

NOF NEWBURGH. Crossroads of the Northeast.

OFFICE O (84

YORK	308	G BOARD OF OLD TOWN H GARDNERTOW	ALL IN ROAD		
	Newbur	GH, NEW YOU			
		APPLICA	ATION		
F ZONING BOARD 5) 566-4901			DATED:	JUNE	2020
TO: THE ZONIN THE TOWN	G BOARD OF OF NEWBURG		RK 12550		
RESIDING AT NUI	INNEL	DRI FR	ank_p	RESENTLY	
RESIDING AT NUI	MBER <u>48</u>	ODEU	Circu	E, NEW BL	ugh. n
TELEPHONE NUM	BER_845	5-863	5231		
HEREBY MAKE A THE FOLLOWING		ГО ТНЕ ZON	IING BOARD	OF APPEALS FO	R
***************************************		A USE VA	ARIANCE		
***************************************		AN AREA	VARIANCE		
70 No. 100 (100 (100 (100 (100 (100 (100 (100		INTERPR	ETATION OF	THE ORDINANC	E
		SPECIAL	PERMIT		
1. LOCATION		ERTY:			
	-24		K MAP DESIG		
4800	ELLCI	BCLESTR	EET ADDRE	SS)	
K	(1	(ZOI	NING DISTRI	CT)	
SECTION A		ON OF THE	ZONING LA	(INDICATE THE W APPLICABLE I	3Y
1042	- 1042 (b) 2			



TOWN OF NEWBURGH

__Crossroads of the Northeast ____

ZONING BOARD OF APPEALS

OLD TOWN HALL

308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK, 12550

	VOW.	308 Gardnertown Road Newburgh, New York 12550
3.	IF VA	RIANCE TO THE ZONING LAW IS REQUESTED:
	a)	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
} ,	DESC	RIPTION OF VARIANCE SOUGHT: AREA
5.	IF A U	SE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING 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 DECK WILL BE IN CONFORMANCE and Opplarance of neighboring secks.
	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: WE CAN'T FULLIGE AS WERE TOO CLOSS TO THE PROPERTY JUNE.
	7	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: THE EXISTING IN DECK PRE JUST SHOVE OF AL COMMEND AND TO DECK ARE JUST SHOVE OF THE DECK WITH DE IN COMMENCE + CAPPICATION CO. OF NEIGHBORING DECKS. THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: THERE WILL BE NO DIVISION CONVIRONMENTAL
	e)	CONCLITIONS EXECTING THE NEIGHBON POOR ON DISTRICT: THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: THE DECK WAS ON THE HOUSE WHEN WE BOUGHT IT.

7. ADDITIONAL REASONS	(IF PERTINENT):
	of M soluted
	PETITIONER (S) SIGNATURE
STATE OF NEW YORK: COUNT	Y OF ORANGE:
157	AY OF $\frac{1}{20}$ $\frac{1}{20}$
	NOTARY PUBLIC
TRACY A. SUGAMELI Notary Public, State of New York Qualified in Orange County No. 01SU5041850 Commission Expires	

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or invetigation 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	
BILL LYNN & I DRI FRANK	
Traine of Action of Project:	
Kemore existing deck+ construct NEW Dock	
Project Location (describe, and attack a location map):	
48 ODELL CIRCLE	
Brief Description of Proposed Action:	
Brief Description of Proposed Action: 6x30 Remove existing dock, Construct NA	ω
Deck14x30	
Name of Applicant or Sponsor: Telephone: \$115-01	2 6020
TILL TUNG OF FROM	3-5230
Address;	ehve.RR. COI
48 ODEU CIRCIE	
City/PO:	p Code:
NEWOUKGA	2550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordnance	NO YES
1 wanning and a trice of (edius) (a)	110 1150
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.	
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 YES
	X
3.a. Total acreage of the site of the proposed action? **Tes** Tres** Tres**	
b. Total acreage to be physically disturbed?	
c. Total acreage (project site and any contiguous properties) owned	
or controlled by the applicant or project sponsor?	
4. Check all land uses that occur on, adjoining and near the proposed action.	
Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)	
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	
Parkland	

