

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: September 8, 2015

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

I (WE) Delores Wright PRESENTLY

RESIDING AT NUMBER 128 North Dix Avenue

TELEPHONE NUMBER (845) 857-4246

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

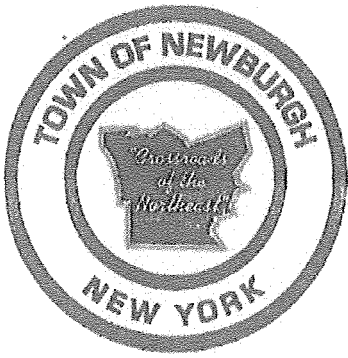
73-7-22.1 (TAX MAP DESIGNATION)

128 North Dix Avenue (STREET ADDRESS)

R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

R-3 District, two family bulk table requires 50,000 sf for lot size - 48,003 sf provided. Other open items (See attached comments from Building Department dated July 6, 2015.) Area Variance also required because existing apartment on the North side has only 756 sf on the first floor - 900 sf is required.



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: July 6, 2015
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: September 16, 2015

4. DESCRIPTION OF VARIANCE SOUGHT: Area variance for lot size requirement of two family house.

Area variance for accessory building and above ground pool located in a front yard.

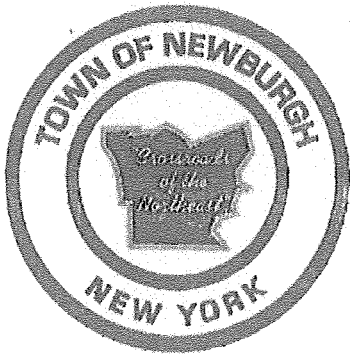
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:

The proposed addition will be a 2nd story addition to a pre-existing Mother/Daughter house.
The existing shed and above ground swimming pool are in the front yard. The yard appears to be a rear yard because the street behind Wilson Street is unimproved. The existing apartment on the North side has only 756 sf on the first floor - 900 sf is required. There is over 200 sf of heated space on the

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:

The variance includes an existing lot size of 48,003 sf. The required lot size is 50,000 sf. It is not possible to add 2000 sf of an adjacent lot.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The area variance for lot size is only 4% of the total required amount.

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

The addition will not involve an increase to the footprint of the existing house.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The property was original approved as a mother/daughter accessory apartment in 2003 thru an application with the ZBA. Currently Delores resides in the North half of the house with 971 sf on the 1st floor. The proposed second floor addition will add an additional 781 sf. There is no change to the existing footprint. Her mother's apartment on the south side has 756 sf on the 1st floor, the total apartment size is over 900 sf when the 2nd floor is added. Both apartments have separate entrances and do not communicate internally. The parcel is currently served by municipal water and sewer. There is adequate off-street parking for the four required parking spaces.

6a. continued:

2nd floor that the building department does not recognize as habitable space.



TOWN OF NEWBURGH

Crossroads of the Northeast

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

7. ADDITIONAL REASONS (IF PERTINENT):

Debra Wright

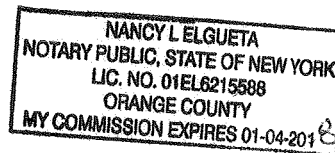
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF June 20 15

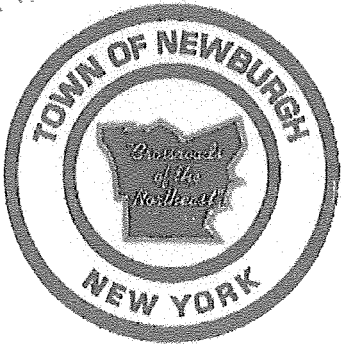
Nancy L. Elgueta

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.

(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

Deborah Wright, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 158 North Dix Avenue

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 158 North Dix Ave.
Newburgh, NY

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

DATED: 9/18/2015 Deborah Wright
OWNER'S SIGNATURE

Laura Cotton
WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF June 2015

Nancy L. Elgueta
NOTARY PUBLIC

NANCY L. ELGUETA
NOTARY PUBLIC, STATE OF NEW YORK
LIC. NO. 01EL6215588
ORANGE COUNTY
MY COMMISSION EXPIRES 01-04-2018

617.20
Appendix B
Short Environmental Assessment Form

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			
Name of Action or Project: 128 North Dix Avenue			
Project Location (describe, and attach a location map): 128 North Dix Avenue			
Brief Description of Proposed Action: Proposed two family house			
Name of Applicant or Sponsor: Delores Wright		Telephone: (845) 857-4246	
		E-Mail: dtrouble328@aol.com	
Address: 128 North Dix Avenue			
City/PO: Newburgh		State: NY	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 governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1,102 acres	
b. Total acreage to be physically disturbed?		None acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1,102 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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? If Yes, a. Will storm water discharges flow to adjacent properties?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Debra W. White</u>	Date: <u>9/29/15</u>	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

