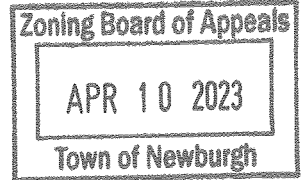


TOWN OF NEWBURGH

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: _____

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

I (WE) JOSHUA SOULE PRESENTLY

RESIDING AT NUMBER 5 PONY TERRACE, NEWBURGH, NEW YORK 12550

TELEPHONE NUMBER 914-805-5586

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:

S/BL: 58-5-17 (TAX MAP DESIGNATION)

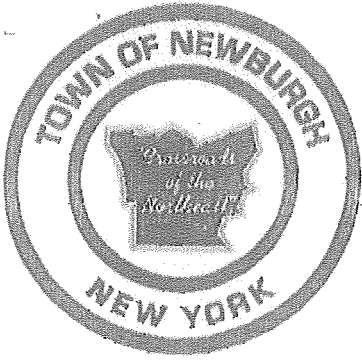
5 PONY TERRACE (STREET ADDRESS)

R-2 SINGLE FAMILY RESIDENTIAL WITH WATER AND SEWER (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SECTION 185 ATTACHMENT 8 SCHEDULE 4

EXISTING RESIDENCE AND DECK, AND PROPOSED ADDITION DO NOT MEET SETBACK REQUIREMENTS,



TOWN OF NEWBURGH

Crossroads of the Northeast

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____
- 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 VARIANCES FOR YARD SETBACKS ON A PROPOSED ADDITION TO AN EXISTING RESIDENCE FOR CONSTRUCTION OF AN ADDITION/ ACCESSORY APARTMENT. AS REQUIRED FOR AN ACCESSORY APARTMENT TO HOUSE THEIR AGING PARENTS WHO LIVE ON A FIXED INCOME. THE PROPOSED ADDITION WILL BE ON AN EXISTING HOME WHICH WAS BUILT BEFORE 1980 WITH THE HOME BEING OWNED SINCE 2009.

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:



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

CONSTRUCTION OF THE ADDITION WILL ALSO INCLUDE EXTERIOR IMPROVEMENTS ON THE EXISTING RESIDENCE INCLUDING ROOFING AND SIDING, THEREFORE IMPROVING THE QUALITY OF THE REAL ESTATE IN THE NEIGHBORHOOD.

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

AS THE EXISTING RESIDENCE IS A TOTAL OF LESS THAN 1,000 S.F. CONTAINING THREE (3) BEDROOMS, THERE IS NOT ENOUGH SPACE IN THE EXISTING RESIDENCE FOR AN ACCESSORY APARTMENT.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE BUILDING IS EXISTING AND AFTER THE PROPOSED ADDITION THE RESIDENCE ON THE SUBJECT PROPERTY WILL FIT INTO THE CHARACTER WITH THE EXISTING HOMES THROUGHOUT THE NEIGHBORHOOD.

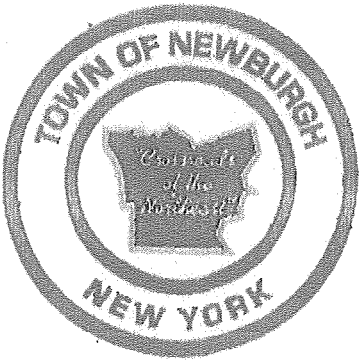
d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

THERE IS AN EXISTING MUNICIPAL STORM WATER COLLECTION SYSTEM FOR COLLECTION AND CONVEYANCE OF STORM WATER RUNOFF DISCHARGING FROM THIS LOT AND ALL ADJACENT LOTS. THE PROPOSED ADDITION IS A NEGLIGIBLE INCREASE IN IMPERVIOUS AREA FOR THE TOTAL DRAINAGE BASIN OF THE EXISTING STORMWATER COLLECTION SYSTEM AND THEREFORE THE PROPOSED CONSTRUCTION WILL HAVE NO ADVERSE ENVIRONMENTAL IMPACTS.

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

THE ADDITION IS FOR AGING PARENTS LIVING ON A FIXED INCOME WITH THIS

THE PARENTS OF THE OWNERS HAVE BECOME SENIOR CITIZENS AND ARE LIVING ON A FIXED INCOME. THE PROPOSED VARIANCES ARE NEEDED TO CONSTRUCT AN ACCESSORY APARTMENT. THE USE IS PERMITTED AND ONLY YARD SETBACK VARIANCES ARE REQUIRED FOR THE PROPOSAL.