5 7-47		
5. Is the proposed action, a. A permitted use under the zoning regulations?	YES	S N/A
d. 11 permitted use under the zoning regulations?	111	
b. Consistent with the adopted comprehensive plan?	11	
6. Is the proposed action consistent with the predominant character of the	NO	YES
	一	X
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
If Yes, identify: Area?		1100
8 a Will the proposed action of the		· L_
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed adion?	区	
	X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of he proposed action?	冈	情
7. DOES the proposed action meet or exceed the state	NO	YES
If the proposed action will exceed requirements, describe design features and technologies:	57	-
	X	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water:		
r	X	
11. Will the proposed action connect to existing wastewater utilities?	L	
	NO	YES
If No, describe method for providing wastewater treatment:	M	П
12. a. Does the site contain a structure that is listed as it of the site contains a structure that is listed as it.	J	
12. a. Does the site contain a structure that is listed on either the State or National Registr of Historic Places?	NO	YES
b. Is the proposed action located in an archeological sensitive area?		
	X	
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
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	X	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	X	
	1	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that a Shoreline Forest Agricultural/grasslands Teath and the project site.	pply:	
Shoreline		
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
	X	
16. Is the project site located in the 100 year flood plain?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point ources?	X	
ii i es,	NO	YES
a. Will storm water discharges flow to adjacent properties?	X	
b. Will storm water discharges be directed to established conveyance systems (runofferd storm drains)?		
If Yes, briefly describe: (tunon and storm drains)?		
	-	

18. Does the proposed action include construction or other activities that result in the ispoundment of water or other liquids (e.g. retention pand, water la-	NO	XIMO
	14.0	YES
If Yes, explain purpose and size:	1: '	
	V	
		1
19. Has the site of the proposed action or an adjoining property been the location of anictive or closed solid waste management facility?	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ļ
solid waste management facility?	NO	YES
If Yes, describe:		
	A	
20. Has the site of the proposed action or an all the] '	
20. Has the site of the proposed action or an adjoining property been the subject of remaliation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	1	السيا
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I		
KNOWLEDGE CURATE TO THE I	BEST O	FMY
Applicant/sponsor name: DILLYNN & LORIFRANK		
Signature: Date: Ju	ino	2020
righter was a fire	7	
WW W TEAR		



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

2839- 20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/26/2020

Application No. 20-0355

To: William D Lynn 48 Odell Circle Newburgh, NY 12550

SBL: 51-1-24

ADDRESS:48 Odell Cir

ZONE: R1

PLEASE TAKE NOTICE that your application dated 05/08/2020 for permit to remove existing 6' x 30' deck and replace with 14' x 30' deck on the premises located at 48 Odell Cir is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (1 side yard)

2) 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side yard)

Joseph Mattina

Cc: Town Clerk & Assessor (500')

