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:	8	/13	B	/
	li li			

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

I (WE) DOUGLAS	FLEC	KEUSEN	PRI	ESENTLY
RESIDING AT NUMBER	25	DOGWO	CD	LAUE
TELEPHONE NUMBER	565	. 5474		

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:

<u>125 DOGWOOD (ALE</u>(STREET ADDRESS)
 <u>125 DOGWOOD (ALE</u>(STREET ADDRESS)
 <u>2-</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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

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: $\frac{8}{28}/13$
 - 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: FRONT 4 ARA

ARIANICE 3 TPE

- 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: FRONT PORCH WILL ADD TD OF HOUSE 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: LINE & EXISTING ROCES REQUIRE PORCH TO PROJECT TO NOT TRAP WATER. c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL **BECAUSE:** FRONT PROPPETY LINE & CURUNA. ARIANCE ww. BE SAME AS EKESTNIA GOZNER d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: FRADEP FORCH DOES NAT INGREASE NON CONFORMING OF FSC BURNUN HOI

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e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

COMPLYING WITH ZONING	
Wald MAKE A SHALL PORCH	acama.
WINTA DIFFICULT ROCF	

7. ADDITIONAL REASONS (IF PERTINENT):

4

IONER (S) SIGNATURE PETI

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS <u>/3+h</u> DAY OF Au 20 G

EILEEN V ALLEN Lic. #01AL6001859 Notery Public-State of New York Qualified in Orange My Commission Expires JANUARY 26. 3014

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

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

PROXY CICELISED, DEPOSES AND SAYS THAT **HE/SHE RESIDES AT** OGUODO (16 eda F IN THE COUNTY OF ORALY E AND STATE OF NEW YORK AND THAT HE/SHE IS THE OWNER IN FEE OF 125 OGWDOD ALE L WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-TION AND THAT HE/SHE HAS AUTHORIZED TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN. DATED: **WNER'S SIGNATURE**

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20 13 <u> 240</u> DAY OF S

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NOTARY PUBLIC

EILEEN V ALLEN Lic. #01AL6001858 Notary Public-State of New York Qualified in Orange My Commission Expires JANUARY 26, 2014 5