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

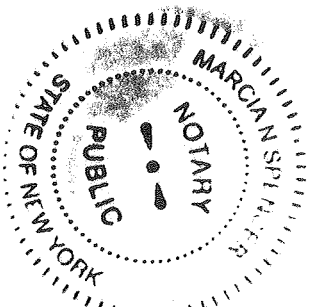
JOSHUA SOULE



PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 31st DAY OF MARCH 20 23



MARCIA N SPENCER
Notary Public - State of New York
NO. 01SP6378620
Qualified in Orange County
My Commission Expires Jul 30, 2026



NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

JOSHUA SOULE, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 5 PONY TERRACE, NEWBURGH, NEW YORK 12550

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

5 PONY TERRACE (S/B/L: 58-5-17), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/31/23

[Signature]

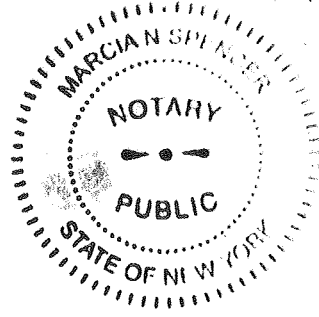
OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 31st DAY OF MARCH 2023



MARCIA N SPENCER
Notary Public - State of New York
NO. 01SP6378620
Qualified in Orange County
My Commission Expires Jul 30, 2026

[Signature]
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
LANDS OF SOULE				
Name of Action or Project: CONSTRUCTION OF PROPOSED ADDITION FOR SINGLE FAMILY RESIDENTIAL HOUSE TO CREATE AN ACCESSORY APARTMENT				
Project Location (describe, and attach a location map): 5 PONY TERRACE (S/B/L: 58-5-17) TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK				
Brief Description of Proposed Action: THE PROPOSAL IS TO CONSTRUCT A 30' DEEP x 26' WIDE ADDITION ON AN EXISTING SINGLE FAMILY OWNER OCCUPIED RESIDENCE TO CREATE AN ACCESSORY APARTMENT FOR THEIR ELDERLY PARENTS. THE EXISTING RESIDENCE IS THREE (3) BEDROOMS AND THE PROPOSED ACCESSORY APARTMENT WILL ADD AN ADDITIONAL BEDROOM. THE ACCESSORY APARTMENT WILL BE LESS THAN 700 S.F. AND CONFORM TO OTHER ZONING REQUIREMENTS INCLUDING PROVIDING ADDITIONAL OFF STREET PARKING, BUT THE PROPOSAL WILL REQUIRE AREA VARIANCES FOR INADEQUATE SETBACKS. THE EXISTING RESIDENCE IS SERVICED BY EXISTING MUNICIPAL WATER AND SEWER CONNECTIONS AND NO IMPROVEMENTS ARE NEEDED FOR THE NEW CONSTRUCTION.				
Name of Applicant or Sponsor: JOSHUA SOULE		Telephone: 914-805-5586 E-Mail: mvsoule@yahoo.com		
Address: 5 PONY TERRACE				
City/PO: NEWBURGH		State: NEW YORK	Zip Code: 12550	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <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: TOWN OF NEWBURGH ZONING BOARD OF APPEALS, TOWN OF NEWBURGH BUILDING DEPARTMENT			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.36 acres		
b. Total acreage to be physically disturbed?		0.10 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.36 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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? 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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 type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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:

- Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 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
Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

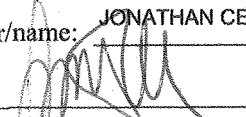
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input 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: JONATHAN CELLA, P.E. Date: 04/01/2023
 Signature:  Title: PROFESSIONAL ENGINEER

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.

Samin, USGS, InCmap, INCREMENT, NRCan, Esri, Japan, METI, Esri, China (Hong Kong), Esri, Korea, Esri (Thailand), NGIS, © OpenStreetMap contributors, and the GIS User Community

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]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



ORANGE COUNTY CLERK

KELLY A. ESKEW

Receipt

Receipt Date: 03/31/2023 11:45:13 AM
RECEIPT # 3146223

Recording Clerk: AA
Cash Drawer: CASH65
Rec'd Frm: MICHAEL

Misc Fees

COPY CHARGES \$5.00

Receipt Summary

TOTAL RECEIPT: ----> \$5.00

TOTAL RECEIVED: ----> \$5.00

CASH BACK: ----> \$0.00

PAYMENTS

Cash -> \$5.00

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

U.S. Bank, N.A. in its Capacity
As Trustee for the Registered Owners
of MASTK ASSET Back Securities
Trust 2005-NC1

TO
Joshua Soule
and
Paula Soule

SECTION 58 BLOCK 5 LOT 17

RECORD AND RETURN TO:
(name and address)

All Seasons Titb Agency
9 Executive Drive
Clifton Park, NY 12065



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED R MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2003 SO. BLOOMING GROVE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003' FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KORYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTTAVILLE (VLG)
- X 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 5809 WOODBURY (VLG)
- CITIES
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO. PAGE 4 CROSS REF.
CERT. COPY ADD'L X-REF.
MAPS PGS.

