubits, LLP, c/o Marissa Weiss, Esq.</u> Date: <u>July 1, 2019</u>		
Signature: <u>Marissa Weiss</u> Title: <u>Attorney for applicant</u>		

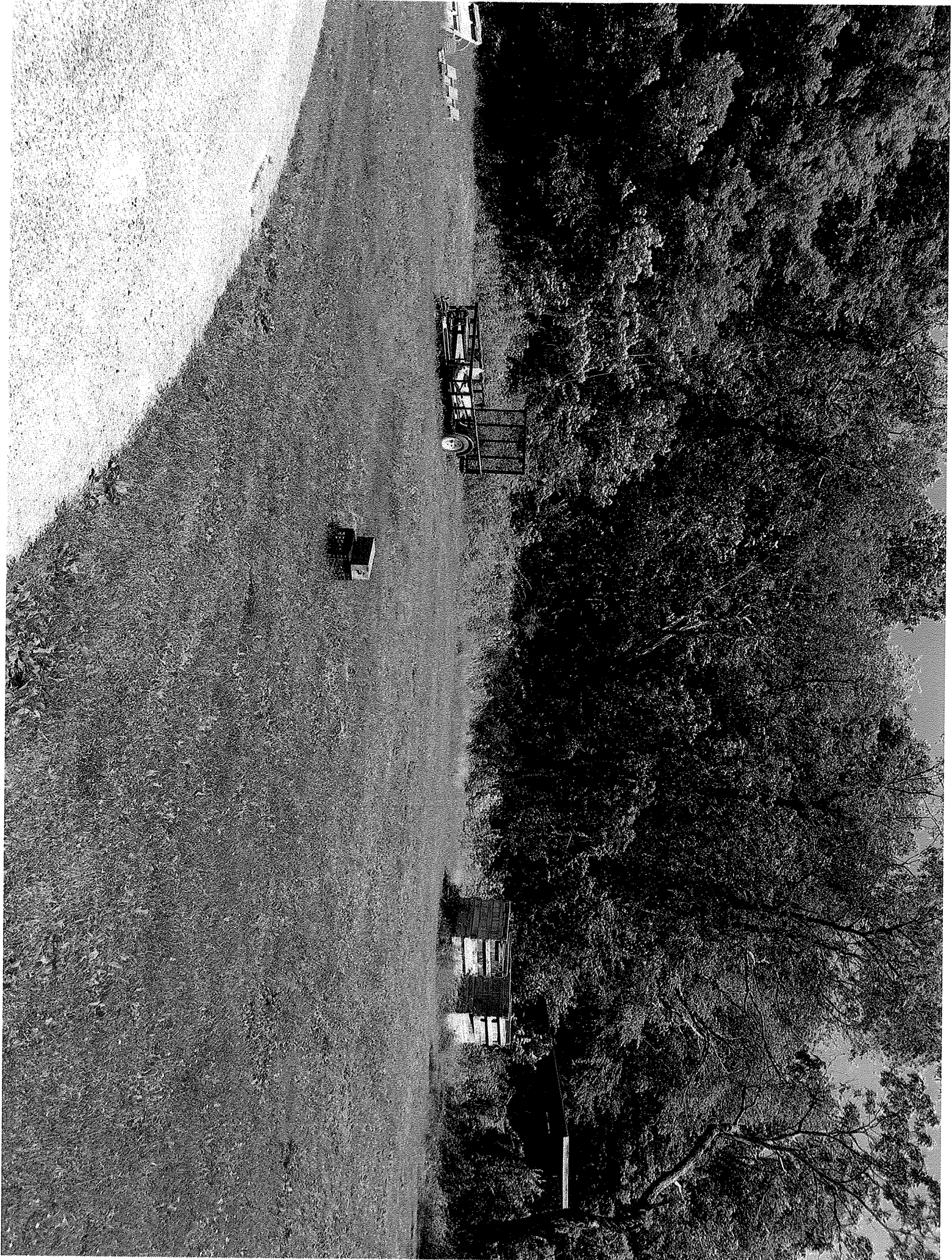


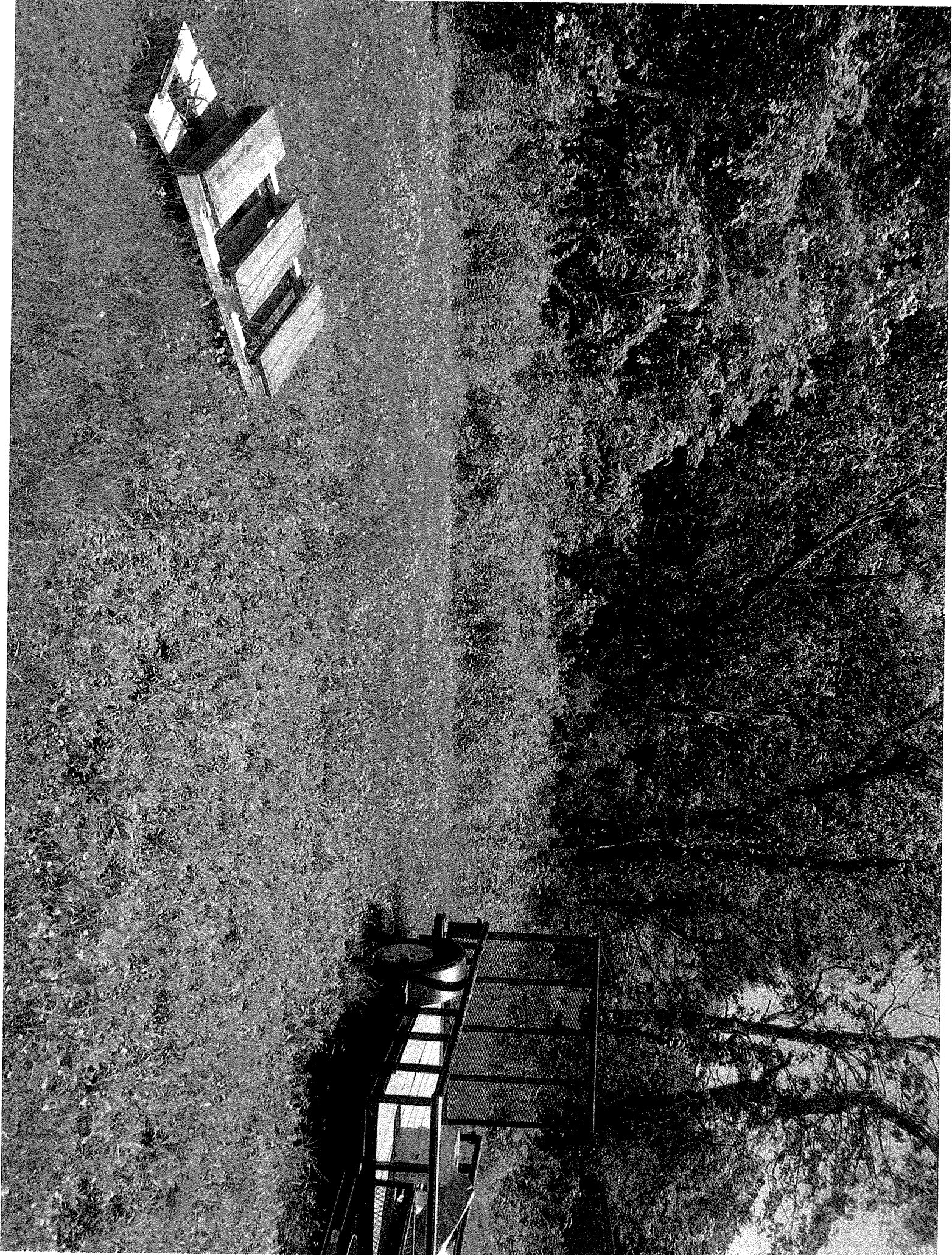
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

