# 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: 6/2013

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

r(we) Brian Aquer PRESENTLY
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RESIDING AT NUMBER 7 Fairview Lane

TELEPHONE NUMBER 917 612 3185

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:

83 - 2 - 10. 2 (TAX MAP DESIGNATION)

7 Fairview Lane (STREET ADDRESS)

<u>R-1</u> (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-6-1

1

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: <u>61313</u>
- 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: relief from setback

requirement and Surface Carnage requirement

- 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:

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 expanded porch is in keeping with the cottage characker of the have and will be hardly noticeable to neighbors because the yard is well sacened from view by thees and shrubs.

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 expansion involves an existing, grandfathered sheemed porch.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The expanded porch will leave intact all of the trees and shrubbery that make the reighborhood pastoral, and the new size is proportional to the existing base.

- 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 expanded parch will not compromise the woodsy character of the lot.
- e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: The home was purchased with an old sheened porch too narrow to be serviceable.

3

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

8 Au
PETITIONER (3) SIGNATURE
STATE OF NEW YORK: COUNTY OR ORANGE:
STATE OF NEW YORK: COUNTY OR ORANGE:
SWORN TO THIS DO DAY OF June 20 B
pananan //
LAWRENCE W MARZOCCO Notary Public - State of New York
NO. 01MA6257435 INOTARY PUBLIC
My Commission Expires 3-12-16

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.

4

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

PART I - PROJECT INFORMATION (To be completed by Ap	pplicant or Project Sponsor)		
1. APPLICANT/SPONSOR	2. PROJECT NAME		
Brian Agnew	Expanded sheened porch		
3. PROJECT LOCATION:			
Municipality Newburgh	County Orange		
4. PRECISE LOCATION (Street address and road intersections, prominent li	andmarks, etc., or provide map)		
7 Fairview Lane			
5. PROPOSED ACTION IS:	n		
6. DESCRIBE PROJECT BRIEFLY:			
Expansion of existing schemed porch from 7×20 to 13×20			
7. AMOUNT OF LAND AFFECTED: Initially <u>2.2</u> acres Ultimately <u>2.2</u>	acres		
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTH	IER EXISTING LAND USE RESTRICTIONS?		
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Residential Industrial Commercial Describe:	Agriculture Park/Forest/Open Space Other		
(FEDERAL, STATE OR LOCAL)?	WOR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY nit/approvals: - Code Compliance Department		
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID I			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/AP	PROVAL REQUIRE MODIFICATION?		
Applicant/sponsor name: Brian Agnew	Date: <u>6/70/13</u>		
Signature:			
If the action is in the Coastal Area, and Coastal Assessment Form before p	you are a state agency, complete the roceeding with this assessment		
OVEF	2		

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Ager	icy)
A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTE declaration may be superseded by another involved agency.  Yes No	ED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE C1. Existing air quality, surface or groundwater quality or quantity, noise levels, exponential for erosion, drainage or flooding problems? Explain briefly:	E FOLLOWING: (Answers may be handwritten, if legible) kisting traffic pattern, solld waste production or disposal,
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural res	ources; or community or neighborhood character? Explain briefly;
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or the	rreatened or endangered species? Explain briefly:
C4. A community's existing plans or goals as officially adopted, or a change in use or in	ntensity of use of land or other natural resources? Explain briefly:
C5. Growth, subsequent development, or related activities likely to be induced by	the proposed action? Explain briefly:
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? E	xplain briefly:
C7. Other impacts (including changes in use of either quantity or type of energy)?	Explain briefly:
WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTE ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:	RISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL
IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTEN Yes No If Yes, explain briefly:	TIAL ADVERSE ENVIRONMENTAL IMPACTS?
RT III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency) INSTRUCTIONS: For each adverse effect identified above, determine whether effect should be assessed in connection with its (a) setting (i.e. urban or rura geographic scope; and (f) magnitude. If necessary, add attachments or refe sufficient detail to show that all relevant adverse impacts have been identified yes, the determination of significance must evaluate the potential impact of the p	(b) probability of occurring; (c) duration; (d) irreversibility; (d) probability of accurring; and adequately addressed. If question D of Part II was chosed and adequately addressed. If question D of Part II was chosed.
Check this box if you have identified one or more potentially large or significant a EAF and/or prepare a positive declaration.	
Check this box if you have determined, based on the information and analysis ab NOT result in any significant adverse environmental impacts AND provide, on a	ove and any supporting documentation, that the proposed action WIL 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





## 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



## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/13/2013

Application No. 13-0487

To: BRIAN AGNEW 7 FAIRVIEW LANE NEWBURGH, NY 12550

SBL: 83-2-10.2 ADDRESS:7 Fairview Ln

## ZONE: R-1

PLEASE TAKE NOTICE that your application dated 06/07/2013 for permit to REPLACE EXISTING SCREENED PORCH 7' X 20' WITH NEW SCREENED PORCH 13' X 20' WITH FIREPLACE on the premises located at 7 Fairview Ln is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section 185-19-C-1 shall not increase the degree of nonconformity (front yard required setbacks) and bulk table schedule 3 allows a maximum building surface coverage of 10% and a maximum lot surface coverage of 20%.

