

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: 04/25/2013

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

I (WE) Robert White PRESENTLY
RESIDING AT NUMBER 4 Southeast Ct. Wallkill NY 12589
TELEPHONE NUMBER 914-906-3290

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:

2-3-28 (TAX MAP DESIGNATION)
4 Southeast Ct. (STREET ADDRESS)
RR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-7-F

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: 04/09/2013
- 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: USE VARIANCE
for Ground Mounted Solar Array

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:
Over the 30 year lifespan of the P.V. Solar the Electricity Produced will be worth \$ 83,569.29. The Economic Benefit to Applicant will be \$65,994.29 (See Attached Evidence)
(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:
The orientation of the roof on the Subject Property is not conducive to solar electric production. The other houses in the neighborhood have more suitable roof orientations for solar electric production.
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
Proposed solar array to be located in side yard. Front yard appearance of subject property would not be altered. Thus essential neighborhood character would not be altered.

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

Applicant Had No Knowledge in 2003 That 10 years Later PV Solar would Be a Viable Technology to Install on Subject Property. Therefore Applicant did not Create Hardship.

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:

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:

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 25th DAY OF April 2013

Stacey Spiegler
Notary Public, State of N.Y.
Reg. No. 01SP6017827
Qualified in Ulster County
Commission Exp 12/21/2014



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.

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|---|--|
| 1. APPLICANT/SPONSOR <i>Lighthouse Solar</i> | 2. PROJECT NAME <i>Robert White Solar Array</i> |
| 3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>Orange</i> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>4 Southeast Ct. Walkill NY 12589</i> | |
| 5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <i>12 KW Ground Mounted Solar Array</i> | |
| 7. AMOUNT OF LAND AFFECTED: Initially <i>0.016</i> acres Ultimately <i>0.016</i> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>USE Variance Required</i> | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>NYSERDA</i> | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Matt C. Lardo</i> Date: <i>4/22/13</i> Signature: <i>M C L</i> | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

| | |
|---|--|
| <p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>If yes, coordinate the review process and use the FULL EAF.</p> |
| <p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> | |
| <p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p> | |
| <p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p> | |

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 AND provide, on attachments as necessary, the reasons supporting this determination.

| | |
|--|---|
| 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) |

Reset

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Robert White, DEPOSES AND SAYS THAT
(HE/SHE RESIDES AT 4 Southeast Ct. Walkill
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 4 Southeast Ct.
Walkill NY 12589

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

DATED: 4-24-13 Robert White

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24th DAY OF April 2013

[Signature]

NOTARY PUBLIC

Stacey Spiegler
Notary Public, State of N.Y.
Reg. No. 01SP6017827
Qualified in Ulster County
Commission Exp 12/21/2014

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

PINNACLE HOMES OF NEW YORK, INC.
TO
ROBERT WHITE & CYNTHIA MILLSPAUGH

SECTION 2 BLOCK 3 LOT 28

17.22

28

ST. 25424

RECORD AND RETURN TO:
(Name and Address)

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

MICHELLE ANDERSON ESQ.
WERNER & SAFFIOTI LLP
5031 ROUTE 9W
NEWBURGH, NY 12550

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (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 KIRYAS JOEL (VLG)
4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALKKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO. PAGES 3 CROSS REF
CERT. COPY ADD'L X-REF

MAP # PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

CONSIDERATION \$ 405000-
TAX EXEMPT

MORTGAGE AMT \$
DATE

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(1) 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: Reser City

RECORDED/FILED
06/23/2003/ 10:02:10
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030088516
DEED OLD / BK 11094 PG 0337
RECORDING FEES 64.00
TTX# 010854 TRANS FAX 1,620.
Receipt#129162 111

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 6-23-03 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 4-30-13

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



REAST 25424

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

FORM 8007

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

THIS INDENTURE, made the 26th day of March, 2003,

between PINNACLE HOMES OF NEW YORK, INC., A NEW YORK CORPORATION, of 17 CUOMO DRIVE, HIGHLAND, NY 12528 party of the first part,

and ROBERT WHITE & CYNTHIA MILLSPAUGH of 1 FRANKLIN AVENUE, NEW WINDSOR, NY 12553 As joint tenants w/ROS

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 that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, Orange County, New York more particularly described in Schedule A attached hereto. This conveyance is made during the regular course of business of the grantor corporation and does not constitute all or substantially all the assets of the corporation.

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.

Not to units w/ROS

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.

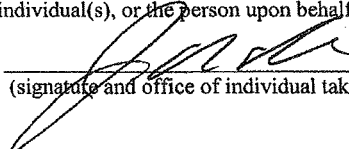
Pinnacle Homes of New York, Inc.



JOHN QUINN, PRESIDENT

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

On the 26th day of March in the year 2003, before me, the undersigned, personally appeared JOHN QUINN., 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.



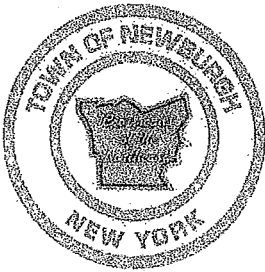
(signature and office of individual taking acknowledgment)

JOSEPH M. SAFFIOTI
Notary Public, State of New York
No. 4985013
Qualified in Orange County
Commission Expires August 5, 2005

SCHEDULE A

ALL that certain piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York and being Lot No. 2 on a certain subdivision map entitled "Lot Line Change for Upstate National Bank" filed in the Orange County Clerk's office on February 21, 2002 as Map No. 112-02

SUBJECT to terms and conditions of private road maintenance agreement dated July 18, 2002 recorded in the Orange County Clerk's Office on 9/04/2002 in Liber 5984 at page 14.



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

2357-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/09/2013

Application No. 13-0267

**To: Robert White
4 Southeast Ct
Wallkill, NY 12589**

**SBL: 2-3-28
ADDRESS: 4 Southeast Ct**

ZONE: RR

PLEASE TAKE NOTICE that your application dated 04/05/2013 for permit to install a ground mounted solar array system on the premises located at 4 Southeast Ct is returned herewith and disapproved on the following grounds:

Ground mounted solar array systems are not a listed use in Town of Newburgh Zoning Code. 185-7-F Unspecified uses shall be deemed prohibited.

USE VARIANCE


Joseph Mattina

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

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: ROBERT WHITE

ADDRESS: 4 SOUTHEAST CT WALLKILL NY 12589

PROJECT INFORMATION: Use VARIANCE

TYPE OF STRUCTURE: 54' X 16' X 12.5' GROUND MOUNTED SOLAR ARRAY SYSTEM

SBL: 2-3-28 ZONE: R/R

TOWN WATER: NO

TOWN SEWER: NO

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | PERCENTAGE |
|----------------------|---------|----------|----------|----------|------------|
| LOT AREA | | | | | |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | | | | |
| REAR YARD | | | | | |
| SIDE YARD | | | | | |
| 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: REQUESTING A USE VARIANCE FOR A GROUND MOUNTED SOLAR ARRAY SYSTEM. BULK TABLE SCHEDULE 1 COLUMN (A) DOES NOT ADDRESS SUCH USE.

VARIANCE(S) REQUIRED:

- 1 185-7-F UNSPECIFIED USES SHALL BE DEEMED PROHIBITED.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 9-Apr-13