

**Z697-18 (A)** TOWN OF NEWBURGH \_\_\_\_\_Crossroads of the Mortheast \_\_\_\_\_

ZONING BOARD OF APPEALS

Old Town Hall 308 Gardnertown Road Newburgh, New York 12550

Office Of Zoning Board (845) 566-4901

APPLICATION DATED:

REARDECK

*R* x 2 3

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

Mennelaar I (WE) Jason PRESENTLY RESIDING AT NUMBER 38 West Chester, NY 10518 ave

TELEPHONE NUMBER 845-781-6056

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



1. LOCATION OF THE PROPERTY:

27 - 3 - 16	(TAX MAP DESIGNATION)
46 sloane re	(STREET ADDRESS)
R3	(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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SHARE NEWSLAND A CHE DANNADANE AND CHE
TOWN OF NEWBURGH
ZONING BOARD OF APPEALS
OLD TOWN HALL 308 GARDNERTOWN ROAD
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 fost print of the house is the same Z3' densities It is only an extension of the back. Will not obstruct any views
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: <u>It is arca that I need</u> . <u>It is</u> <u>back Jeck</u> ,
c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: It doesn't effect any public service
d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: If will mat be about out of any views.
e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: <u>Here</u> is a Uniance needed to build such stucture



# TOWN OF NEWBURGH

\_\_\_Crossroads of the Northeast \_\_\_\_\_

ZONING BOARD OF APPEALS

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	7. ADDITIONAL REASONS (IF PERTINENT): There is already a door in the back of the boase, showing st one time there may have been a deek
	PETITIONER (S) SIGNATURE
S	STATE OF NEW YORK: COUNTY OF ORANGE:
<b>.</b>	SWORN TO THIS 7 DAY OF September 20 18
	JOSEPH P. PEDI NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PE6370913 Qualified in Orange County Commission Expires February 12, 2022

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)

4

## 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 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		
46 Sloane Rd Jason Menmelaar		
Name of Action or Project:		
Deck		
Project Location (describe, and attach a location map):	**** ** ***	
Back of house		
Brief Description of Proposed Action:		
To build an 8'x 23' deck with States off the	beci	K
& the house		
Name of Applicant or Sponsor: Telephone: out - 281-6		
	056	
Jason Memmelaar E-Mail: doubledigits/	Chota	<u>ailcon</u>
Address:	-	
38 west are		
City/PO: State: Zip	Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance.	0918	N/DO
administrative rule, or regulation?	NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that	X	
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
Town of Newburgh Building Permit		Ø
3.a. Total acreage of the site of the proposed action?		
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? 23 acres		
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)		
Forest Agriculture Aquatic Other (specify):		

<ol> <li>Is the proposed action,</li> <li>a. A permitted use under the zoning regulations?</li> </ol>	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			H
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A If Yes, identify:	rea?	NO	YES
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 action?		Ø	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?	Ø	
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:			YES
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water: <u>Existing well</u>			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: <u><b>RXisting</b></u> septic		Ø	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?		R	
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?	n	NO NO	YES
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:		Z	
		series) Areas Areas and areas	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a         □ Shoreline       □ Forest       □ Agricultural/grasslands       □ Early mid-succession         □ Wetland       □ Urban       □ Suburban		pply:	
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
16. Is the project site located in the 100 year flood plain?		NO NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		NO	- YES
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	s)?		

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)?	NO	YES
If Yes, explain purpose and size:		ł
	Laurand	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?		
If Yes, describe:		
	Ľ	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?	no	1 E/S
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO, THE I	BEST O	FMY
KNOWLEDGE		
Applicant/sportsor name. Jason Mennelase Date: 8/4/18		
Signature:		

Agency Use Only [If applicable]

Date:

**Project:** 

## Short Environmental Assessment Form Part 2 - Impact Assessment

#### Part 2 is to be completed by the Lead Agency.

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?		
2.	Will the proposed action result in a change in the use or intensity of use of land?		
3.	Will the proposed action impair the character or quality of the existing community?		
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7.	Will the proposed action impact existing: a. public / private water supplies?		
	b. public / private wastewater treatment utilities?		
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11.	Will the proposed action create a hazard to environmental resources or human health?		