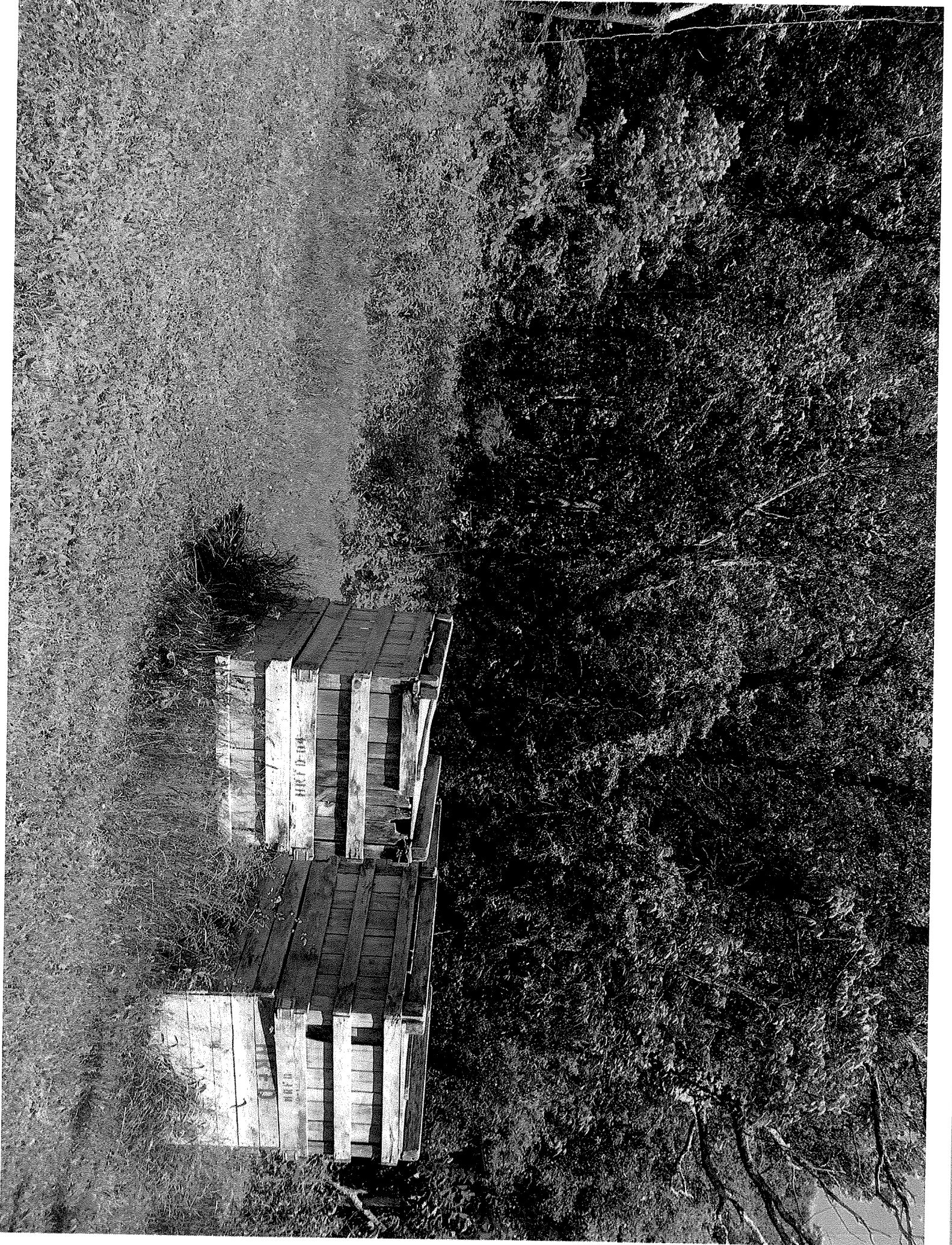


Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local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