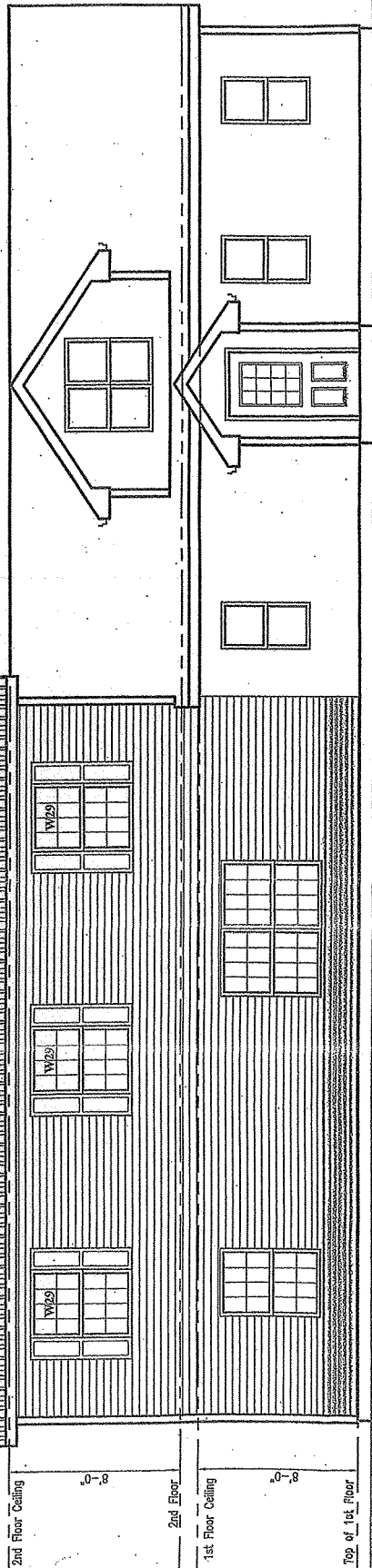
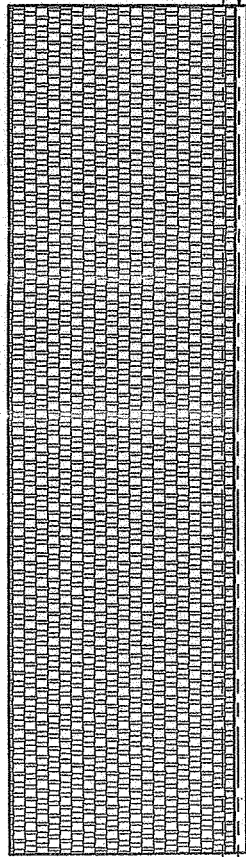
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