**Joseph Mattina** 

Cc: Town Clerk & Assessor (500') File

2363-13							
Town of	Newl	burah	Code				ND) GENORAL COLOR
OWNER INFORMATION	BUIL	t with out	t a permit	YES	/ NO		
NAME:	BRIAN AGNE	EW					
ADDRESS:7 FAIRVIEW LANE NEWBURGH NY 1550							
PROJECT INFORMATION:							
TYPE OF STRUCTURE:	13	X 20 ENCL	OSED SCRE	ENED IN PO	ORCH		
SBL: 83-2-10.2	ZONE:	R-1	nogu funció en ventró de anti Sociales de				
TOWN WATER:		TOWI	N SEWER:	N	<u>O</u> M		
	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE		
LOT AREA	9017 S.F.						
LOT WIDTH							
LOT DEPTH	a (na 1947) - Andre San (na 1947) - Andre Sa		·				
FRONT YARD	50'	8'					
REAR YARD	50'	17.5'	INCREASING THE DEGREE OF NONCONFORMITY. THE ENTIRE DWELLING IS LOCATED IN THE REQUIRED FRONT AND REAR YARD SETBACK				
SIDE YARD		i.					
MAX. BUILDING HEIGHT							
BUILDING COVERAGE	10.0%		15.8%	5.8%			
SURFACE COVERAGE	20.0%		33.3%	13.3%			
INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1							
ACCESSORY STRUCTURE:GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4YES / NOFRONT YARD - 185-15-AYES / NOSTORAGE OF MORE THEN 4 VEHICLESYES / NOHEIGHT MAX. 15 FEET - 185-15-A-1YES / NO10% MAXIMUM YARD COVERAGE - 185-15-A-3YES / NO						NO NO NO	
NOTES: FAIRVIEW LANE CREATES FRONT YARD ALONG MUCH OF THE PROPERTY. THE SHED HAS NO PERMIT AT THIS TIME AND IS IN THE FRONT YARD AND RIGHT OF WAY.							
VARIANCE(S) REQUIRED:							
1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY ( FRONT )							
2 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY ( REAR )							
3 BULK TABLE SCHEDULE 3 ALLOWS A MAXIMUM OF 10% BUILDING LOT COVERAGE							
4 BULK TABLE SCHEDULE 3 ALLOWS A MAXIMUM OF 20% SURFACE LOT COVERAGE.							

REVIEWED BY: JOSEPH MATTINA

DATE:

13-Jun-13

	ERK'S OFFICE RECORDING PAGE THE INSTRUMENT - DO NOT REMOVE SECTION 83 BLOCK 2 LOT 10.2		
Gregory A. Grann	RECORD AND RETURN TO: (name and address)		
то Brian Agnew	Dan Rusk PO BOX727 Marlborn NY 12542		
THIS IS PAGE ONE OF THE RECORD			
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY DO NOT WRITE BELOW THIS LINE			
PROPERTY LOCATION        2089 BLOOMING GROVE (TN)        2001 WASHINGTONVILLE (VLG)        2003 SO. BLOOMING GROVE (VLG)        2289 CHESTER (TN)        2211 CHESTER (VLG)        2489 CORNWALL (TN)        2401 CORNWALL (TN)        2401 CORNWALL (VLG)        2600 CRAWFORD (TN)        2800 DEERPARK (TN)        3089 GOSHEN (VLG)        3001 GOSHEN (VLG)        3003 FLORIDA (VLG)        3005 CHESTER (VLG)        3005 CHESTER (VLG)        3005 CHESTER (VLG)        3005 CHESTER (VLG)        3006 GREENVILLE (TN)        3489 HAMPTONBURGH (TN)        3401 MAYBROOK (VLG)        3689 HIGHLANDS (TN)        3601 HIGHLAND FALLS (VLG)        3890 MINISINK (TN)        3801 UNIONVILLE (VLG)        4001 MONROE (TN)        4001 MONROE (VLG)        4003 HARRIMAN (VLG)        4005 KIRYAS JOEL (VLG)	4289    MONTGOMERY (TN)    NO. PAGES    CROSS REF		