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 185,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From

All Seasons

RECORDED/FILED
10/06/2009/ 13:53:09
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20090098267
DEED R / BK 12908PG 0643
RECORDING FEES 190.00
TTX# 001443 T TAX 740.00
Receipt#1083890 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
KELLY A. ESKEW, 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 10/16/2009 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Kelly A. Eskew 3/31/2023

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY



**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 September 1, 2009,

between U.S. Bank, N.A., In Its Capacity As Trustee For The Registered Holders Of MASTR Asset Back Securities Trust 2005-NC1, Mortgage Pass-Through Certificates, Series 2005-NC1, party of the first part, and

Joshua Soule and Paula Soule, with an address of 52 Willow Avenue, Apt. C-6, Comwall, NY 12518, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars, 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 that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the property as described in Schedule "A" attached hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

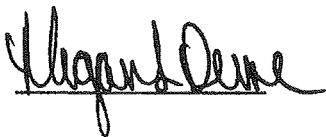
AND the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

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

IN PRESENCE OF:





U.S. Bank, N.A., In Its Capacity As
Trustee For The Registered Holders Of
MASTR Asset Back Securities Trust
2005-NC1, Mortgage Pass-Through
Certificates, Series 2005-NC1


By: **Keith Chapman**
Title: **REO Manager**

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

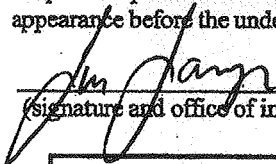
On the _____ day of _____, _____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his 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)

Acknowledgment by a Person Outside New York State (RPL § 309-b)

STATE OF ~~NEW YORK~~ Florida)
) ss.:
COUNTY OF ~~SARATOGA~~ Orange)

On the 10 day of Sept, 2009, before me, the undersigned, personally appeared Keith Chapman the REO Manager of Ocwen Loan Servicing, the Grantor and 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, and that such individual made such appearance before the undersigned in the State of Florida


(signature and office of individual taking acknowledgment)

NOTARY PUBLIC STATE OF FLORIDA
 Jim Lanzerio
Commission # DD535566
Expires: APR. 02, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Title Number: U.S. Bank, N.A., In Its Capacity As Trustee For The Registered Holders Of MASTR Asset Back Securities Trust 2005-NC1, Mortgage Pass-Through Certificates, Series 2005-NC1	Section: 58
To Joshua Soule and Paula Soule	Block: 5
	Lot: 17
	County or Town: Orange
	Street Address: 5 Pony Terrace, Newburgh, NY 12550

Return By Mail To:

Block Colucci Spellman & Peller, LLP
9 Executive Park Drive
Clifton Park, NY 12065

Reserve This Space For Use Of Recording Office



**FIRST AMERICAN TITLE INSURANCE COMPANY
SCHEDULE A DESCRIPTION**

Title No.: T-09-AS59750

ALL that certain lot, piece or parcel of land, together with the improvements thereon, known and shown as Lot No. 17, Block "S", Map of Meadow Hill Subdivision, Town of Newburgh, Orange County, New York, dated July 25th, 1963, made by Herbert L. Kartiganer, P.E., L.S., revised April 16, 1964, and filed April 27, 1964, as Map No. 2043, Orange County Clerk's Office; the said premises being known by street number as No. 3 Pony Terrace.

Said Filed Map No. 2043 incorrectly shows a distance of 168.57 feet along the southerly line of adjacent to Lot No. 16, Block "S"; the correct distance is 118.57 feet. The said map filed Map No. 2043 also incorrectly shows a distance of 177.41 feet along the northwesterly line of instant lot adjacent to Lot No. 18; Block "S"; the correct distance is 127.41 feet.

Together with a right in common with all other heretofore given or who hereafter may be given by the grantors or their assigns a right of ingress and egress over and upon the hereinafter mentioned proposed street lying in from of the front or westerly side of the premises herein conveyed, as well as a similar right of way over and upon any continuation of said street or any connecting street or any connecting street or streets to afford and enable passage and re-passage from the [sic] conveyed premises to and from Meadow Hill Road.

Subject to all grants of record heretofore given to Central Hudson Gas and Electric Corporation and New York Telephone Company.

Together with a right in common with all others given the same rights to water for ordinary domestic purposes from the well and any auxiliary well subsequently connected thereto which is located upon the premises set aside for that purpose by the grantors, which water may be transmitted to the instant premises by means of any pipe lines running from said well or any auxiliary thereof upon payment from time to time to the owner of said well and/or auxiliary well and premises upon which located, in accordance with any rates hereinafter established by grantor or by any State or Municipal Agency.