2 Existing 1st Floor Plan

A1

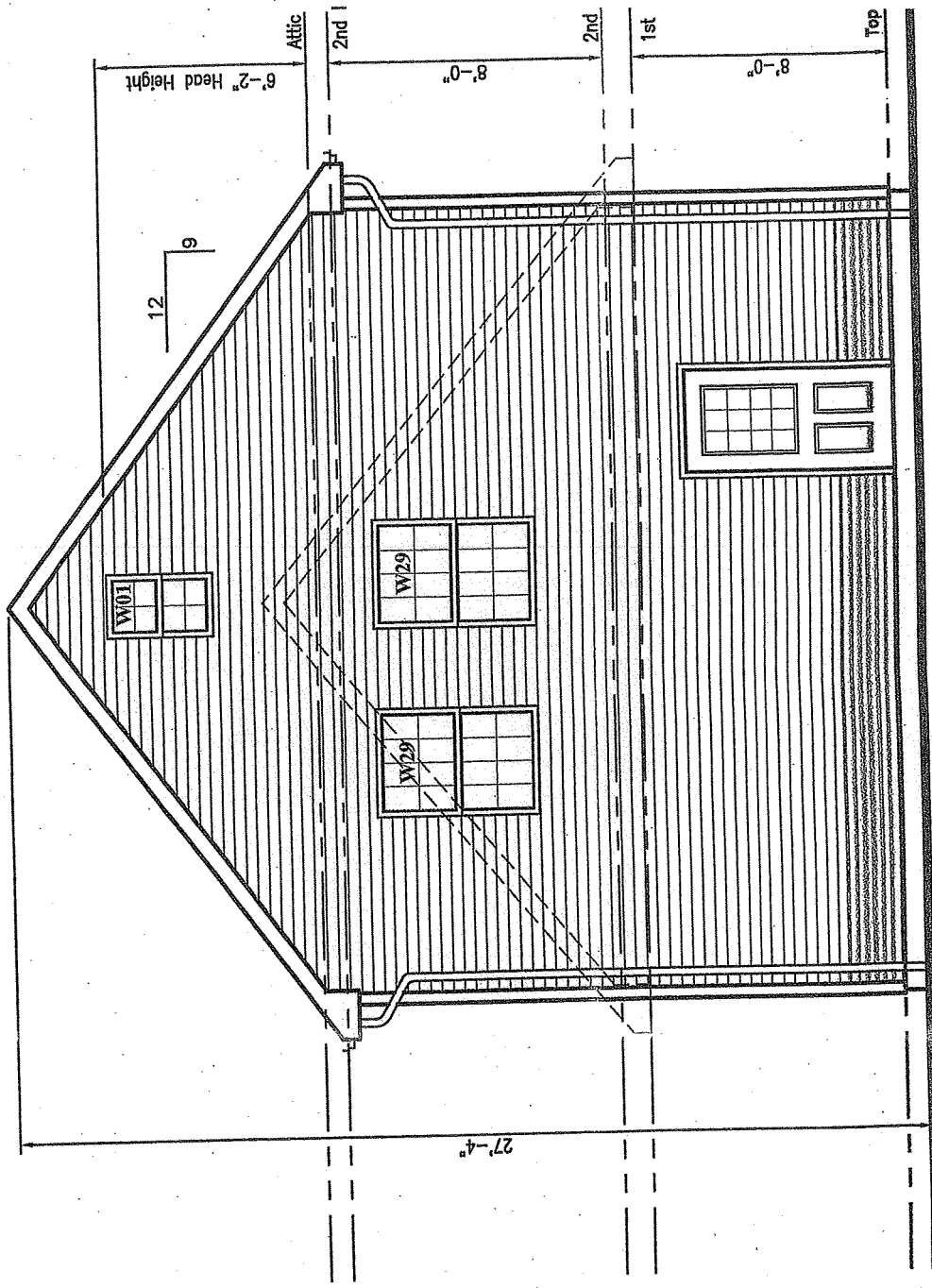
Scale: 3/16"=1'-0"



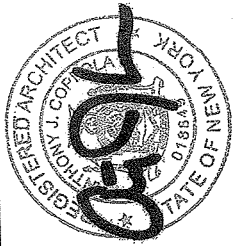
3 Front Elevation

A1

Scale: 3/16"=1'-0"