Agen	cy Use Only [If applicable]
Project:	
Date:	

### Short Environmental Assessment Form Part 3 Determination of Significance

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.

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. 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.

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM** 





The Subtitle



Orange County G.I.S. Division 255 Main St Goshen, New York 10924 Phone: 845.615.3790

DISCLAIMER: This map is a product of Orange County Real Property GIS Division. The data depicted here have been developed with extensive cooperation from other County departments, as well as other Federal, State and Local government agencies. Orange County make no representations as to the accuracy of the information in the mapping data, but rather, provide said information as is. Orange County expressly disclaim responsibility for damages or liability that may arise from the use of this map.

Printed: Sep 05, 2018

## **Environmental Resource Mapper**



The coordinates of the point you clicked on are:

UTM 18	Easting:	582905.310	Northing:	4599725.035	5
Longitude/Latitude	Longitude:	-74.006	Latitude:	41.545	
The approximate address of 42-50 Sloane Rd, Newburgh,		d on is:			

County: Orange Town: Newburgh USGS Quad: NEWBURGH

#### **DEC Region**

Region 3:

(Lower Hudson Valley) Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. For more information visit <u>http://www.dec.ny.gov/about/607.html</u>.

Natural Communities in the Vicinity

Natural Community Name: Tidal river Location: Hudson River Estuary Ecological System: Tidal Wetlands (Estuary)

#### **Rare Plants and Rare Animals**

This location is in the vicinity of State-Listed Bats

This location is in the vicinity of Shortnose Sturgeon

This location is in the vicinity of Atlantic Sturgeon

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

**Disclaimer:** If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



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

2697-18

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/20/2018

Application No. 18-0364

To: Jason Memmelaar 38 West Avenue Chester, NY 10918

SBL: 27-3-16 ADDRESS:46 Sloane Rd

~. \$

#### ZONE: R3

PLEASE TAKE NOTICE that your application dated 05/01/2018 for permit to build a 8' x 23' rear deck on the premises located at 46 Sloane Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:

1) Bulk table schedule 5: Requires one side yard setback of 15' minimum.

2) Bulk table schedule 5: Requires a combined side yard of 30' minimum.

Cc: Town Clerk & Assessor (500') File

OWNER INFORMATION				r yes	8 / ( NO )	
	Jason Memm			Building App		18-0364
A 1975 1995 1996 1999 199 199			on and the second s			10-0304
PROJECT INFORMATIC			ARIANCE			
TYPE OF STRUCTURE:	÷ \$		3' x 23' Rear		SE VARIANCE	
SBL: 27-3-16	ZONE:			and the second	on # <u>269</u>	7.10.
	NO		N SEWER:		on # <u>CO/</u>	1-10
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE	
LOT AREA					PERCENTAGE	
LOT WIDTH			0130449990000000000000000000000000000000			
LOT DEPTH						
FRONT YARD						
ONE SIDE YARD	15'	11.9'	10.5'	4.5'	30.00%	
COMBINED SIDE YARD	30'	25.9'	24.50	5.5'	18.33%	
MAX. BUILDING HEIGHT					10.33 %	
BUILDING COVERAGE						
SURFACE COVERAGE						
ICREASING DEGREE OF NO OR MORE FRONT YARDS F ORNER LOT - 185-17-A <b>CCESSORY STRUCTU</b> REATER THEN 1000 S.F. OF RONT YARD - 185-15-A	RE:	LA - 185-15-A		999 99, Januar 20, Walang 20, Walang 20, Sanahar 20, Sanahar 20, Walang 20, Walang 20, Sanahar 20, San	YES	6 / NO 6 / NO
FORAGE OF MORE THEN 4 EIGHT MAX. 15 FEET - 185- % MAXIMUM YARD COVER	15-A-1	tananan ini yananan ini katang ini		19 19 19 19 19 19 19 19 19 19 19 19 19 1		5 / NO 5 / NO
DTES:		8' x 23	' rear deck	na ka kanaz na kalata na dalambi ka	• Each tea PMOCOL En Exclusive an PU Ref.Dury-Mithistonescoverstheimspire/company.	
	):	555 million (1997) - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	NY YE CLAMPOOR (IN YOUR CONTRACTOR OF CONTRACTOR			anther manufacture and a state of the state
Bulk table schedule 5: Requi	res one side v	ard setback o	of 15' minimur	n		
Bulk Table schedule 5: Requ						
				mininum.		
nego na manga tanàng kanèng manganénya kang manganénya kang manganénya kang manganénya kang manganénya kanang k		00000000000000000000000000000000000000				Provent management of the second s