617.20 Appendix C State Environmental Quality Review SHORT ENVIRONMENTAL ASSESSMENT FORM

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)	
1. APPLICANT/SPONSOR 2. PROJECT NAME	
DAVID FREEMAN RA PORCH APPMON	TO FLECKANSTEL
3. PROJECT LOCATION:	
Municipality TOWN OF NEW BURGH County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 125 DOGWOOD LANE	
5. PROPOSED ACTION IS:	
6. DESCRIBE PROJECT BRIEFLY: CONSTRUCT B'& 8' COURSED FRONT PORC TO FRONT OF HOUSE	<u>.</u>
7. AMOUNT OF LAND AFFECTED: Initially acres Ultimately acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTION Yes IN No. describe briefly REQUIRES 3 FRONT YARD	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Magniculture Park/Forest/Open S Describe: SINGLE FAMILY HOMES	pace 🔲 Other
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER (FEDERAL, STATE OR LOCAL)? Image: Comparison of the state	R GOVERNMENTAL AGENCY
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? Yes No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY K Applicant/sponsor mame:	NOWLEDGE Date: <u><u>2</u>/27/13</u>
If the action is in the Coastal Area, and you are a state agency, o Coastal Assessment Form before proceeding with this asse	complete the essment
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COULD	D AC1	ION RES	ULT IN A	NY ADVER	SE EFFECT	S ASSOCIAT	ED WITH THE	FOLLOWI	NG: (Answers	may be hand	written, if legi	ible)
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C2. A	\esthe	tic, agricu	ltural, arc	haeologica	l, historic, or e	other natural	or cultural reso	urces; or co	ommunity or n	eighborhood c	character? Ex	kplain briefly:
C3. V	/egeta	tion or fau	ina, fish, i	shellfish or	wildlife specie	es, significan	t habitats, or th	reatened or	endangered	species? Expl	ain briefly:	
C4. A	\ comr	nunity's exi	sting plan	is or goals a	s officially adc	pted, or a cha	ange in use or in	tensity of us	e of land or ot	her natural reso	ources? Expla	ain briefly:
C5. G	Growth	, subsequ	ent devel	opment, or	related activi	ties likely to I	be induced by th	he propose	d action? Exp	lain briefly:		
C6. L	ong te	erm, short	term, cur	nulative, or	other effects	not identified	l in C1-C5? Ex	plain briefly	/ :			
C7. O)ther i	npacts (in	cluding c	hanges in u	ise of either o	uantity or typ	be of energy)?	Explain brie	əfly:			
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lon d	TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT	CLERK'S OFFICE RECORDING PAGE
	JOSEPH R. & MARIE G. RODRIGUEZ	RECORD AND RETURN TO:
$\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{$		(unue and address)
	TO DOUGLAS L. & RHEA F. FLECKENSTEIN	KEVIN V. BRENNEN, ESQ. 284 MAIN STREET CORNWALL, NY 12518
	THIS IS PAGE ONE OF THE RECORDING	
		RITE BELOW THIS LINE
	INSTRUMENT TYPE: DEEDMORTGAGE	SATISFACTIONASSIGNMENTOTHER
	$ \begin{array}{c} \hline \\ \hline $	MONTGOMERY (VLG) MAP#PGS
	ORANGE CUINTY CLERK	CEIVED FROM: Gostien Securchers
JONNA L. BEN IPREME AND C REBY CINTIFY E ORIGINAL TI I /2 - 27- ANSCRIPT TH		LIBER 5427 PAGE 202 LIBER 5427 PAGE 202 NGE COUNTY CLERKS OFFICE 70005 DAB DRDED/FILED 12/21/2000 02:06:22 PM
UNTY CLERK &	CLERK OF THE SUPREME COUNTY COUNTS	
ANGE COUNT		ED CNTL NO 66957 RE TAX 1100.00

atd N Y B T U I vern 8082 Bargain & s swienant against granter's acts - Ind. or i

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

THIS INDENTURE, made on	18,2000	G0 10841
BETWEEN	•.	

JOSEPH R. RODRIGUEZ AND MARIE G. RODRIGUEZ, Husband & Wife 125 Dogwood Lane Newburgh, NY 12550

party of the first part, and

DOUGLAS L. FLECKENSTEIN & RHEA F. FLECKENSTEIN, Husband & Wife 1210 Route 300 Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration 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, AS PER DESCRIPTION ATTACHED HERETO.

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 format.

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 a foresaid. 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 deed

Aand vear first above au Jøseph R. Rodrigue

GOSHEN SEARCHERS INC. 20 SCOTCHTOWN AVENUE 20 SCOTCHTOWN AVENUE 008HEN, NEW YORK 10924 OFFICE: 814-294-48110 COUNTY BUILDING: 914-294-4913 NEWBURGH TIE LINE: 914-894-9150 FAX 914-294-9891

Marie G. Rodriguez LIBER 5427 PAGE 203

ACKNOWLEDOMENT IN NEW VORK BTATE (RPL 200-2) State of New York, County of O/OL LG-C

On Dece mboc 18, 2000 before me, the undersigned,

Joseph R. Rodriguez & Marie G. Rodriguez 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.

wledoment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of County of ss.: On before me, the undersigned,

personally appeared

TITLE No.

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, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

tsignature and office of individual taking acknowledgment)

Bargain and Sale Beed WITH COVENANT AGAINST GRANTOR'S ACTS ACTINOWLEDGMENT BY SUBSCRIBING WITHEBS(ES) State of 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);

MICHELLE ANDERSON Notary Public, State of New York Qualified in Orange County Registration #02AN4972943 Commission Expires October 6, 20

that he/she/they know(s)

68.:

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 pollical subdivision and state or country or other place acknowledgment taken. And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