4 Side Elevation
A1 Scale: 3/16"=1'-0"



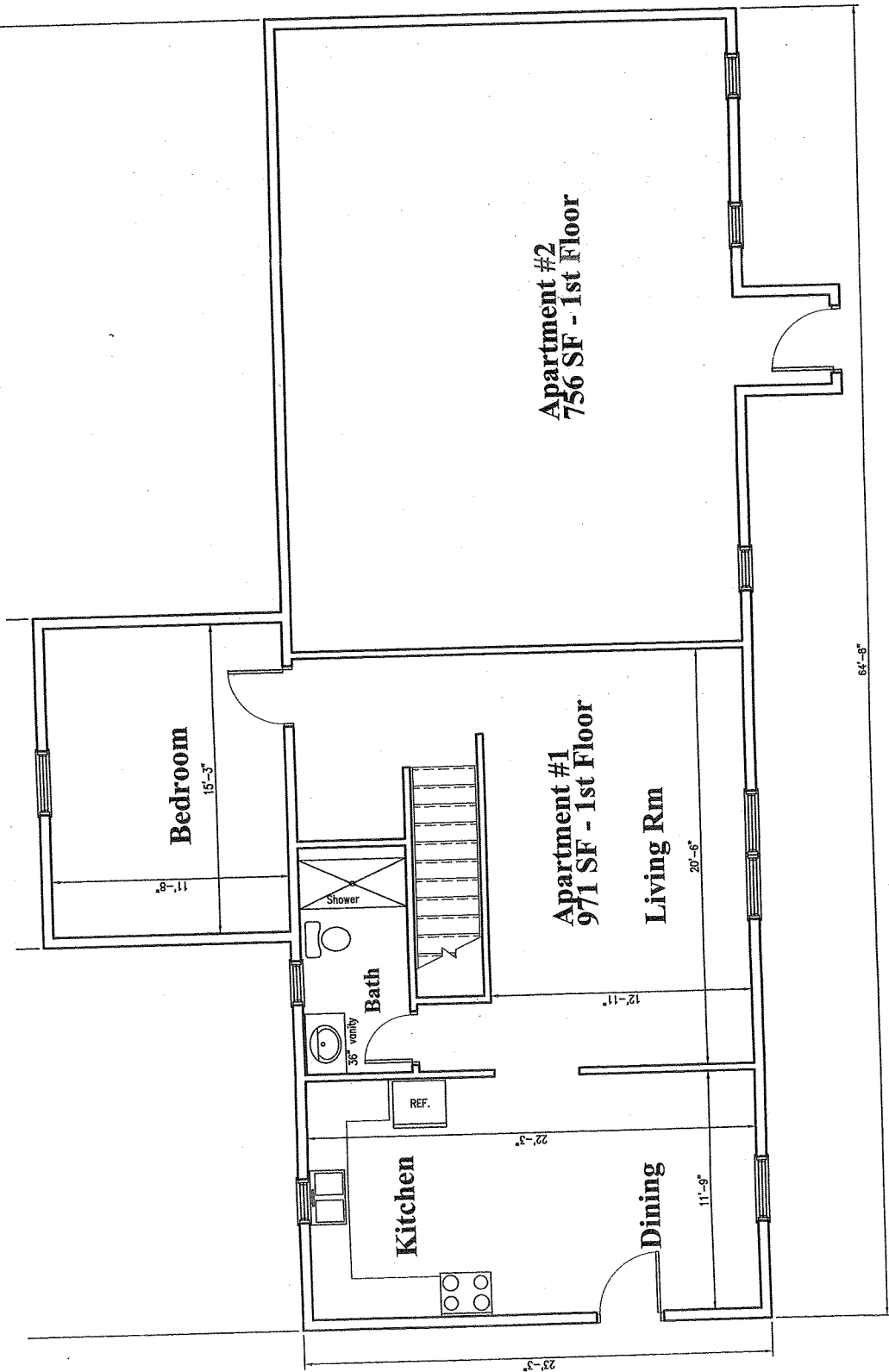
LICENSE NUMBER: 018849

2nd Floor Addition for Delores Wright

128 North Dix Avenue,
Town of Newburgh,
NY

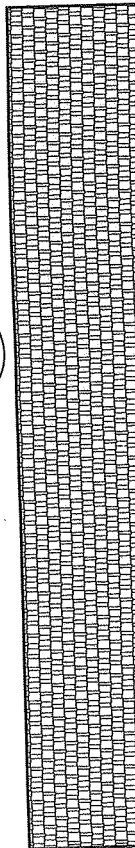
Floor Plans, Elevations, and Site Plan

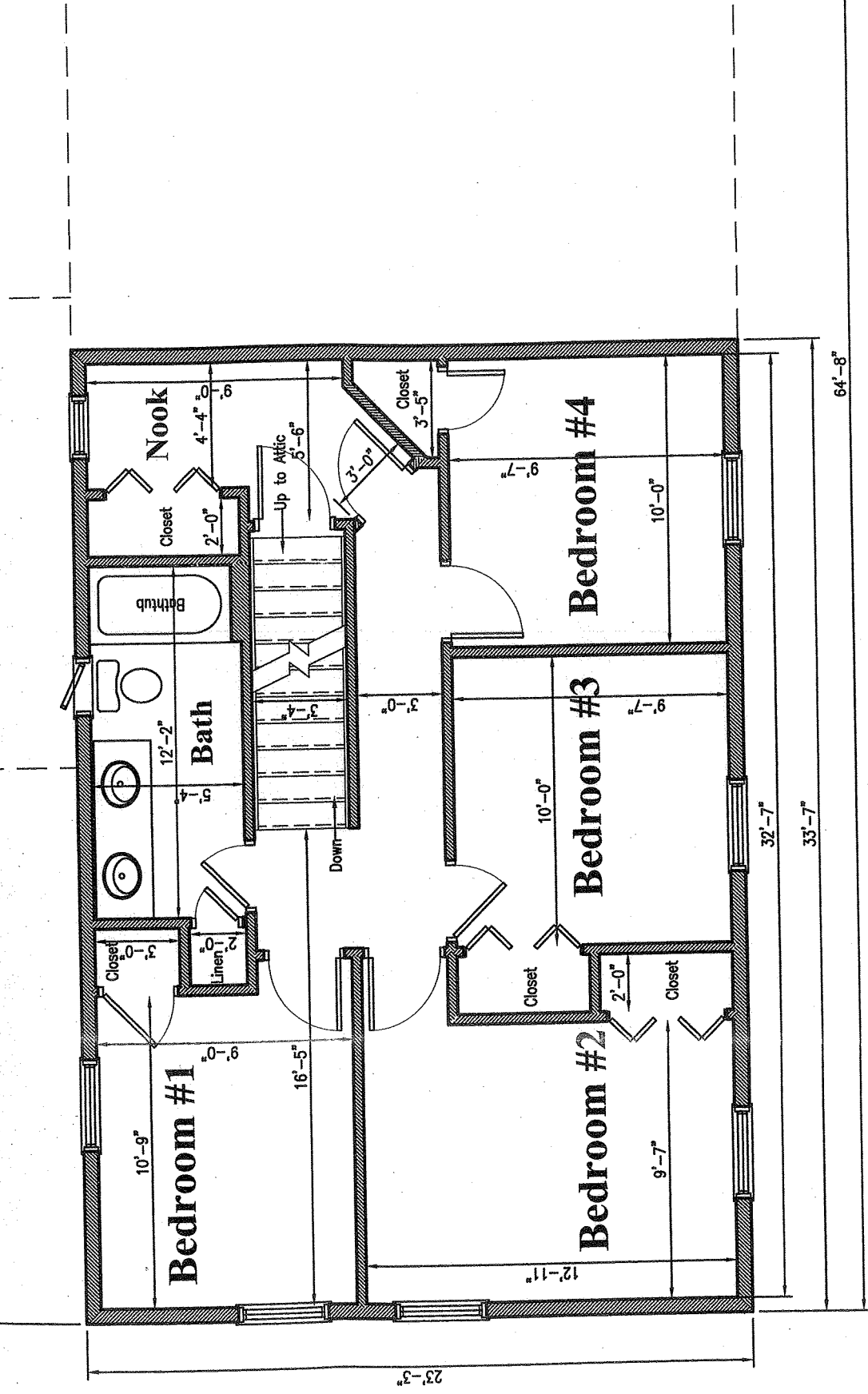
REVISIONS



2 Existing 1st Floor Plan

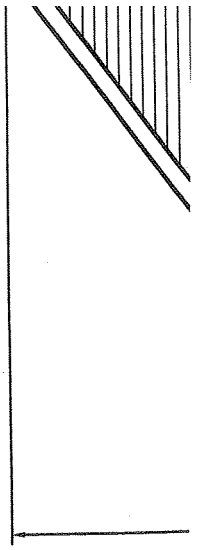
A1 Scale: 3/16"=1'-0"





1
A1

2nd Floor Addition Plan - 781 SF
 Scale: 3/16"=1'-0"



Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

James G. Sweeney, P.C., of Counsel

James B. Biagi, of Counsel

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddllp.com
Fax (845) 294-6553
(Not for Service of Process)

October 6, 2015

*additional
to 1st letter*

Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

RE: Dolores Wright (15.22)
128 North Dix Avenue (73-7-22.1)
Zone: R-3

Members of the Board:

I wrote to you on September 16, 2015 referring this matter at the planning board's direction to you for consideration of several area variances. Within that letter I made mention that an earlier variance application for failure to satisfy the two front yard setback requirements of the code (for pool and shed) was pending before you. I was apparently in error in making that statement. Nevertheless, the planning board wishes you to consider those grants of variance for the planning board cannot approve this site plan unless those variances are granted.

Very truly yours,



MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Coppola Associates
Gerry Canfield, Code Compliance Officer

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

James G. Sweeney, P.C., of Counsel

James B. Biagi, of Counsel

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddllp.com
Fax (845) 294-6553
(Not for Service of Process)

September 16, 2015

Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

RE: Dolores Wright (15.22)
128 North Dix Avenue (73-7-22.1)
Zone: R-3

Members of the Board:

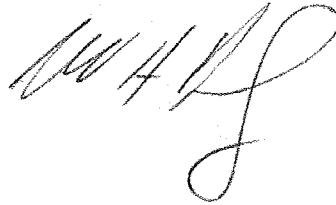