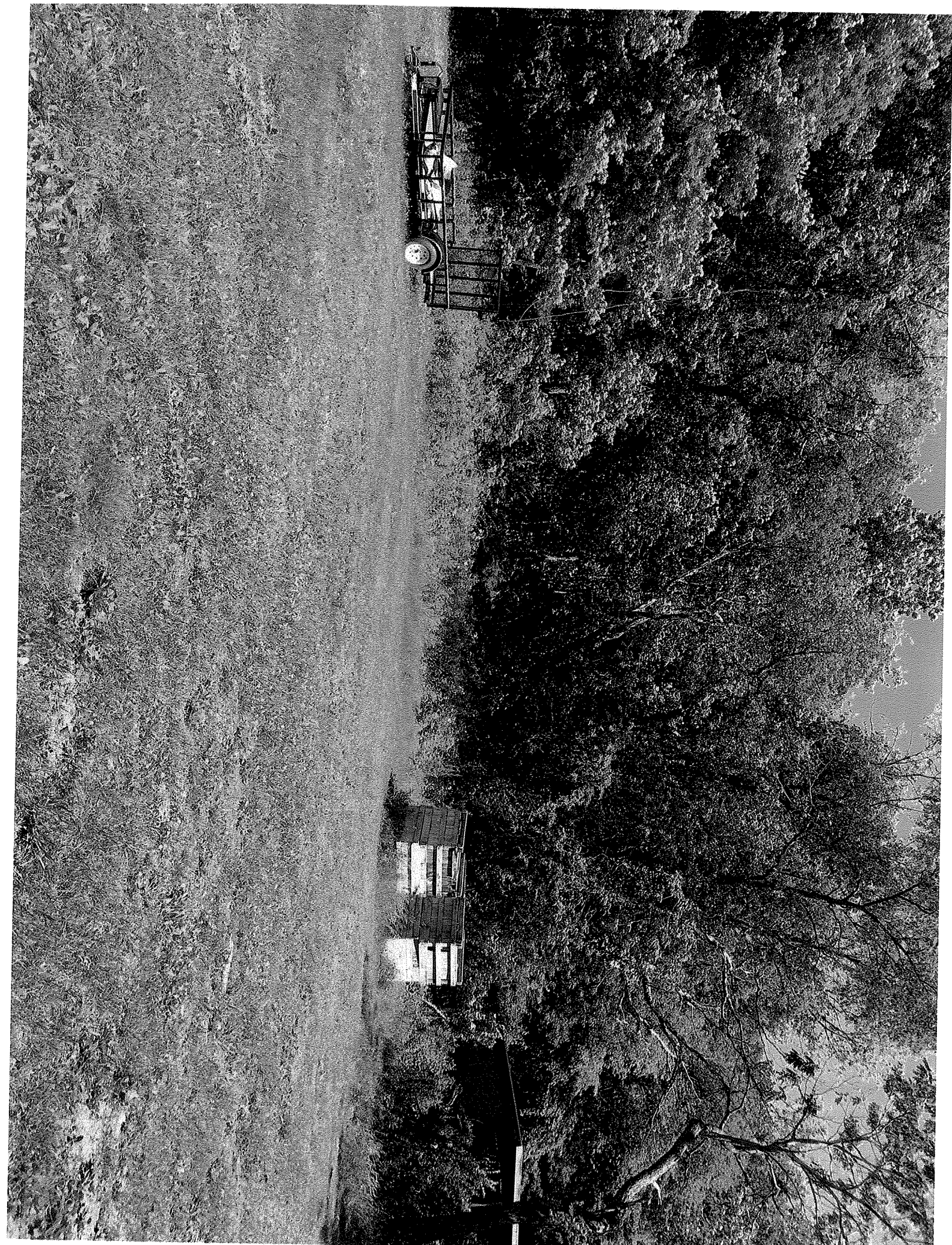






HC 1 D-04

HC 1 D-04





Prepared For:
Gloria Trapani
409 Quaker St
Wallkill, NY 12589

**THIS QUOTE IS VALID FOR 15 DAYS
FROM THE DATE ON THE RIGHT**

**QUOTE NUMBER:
PQS-113202-001**

Page: 1 of 1
Quote Date: 2/14/2018
Quote By: Kevin Riotta
Customer ID: 113202

Phones: Work: (845) 564-0549 • Mobile: (845) 616-8112

Building

Dimensions: 30'W x 40'L x 12'H
4 x 6 poles .60 treated, poles 8' on center
Siding: 28 Gauge Frontier Panel 50 Year Warranty
Roofing: 27 Gauge Frontier Panel 50 Year Warranty
30' Standard Trusses, 4' on center, 4/12 pitch, snow load by code and design

Openings

(2) 10 x 10 Residential Classic Raised Short Panel Insulated, 15" track, Placement:eave
(1) Entry Door 3068 inswing 6-panel RH Fiberglass Insulated PRIMED

Overhangs

Eaves Overhang: Flush, Gables Overhang: Flush

Miscellaneous

2 x 6 Skirtboard .60 Treated with barrier tape

Additional

Trusses to be Engineered for Additional Snow Load Per New York State.

Total for above building erected on your level, compacted site:

\$15,487

Additional Options

Miscellaneous

40 ft, Cobra Ridge Vent	\$280
Trash Removal, If Needed	\$250
Engineered Sealed Blueprints (If Required By Township/County)	\$500
Non Stamped Blueprints	Free

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Gloria Smith Lapan being duly sworn, depose and say that I did on or before

July 11, 2019, post and will thereafter maintain at

9 Libra Ln 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.

Gloria Smith Lapan

Sworn to before me this 11th

day of July, 2019.

Michelle Y. Sparks

Notary Public

Michelle Yvonne Sparks
Notary Public, State of New York
No. 01SP6142352
Qualified in Orange County
Commission Expires August 27, 2023

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