File

Town of Newburgh Code Compliance

OWNER INFORMATION	N BUIL	T WITH OL	TA PERMIT	VES .	/ NO		
IAME: William D Lynn			Building permit #		20-0355		
ADDRESS:	48	O'Dell Circle	Newburgh NY	′ 12550			-
PROJECT INFORMATION	ON:	AREA V	ARIANCE	<u>USE</u>	VARIANCE	į	
TYPE OF STRUCTURE:			14' x 30' de	eck			
SBL : 51-1-24	ZONE:	R-1	ZB	A Application	#_ Z83	G- "	- 20_
TOWN WATER: YES /	NO	TOW	N SEWER:	YES / NO			
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE		
LOT AREA							
LOT WIDTH							
LOT DEPTH					7		
ONE SIDE YARD	30'	9.7'	Increasing th	e degree of non	-conformity		
COMBINED SIDE YARD	80'	35.7'	Increasing th	e degree of non	-conformity		
SIDE YARD					**************************************		
MAX. BUILDING HEIGHT							
BUILDING COVERAGE							
SURFACE COVERAGE							
INCREASING DEGREE OF N 2 OR MORE FRONT YARDS CORNER LOT - 185-17-A		ROPERTY			YE	S /	NO NO NO
GREATER THEN 1000 S.F. C	R BY FORM	JLA - 185-15	-A-4		YE	S /	NO
FRONT YARD - 185-15-A STORAGE OF MORE THEN	A VEDICTES				YE		NO
HEIGHT MAX. 15 FEET - 185	-15-A-1				- — - — - YE YE		NO NO
10% MAXIMUM YARD COVEI	RAGE - 185-1	5-A-3			YE	S /	NO
	ing a 6' x 30	_	on-conformir	ng deck with	a 14' x 30'		
VARIANCE(S) REQUIRE							
1 185-19-C-1: Shall not incre	ase the degre	e of non-con	formity. (1 side	e yard)			
2 185-19-C-1: Shall not incre	ase the degre	e of non-con	formitv. (Comb	pined side vard	1)		
3							
4							
REVIEWED BY:				ΓE: 2	26-Mav-20		



ORANGE COUNTY - STATE OF NEW YORK

ANN G. RABBITT, COUNTY CLERK 255 MAIN STREET **GOSHEN, NEW YORK 10924**

COUNTY CLERK'S RECORDING PAGE ***THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH***

|--|--|--|--|

BOOK/PAGE: 14601 / 380 INSTRUMENT #: 20190054084

Receipt#: 2683183

Clerk: JM Rec Date: 07/30/2019 11:14:17 AM

Doc Grp: D Descrip: DEED Num Pgs: 4

Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: **GUTIERREZ ADELFA** Party2: LYNN WILLIAM D Town: NEWBURGH (TN)

51-1-24

Recording:

40.00 Recording Fee 14.25 Cultural Ed 1.00 Records Management - Coun Records Management - Stat 4.75 TP584 5.00 116.00 RP5217 Residential/Agricu RP5217 - County 9.00

190.00 Sub Total:

Transfer Tax

Transfer Tax - State 1400.00

Sub Total:

1400.00

1590.00 Total: **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 11353
Transfer Tax

Consideration: 350000.00

Transfer Tax - State 1400.00

Total:

1400.00

Payment Type:

Check

Cash

Charge

No Fee ____

Comment:

Chy G. Ralbert

Ann G. Rabbitt Orange County Clerk

Record and Return To:

PATRICIA A. COCCHIA 2640 ROUTE 9W CORNWALL, NY 12518

1 4

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

FORM 8002 (short version), FORM 8007 (long version)
CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 24th day of June, 2019, Effective as of July 15, 2019

BETWEEN ADELFA GUTIERREZ, 48 Odell Circle, Newburgh, NY 12550, party of the first part, and WILLIAM D. LYNN and LORI FRANK/46 Todd Lane, Newburgh, NY 12550, party of the second part Husband and Wife

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, County of Orange and State of New York more particularly described in Schedule A attached hereto and made a part hereof.

BEING the same lands and premises described in a deed dated August 28, 2018 from Jamie Gutierrez to Adelfa Gutierrez recorded in the Orange County Clerk's Office on August 29, 2018 in Liber 14452 at page 1495.

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.