I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on September 3, 2015 proposing to construct a 2-family home at 128 North Dix Avenue in the Town of Newburgh R-3 Zoning District. A house already exists on the lot and an accessory apartment was approved by the Town of Newburgh Zoning Board of Appeals in 2003. The applicant now wishes to enlarge the structure and add a second floor addition. There will be no change to the existing footprint of the house.

I now write to refer this matter to your board for consideration of a variance allowing one of the 2-family dwelling units to have less than the minimum dwelling unit size required by code¹. The lot itself has insufficient area for the 2-family residence use authorized in this zoning district. Moreover, an earlier variance application for failure to satisfy the two front yard setback requirements of the code (for a pool and shed) is already pending before you.

¹ The applicant may alter the internal space allocation within the home in order to meet the 900 square foot minimum area. If she is successful in achieving this objective, there will be no need for the dwelling unit area variance.

You may wish consider reviewing this matter on an uncoordinated review basis under SEQRA.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", with a large, stylized flourish at the end.

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Coppola Associates



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

ORDER TO REMEDY

Date: 08/15/2014

John Lukach
128 N Dix Ave
Newburgh, NY 12550

*Joe M
8/29/14*

SEC-BLK-LOT: 73-7-22.1

COMPLAINT NO: 14-0283

LOCATION: 128 N Dix Ave, Newburgh

PLEASE TAKE NOTICE, there exists a violation at the location described above, in that the above named individual(s) did commit or allowed to exist the following offense:

Installed a swimming pool and 2 accessory buildings without approvals or permits. all structures are located in a front yard. variances are required from the Zoning Board of Appeals.