DONNA L. BENSON ORANGE COUNTY CLERK Received From Prime Title

RECORDED/FILED 09/19/2012/ 09:50:49 DONNA L. BENSON County Clerk ORANGE COUNTY, NY FILE#20120087299 DEED R / BK 13410PG 0709 RECORDING FEES 195.00 TTX# 000863 T TAX 690.00 Receipt#1503031 maryp



Book13410/Page709

STATE OF NEW YORK (COULD) OF DRANGED SS. I, BORMA L. BENSON, COUNTY CLERK AND THEN OF THE SUPREME AND COUNTY COURTS, CHANGE CHONTY, DO SUPREME AND COUNTY COURTS, CHANGE CHONTY, DO HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY WITH HEREBY CERTIFY THAT I HAVE COMPARIED THIS COPY AND THE SAME IS A CONRECT THANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREBY TO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna d. benen. 6-21-13

County Clerk & Clerk of the Supreme County Courts. Orange County

## 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 18<sup>th</sup> day of September, two thousand and twelve, between

**GREGORY A. GRANN**, residing at 310 SOUTH AVENUE, BEACON, NY 12508,

party of the first part, and

BRIAN AGNEW, residing at 40 CLINTON STREET, APT. 11K, BROOKLYN, NY 11201,

party of the second part,

*WITNESSETH*, that the party of the first part, in consideration of TEN dollars (\$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, County of Orange, State of New York and more particularly described on Schedule 'A' attached hereto and made a part hereof.

#### 83-2-10.2

#### [Premises tax map]

**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.

#### Acknowledgment

## STATE OF NEW YORK ) ) COUNTY OF ORANGE )

) ss.:

On the 18<sup>th</sup> day of September, in the year 2012 before me, the undersigned, personally appeared

### **GREGORY A. GRANN**

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/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.

(signature and office of individual taking acknowledgment)

STEPHEN P. DUGGAN, III Notary Public, State of New York Chalified in Orange County Hort, No. 02DU1038120 Commission Expires June 30, 2015

#### LEGAL DESCRIPTION

#### SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being part of lot 10 as shown on a certain map entitled "KAHN ESTATE SUBDIVISION" filed in the Orange County Clerks Office on April 19, 1956 as map number 1664, bounded and described as follows:

BEGINNING at a  $5/8^{\circ}$  iron rod at the dividing line of lots 9 & 10 as shown on the abovementioned filed map and being South 17 degrees 48 minutes 00 seconds West a distance of 114.97 feet from a  $1/2^{\circ}$  iron rod on the southerly side of BEECH STREET;

- THENCE along the center of FAIRVIEW LANE (25 foot wide, private road) and along the lands now or formerly TALLARDY (liber 3454 page 188, map no. 104-98) the following three (3) courses and distances:

  - South 62 degrees 48 minutes 10 seconds West a distance of 63.65 feet;
    North 72 degrees 12 minutes 00 seconds West a distance of 50.00 feet;
    North 58 degrees 25 minutes 10 seconds West a distance of 45.81 feet to a
  - point;
- THENCE along the lands now or formerly KREUSSER (liber 5206 page 341, map no. 104-98) the following three (3) courses and distances:
  - 1) North 22 degrees 31 minutes 10 seconds East a distance of 13.54 feet to a 3/4" iron pipe;
  - $\gtrsim$ ) North 01 degrees 23 minutes 00 seconds East a distance of 31.05 feet to a 3/4" iron pipe;
  - 3) North 15 degrees 34 minutes 30 seconds East a distance of 15.00 feet to a  $1/2^{\circ}$ iron rod;
- THENCE South 74 degrees 25 minutes 30 seconds East a distance of 147.84 feet along the lands now or formerly SOLOMAN (liber 2320 page 280, part of lot 10, map no. 1664) to a 1/2'' iron rod;
- THENCE South 17 degrees 48 minutes 00 seconds West a distance of 29.91 feet along the easterly side of FAIRVIEW LANE (25 feet wide, private road) & lands now or formerly SHAPIRO (liber 3733 page 70, lot 13 map no. 1657) to the point of BEGINNING.

TOGETHER with and subject to covenants, easements and restrictions of record. CONTAINING - 0.207 acres of land more or less.

BEING the same premises described in that certain deed dated the 9<sup>th</sup> day of January, 2001 from MIGNON S. GRANN to GREGORY A. GRANN, which deed was recorded in the Orange County Clerk's Office on the 24<sup>th</sup> day of January, 2002 in Liber 5757 of deeds at page 241.