The instant conveyance is subject to the following covenants and restriction in respect to lots shown on Block South on Map No. 2043 Map of Meadow Hill Subdivision, Map No. 2043 filed in the Orange County Clerk's Office April 27, 1964.

1. that only one one-family residence dwelling may be erected on said premises together with garage for not more than two automobiles, and said premises occupied for residence purposes only, excepting that this shall not exclude usage by Doctors, Dentists, Lawyers and Real Estate Brokers, and other professional use for home and office, provided that exterior architecture of building is kept residential appearance.
2. that no shack, shanty or trailer shall be erected or permitted on said premises.
3. that no unsightly, offensive or objectionable materials shall be stored or kept on said premises.
4. that no animals, livestock, fowl or chickens may be kept or maintained on said premises, but a reasonable number of household pets may be so maintained.

Being the same premises conveyed to U.S. Bank, N.A., in its capacity as Trustee for the registered holders of MASTR Asset Back Securities Trust 2005-NCI, Mortgage Pass-Through Certificates, Series 2005-NCI by virtue of a Bargain & Sale Deed dated 4/14/2009, from Ned Kopald, Referee, recorded in the Orange County Clerk's Office on 4/29/2009 in Book 12817, at Page 1413.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

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

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

3036 23

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/28/2023


Application No. 23-0125

**To: Joshua Soule
5 Pony Ter
Newburgh, NY 12550**

**SBL: 58-5-17
ADDRESS: 5 Pony Ter**

ZONE: R2

PLEASE TAKE NOTICE that your application dated 02/14/2023 for permit to build a 26'-8" x 30' addition with a 4' x 10' front deck and 6' x 6' rear deck on the premises located at 5 Pony Ter is returned herewith and disapproved on the following grounds:


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* *YES / NO*
NAME: Joshua Soule **Application #** 23-0125

ADDRESS: 5 Pony Terrace Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: Addition with 2 decks

SBL: 58-5-17 **ZONE:** R-2 **ZBA Application #** 3034-23

TOWN WATER: / NO **TOWN SEWER:** / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'		36.2'	3.8'	9.50%
REAR YARD	40'		31.67'	8.33'	20.80%
SIDE YARD	15'		14.51'	.49'	3.20%
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: 26'-8" x 30' addition with a 4' x 10' front deck and 6' x 6' rear deck

REVIEWED BY: Joseph Mattina **DATE:** 28-Mar-23



PICTURE # 1
FRONT (WEST) SIDE
ELEVATION



PICTURE # 2
RIGHT (SOUTH) SIDE
ELEVATION

ACCESSORY APARTMENT ZBA APPLICATION
LANDS OF SOULE
5 PONY TERRACE (S/B/L: 58-5-17)
TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.
51 HUNT ROAD

DATE:
03/25/2023

WALKKILL, NEW YORK, 12589

(845) 741-0363
jonathancell@hotmail.com

SHEET NO.:
1 OF 2



PICTURE # 3
REAR (EAST) SIDE
ELEVATION



PICTURE # 4
LEFT (NORTH) SIDE
ELEVATION

ACCESSORY APARTMENT ZBA APPLICATION
LANDS OF SOULE
5 PONY TERRACE (S/B/L: 58-5-17)
TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.
51 HUNT ROAD

DATE:
03/25/2023

WALLKILL, NEW YORK, 12589

(845) 741-0363
jonathancell@hotnail.com

SHEET NO.:
1 OF 2

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Michael Soule, being duly sworn, depose and say that I did on or before

April 13th, 2023, post and will thereafter maintain at

5 Pony Terrace 58-5-17 R2 Zone in the Town of Newburgh, New York, at or near the front

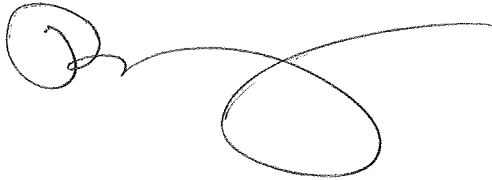
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Michael Soule

Sworn to before me this 11th

day of April, 2023.







TOWN OF NEWBURGH

County of the Otsego
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

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

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 27th day of April, 2023 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Joshua Soule for area variances of the front yard, rear yard and side yard setbacks to build a 26'0" x 30' addition with a 4' x 10' front deck and 6' x 6' rear deck.

PREMISES LOCATED at 5 Pony Terrace, 58-5-17, R2 Zone, in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 13th day of April, 2023.


APPLICANT