Based upon the following:

In that on 08/15/2014 at 2:00pm the defendant did:

Which is in violation of:

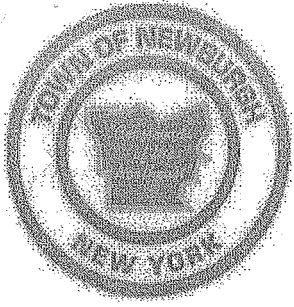
Town of Newburgh Municipal Code\Chapter 71 - Building Construction\Article III - Building Permits and Certificates of Occupancy \71-8 When Required\71-8(A) **Which provides as follows:**

A. Improvements or demolition. No person shall commence the construction, alteration, conversion, repair, removal or demolition of any building, structure, sign or sanitary facilities thereto, excepting agricultural equipment in existing farm structures, without first obtaining a building permit from the Building Inspector. No permit shall be required for ordinary nonstructural repairs.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy the condition above mentioned forthwith on or before 8/29/2014

For the purposes of assessing fines/penalties, your violation shall be deemed to have occurred as of 8/15/2014 2:18:55 PM. Please Note: A violation of the above code provision is punishable by a fine/penalty not to exceed two hundred fifty (\$250.00) or imprisonment for a period not to exceed six (6) months. Each week that a violation continues shall be deemed a separate offense.

Joseph Mattina , Code Compliance Dept.



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

2112-09 ← **2009**

**ReSent
8-22-14**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/22/2014

Application No. 14-0607

**To: Delores Wright
128 N.Dix Ave.
Newburgh, NY 12550**

**SBL: 73-7-22.1
ADDRESS: 128 N Dix Ave**

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 08/22/2014 for permit to keep 30' round above ground pool on the premises located at 128 N Dix Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:
185-43-F Pools shall not be located in a front yard.

Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES

NAME: Delores Wright

2112-09

ADDRESS: 128 North Dix Ave Newburgh NY 12550



PROJECT INFORMATION: *Prior Built*

TYPE OF STRUCTURE: 30' above ground pool

SBL: 73-7-22.1 ZONE: R-3

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	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: **This parcel has 2 front yards. North Dix & Wilson Ave (Paper Rd)**

VARIANCE(S) REQUIRED:

- 1 185-43-F Pools shall not be located in a front yard.
- 2 _____
- 3 _____
- 4 _____

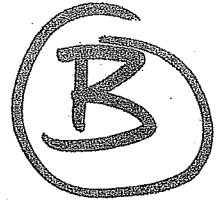
REVIEWED BY: Joseph Mattina DATE: 22-Aug-14



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

2454-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/22/2014

Application No. 14-0599

**To: Delores Wright
128 N.Dix Ave.
Newburgh, NY 12550**

**SBL: 73-7-22.1
ADDRESS:128 N Dix Ave**

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 08/21/2014 for permit to keep an 8 x 8 accessory building on the premises located at 128 N Dix Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
185-15-A Accessory buildings may be located in a side or rear yard.


Joseph Mattina

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

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

2454-14

NAME: Delores Wright

ADDRESS: 128 North Dix Ave Newburgh NY 12550

B

PROJECT INFORMATION:

Prior Built

TYPE OF STRUCTURE: 8 x 8 accessory building

SBL: 73-7-22.1 **ZONE:** R-3

TOWN WATER: **YES**

TOWN SEWER: **YES**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	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
 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: **This lot has 2 front yards, North Dix & Wilson Ave (Paper Rd) The second shed on this parcel was built in 1965.**

VARIANCE(S) REQUIRED:

- 1 185-15-A Accessory building may be in a side or rear yard.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 22-Aug-14

15-0527
128 NORTH DIX AVE
Town of Newburgh
Code Compliance Department

308 Gardnertown Road Newburgh, NY 12550
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: DELORES WRIGHT 128 N. DIX AVE NEWBURGH NY 12550
OWNER:
CONTRACTOR: GARVILLE
PHONE #: 845-857-4246
PROJECT: CREATING A TWO FAMILY
SBL: 73-7-22.1
DATE: 7-6-2015

SUBMIT ALL ITEMS LISTED BELOW AT THE SAME TIME

!!! BEFORE ANY EXCAVATION, DIG SAFELY NY (811) MUST BE NOTIFIED !!!

WHEN INTERIOR RESIDENTIAL ALTERATIONS OCCUR, ALL SMOKE & CO DETECTORS MUST BE UPGRADED IN ACCORDANCE WITH APPENDIX J OF THE 2010 R.C.N.Y.S.

ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED

- 1) August 22, 2014 your applications for a shed and pool that were built without permits was referred to the zoning board of appeals where 2 variances would be required; as of this date the 2 structures are still in violation and this issue must be corrected.
- 2) Permit # 18062-03 was issued for a side addition on July 14, 2003 and a second permit # 19122-04 was then issued with zoning board of appeals approval for an accessory apartment. Neither one of these applications or permits had the rear addition bedroom as shown on the recently submitted plans. It appears this was also built without permits or approvals. Submit an application for this addition along with an as-built certification showing the structures complies with the 2010 RCNYS. This will also require an electrical inspection by a town approved agency.
- 3) The proposed alterations, according to section 185-38-B-2 and 185-38-C-5 from the Town of Newburgh Municipal Code is to be considered a two family dwelling unit and not an accessory apartment. To begin the process you must contact the Planning Board Chairman John Ewasutyn at 845-564-7804. Leave a detailed message and Mr. Ewasutyn will return your call as soon as possible.

Joseph Mattina
Code Compliance

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

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

Karen Kiene Blakesley
TO
John Lukach
Deborah Wright

SECTION 73 BLOCK 7 LOT 221

RECORD AND RETURN TO:
(name and address)



Grady Botchman
200 White Plains Rd
Tarrytown Ny 10591

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 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 WALLKILL (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 5 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$ 137000
TAX EXEMPT
Taxable 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
 - (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: Equity Settlement

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 September 24, 2001) AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt June 08, 2015

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

LIBER 5636 PAGE 100

LIBER 5636 PAGE 100

ORANGE COUNTY CLERKS OFFICE 56671 DAB
RECORDED/FILED 09/24/2001 04:23:33 PM
FEES 50.00 EDUCATION FUND 5.00
SERIAL NUMBER: 001898
DEED CNTL NO 63477 RE TAX 548.00

45110
/ 55367

A 291 - Standard N.Y. B.T.U. F.. 8007
Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp., 11-98.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on August 17, 2001

BETWEEN KAREN KIENE BLAKESLEY, residing at
128 North Dix Avenue, Newburgh, New York 12550

party of the first part, and

JOHN LUKACH AND DELORES WRIGHT, as joint tenants with ^(B)
residing at 1105 River Road, Newburgh, New York 12550 rights of
Survivorship

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND XX/XX----- 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 Town of Newburgh, County of Orange, State of New
York and more particularly described in the Schedule A attached hereto and made a part thereof.

Being and intended to be the same premises conveyed to the party of the first part by deed dated
11/9/99 from Robert Burch and Rosemarie Burch and recorded on 11/16/99 in Liber 5185 cp 315
of the Orange County Clerk's Office.

Being same premises commonly known as 128 North Dix Avenue, Newburgh, New York 12550.

AMERICAN PIONEER TITLE INSURANCE COMPANY

SCHEDULE A (Description)

TITLE NO. 45110
(45110)

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 in Lots 500 through 507 and Lots 528 through 535 on a map entitled, "Map of Newburgh Gardens", said map filed in the Orange County of Clerk's Office on 14 October 1912 in Rack 6, Case 94 and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of North Dix Avenue, said point being the northwesterly most corner of the lands reputedly of Wicker and also being North 15 degrees 37 minutes 00 seconds West a distance of 58.68 feet from an iron pipe found;

THENCE from said point or place of beginning and along the easterly side of said North Dix Avenue, North 15 degrees 37 minutes 00 seconds West a distance of 240.00 feet, being South 15 degrees 37 minutes 00 seconds East a distance of 136.00 feet from an iron pipe found;

THENCE along the lands reputedly of Winkler, North 74 degrees 23 minutes 00 seconds East a distance of 200.00 feet to an iron pipe found;

THENCE along the westerly side of Wilson Avenue (unimproved), South 15 degrees 37 minutes 00 seconds East a distance of 240.00 feet to an iron pipe found;

THENCE along the lands reputedly of said Sicker, South 74 degrees 23 minutes 00 seconds West a distance of 200.00 feet, passing over an iron pipe found on line at 100.37 feet, to the point or place of BEGINNING.

PREMISES ALSO KNOWN AS: 128 NORTH DIX AVENUE, NEWBURGH, NY

DISTRICT: SECTION: 73 BLOCK: 7 LOT: 22.1

LIBER 5636 PAGE 102

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,

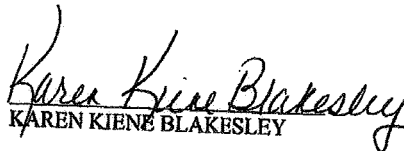
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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:


KAREN KIENE BLAKESLEY

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of Orange ss.:

On 8/17/01 before me, the undersigned, personally appeared, Karen Kiene Blakesley personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are), with subscribed to the within instrument and, acknowledged to me that he/she/they executed same in his/her/their capacity(ies) and that by his/her/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)

MARC KERCHMAN
Notary Public, State of New York
No. 02-47639DB

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)
State of _____ County of _____
Qualified in Orange County
Commission Expires: October 31, 2002