ADELFA GŲTIERREZ

CTATE OF ELODIDA)
STATE OF FLORIDA) ss.:
COUNTY OF St.) NINS)
5	,

On the A day of June, 2019, before me, the undersigned, personally appeared ADELFA GUTIERREZ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is are subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

	STATE OF FLORIDA COUNTY OF 14) OMOS The foregoing instrument was acknowledged before me this 24 day of 2019 by AMSTA BURNETE	
Charles and the control of the contr	PERSONALLY KNOWN TO ME PRODUCED AS IDENTIFICATION (FU) (計: 公名(の)-000-010-010) Type of identification	-

JOHANNA BARRIOS
Commission # GG 231412
Expires June 21, 2022
Bonded Thru Troy Faln Insurance 800-385-7019

RECORD & RETURN TO:

PATRICIA COCCHIA, ESQ. 2640 Route 9W Cornwall, NY 12518

Stewart Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-196653-O

Policy No.: Owner Policy: 714577183

REVISED JULY 12, 2019

ALL that certain lot, 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 shown and designated as Lot No. 24 and the southerly portion of Lot No. 23 on a certain map entitled "Orange Lake Park," which map was filed in the Orange County Clerk's Office on June 26, 1951 as Filed Map No. 1476, being bounded and described as follows:

BEGINNING at a point on the westerly side of Odell Circle, said point being the northeasterly most corner of Filed Map Lot No. 25, the lands reputedly of Wong (Liber 13959 pg 1269);

THENCE from said point or place of beginning and along said Filed Map Lot No. 25, the lands reputedly of Wong, and passing over an iron pin found on line at 127.61 feet, North 85 degrees 08' 00" West, 143.12 feet;

THENCE along Orange Lake, North 06 degrees 36' 46" East, 66.40 feet;

THENCE through Filed Map Lot No. 23 and being along the lands reputedly of Petrosino (Liber 4542 pg 44), South 83 degrees 29' 00" East, 131.20 feet to an iron pipe found;

THENCE along the westerly side of said Odell Circle, South 04 degrees 10' 00" East, 63.38 feet to the point or place of BEGINNING, as surveyed by Howard W. Weeden, PLS PC, Walden, New York on June 18, 2019.

For Information Only:

Said Premise being known as 48 Odell Circle, Newburgh, NY.

Section: 51 Block: 1 Lot: 24

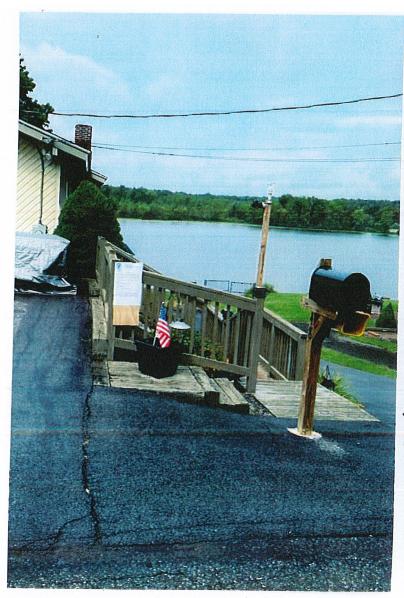




AFFIDAVIT OF POSTING(S) OF NOTICE OF PUBLIC HEARING AT THE PROPERTY

STATE OF NEW YORK: COUNTY OF ORANGE:
$I \longrightarrow I \cap A \cap D$, $O \cap A \cap A \cap A \cap A$ being duly sworn, depose and say that I did on or before
August 13, 2020, post and will thereafter maintain at
48 O'Dell Circle 51-1-24 R-1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time. Sworn to before me this additional time.
TRACY A. SUGAMELI Notary Public, State of New York Qualified in Orange County No. 01SU5041850 Commission Expires

D. Sugameli





ORANGE LAKE N06°36'46"E 66.40 dock rot. iron pin found on line 15.51' from corner Reputed P/O FM Lot 23

(deed liber: 4542, page: 44) filed map lot line M.00.80.58N Reputed Owner: WONG (deed liber: 13959, page: 1269) 583'29'00"E \circ_{co} FM Lot 25 Owner: 不知少 EXISTing porch/DECK conc. patio) conc. tramo/brick paved adjoining driveway driveway iron pin 204.10<u>00.E</u> 82.38, drive on line TIBOO CIBCLE

K