SECTION BLOCK LOT COUNTY OR TOWN

TO RETURN BY MAIL TO: ZIP No. UBER 54277PAGE 204

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, more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Docwood Lane, as extended, said point being the northeast corner of lands described in a deed to Anita Kempler, dated October 4, 1957 and recorded in the Orange County Clerk's Office October 15, 1957 in Liber 1443 of Deeds at page 59, and being North 23 degrees 12' 10" East 859.82 feet from the junction of the westerly line of Dogwood Lane, as extended, and North 66 degrees 47' 50" West 183.0 feet to a point, said point being the northwest corner of lands of the said Anita Kempler; thence North 12 degrees 6' 30" East 151.76 feet to lands now or formerly of Leff; thence along the same South 86 degrees 57' 10" East 200 feet to a along the westerly line of Dogwood Lane, as extended, thence feet to a point of tangency; thence still along the westerly line of Dogwood Lane, as extended, South 23 degrees 12' 10" West 80 feet to the point or place of beginning.

BEING AND INTENDED to be the same premises conveyed by deed dated 8/5/87 Joseph G. Russell and Dorothy F. Russell to Joseph R. Rodriguez and Marie G. Rodriguez recorded in the Orange County Clerk's office on 8/10/87 in Liber 2766 page 295.

LIBER 5427 PAGE 205



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: 08/28/2013

Application No. 13-0747

To: Douglas Fleckenstein 125 Dogwood Ln Newburgh, NY 12550

SBL: 78-2-3 ADDRESS:125 Dogwood Ln

ZONE: R-1

PLEASE TAKE NOTICE that your application dated 07/23/2013 for permit to build a 8'-4" x 7'-8" covered front porch on the premises located at 125 Dogwood 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 non-conformity.

Joseph Mattina

Cc: Town Clerk & Assessor (500') File



Town of	New	burah	Code	e Con	plian	<u>26</u>	
OWNER INFORMATION	BUIL	T WITH OUT	A PERMIT		NO	000-13	
NAME: DOUG	NAME: DOUGLAS FLECKENSTEIN 75001						
ADDRESS: 125 DOGWOOD LANE NEWBURGH NY 12550							
PROJECT INFORMATIO	N;						
TYPE OF STRUCTURE:		8'-4'' X 7'-8''	COVERED	FRONT POI	RCH	parameters concentration of the second	
SBL: 78-2-3	ZONE:	R-1	unio a contra de cont				
TOWN WATER:		TOWN	SEWER:				
	MINIMUM	EXISTING	PROPOSED /	VARIANCE	PERCENTAGE		
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REAR YARD				NON COI			
SIDE YARD	annan freisinn an ar an						
MAX. BUILDING HEIGHT							
BUILDING COVERAGE							
SURFACE COVERAGE	********]	
INCREASING DEGREE OF N 2 OR MORE FRONT YARDS CORNER LOT - 185-17-A			19-C-1	Shapan av sakana de nedana ke dan Shapan av sakana ke terbar de sak Nakan de sakana ke terbar de terb		ES / NO ES / NO ES / NO	
ACCESSORY STRUCTU GREATER THEN 1000 S.F. O FRONT YARD - 185-15-A STORAGE OF MORE THEN HEIGHT MAX. 15 FEET - 185 10% MAXIMUM YARD COVE	R BY FORM 4 VEHICLES -15-A-1	inicom in inacce in increase ances in occurs in course in ances	a ita jayayoo ita jawayoo ita jacama ka u uu uuuuuu uu aaanaa uu acutta ee		an ia kana ka kana ka kata ka	ES / NO ES / NO ES / NO ES / NO ES / NO	
NOTES: NON CONFOR	MING 50' FI		EXISTING I:) HAS A C.O.		Posed Porc	:H IS 47'	
VARIANCE(S) REQUIRE	ED:						
1 <u>185-19-C-1 SHALL NOT IN</u> 2 3	معروب والمعالم المراجع المراجع المراجع المراجع			ne e população da compansión de compansión de compansión de compansión de compansión de compansión de compansión Nana un company de company de compansión de compansión de compansión de compansión de compansión de compansión d			
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REVIEWED BY:	JOSEPH M/	ATTINA	D	ATE:	28-Aug-13	#####\$P\$#\$############################	

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