On _____ 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 acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/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 (insert city or political subdivision and state or country or other place acknowledgment taken)

signature & office of individual taking acknowledgment

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. 45110
BLAKESLEY

TO
LUKACH/WRIGHT

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ ss.:
County of _____

On _____ before me, the undersigned personally appeared the subscribing witness(es) to the foregoing instrument with whom I am personally acquainted who, being by me duly sworn did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto

(if taken outside New York State insert city or political subdivision and state or country or other place acknowledgment taken)

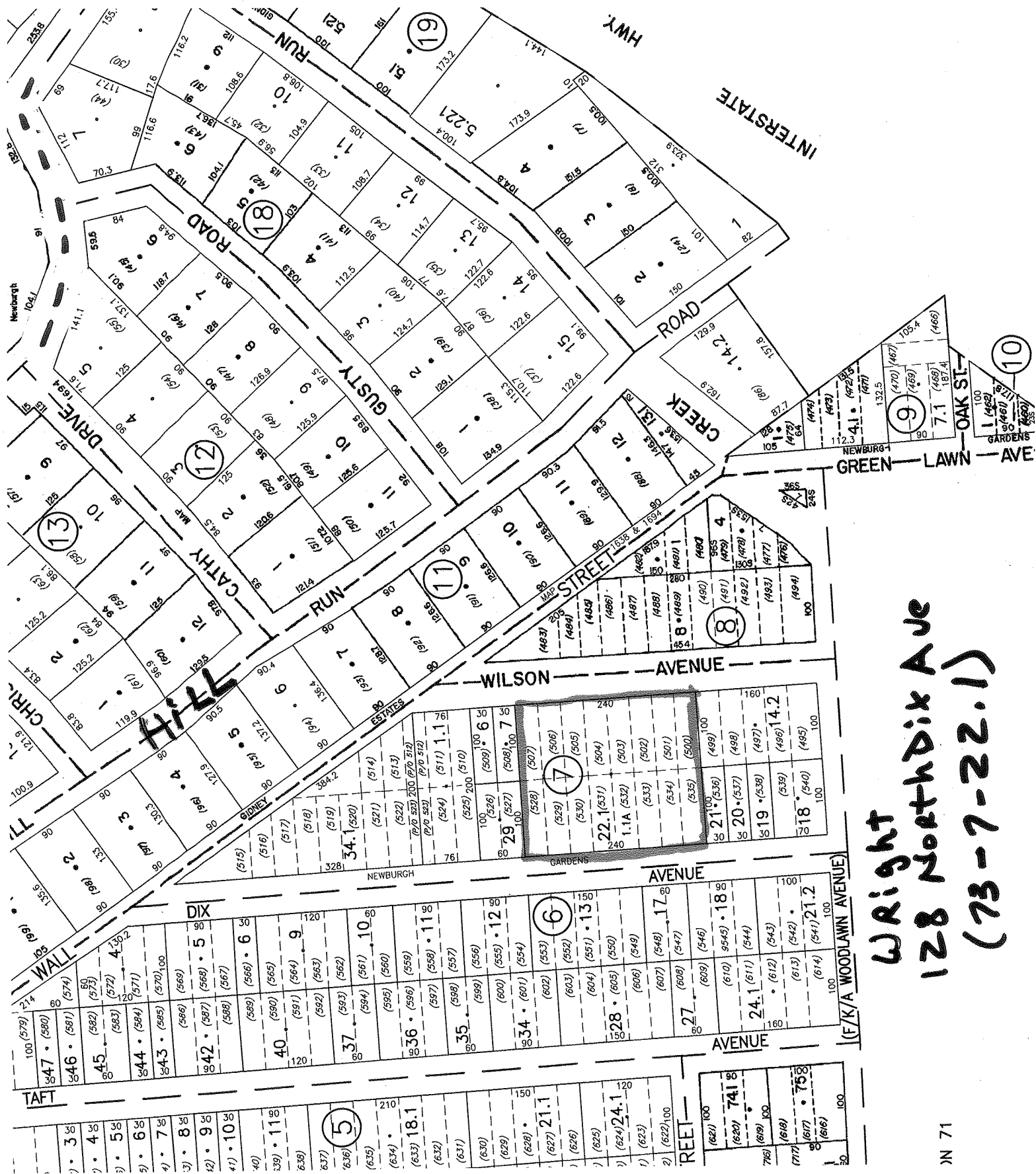
And that said subscribing witnesses made such appearance and before the undersigned in

signature & office of individual taking acknowledgment

SECTION 73
BLOCK 7
LOT 22.1
COUNTY OR TOWN ORANGE

RETURN BY MAIL TO:

GARY BOTCHMAN, ESQ
200 WHITE PLAINS RD., SUITE 110
TARRYTOWN, NEW YORK 10591



Wright
128 North Dix Ave
(73-7-22.1)