#### 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\*\*\* Recording: Recording Fee 40.00 Cultural Ed 14.25 Records Management - Coun 1.00 Records Management - Stat 4.75 TP584 5.00 RP5217 Residential/Agricu RP5217 - County 116.00 BOOK/PAGE: 14387 / 491 9.00 INSTRUMENT #: 20180026416 Sub Total: 190.00 Receipt#: 2473368 Clerk: Transfer Tax Transfer Tax - State KOD Rec Date: 04/10/2018 11:40:45 AM Doc Grp: D 260.00 DEED Descrip: Sub Total: 260.00 Num Pgs: 4 Rec'd Frm: 4290 Total: 450.00 \*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\* Party1: SCHISANO RICHARD Party2: MEMMELAAR JASON Town: NEWBURGH (TN) \*\*\*\*\* Transfer Tax \*\*\*\*\* 27-3-16 Transfer Tax #: 8191 Transfer Tax Consideration: 65000.00 Transfer Tax - State 260.00

Total:

260.00

Payment Type:

Check \_\_\_\_\_ Cash \_\_\_\_ Charge \_\_\_\_ No Fee \_\_\_\_

Comment:

Chy G. Ralber

Ann G. Rabbitt Orange County Clerk

Record and Return To:

JASON MEMMELAAR 38 WEST AVE CHESTER, NY 10918

#### Record and return to:

27-3-16

County:OrangeSection:27Block:3Lot:16Street Address:46 Sloane Road, Newburgh, NY 12550

#### **REFEREE'S DEED**

THIS DEED, made the  $\frac{16}{10}$  day of  $\frac{16}{10}$  day of  $\frac{16}{10}$ , 2018 between Richard Schisano, having an address at 717 Broadway, Newburgh, NY 12550, the Referee duly appointed in the action hereinafter mentioned ("Grantor"), and Jason Memmelaar ("Grantee"), located at 38 West Avenue, Chester, New York 10918.

WITNESSETH, that Grantor, the Referee appointed in an action by Wells Fargo Financial Credit Services New York, Inc., against Jeffrey Bowen, et al., as Defendants, under Index No. 7814/2015, foreclosing a Mortgage recorded on June 23, 2005, in the office of the Clerk of the County of Orange in Book 11880 at Page 0015, pursuant to a Judgment of Foreclosure and Sale entered by the Supreme Court of the State of New York, Orange County, on October 23, 2017, and in consideration of Sixty Five Thousand 00/100 Dollars (\$65,000.00) bid by Shawn Jackson, being the highest sum bid at the sale under said judgment, does hereby grant and convey its right and title under said bid to Jason Memmelaar (Grantee) and the heirs, executors, administrators, successors and assigns forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in New York, the County of Orange, and the State of New York, being more particularly described in Exhibit A attached hereto and made a part hereof,

**TOGETHER** with the appurtenances and all the estate and rights of grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto Grantee and the heirs, executors, administrators, successors and assigns of Grantee forever.

**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.

IN WITNESS WHEREOF Grantor has duly executed this deed on the date first above written.

Richard Schisano, Referee

#### EXHIBIT A <u>Property Description</u>

46 Sloane Road, Newburgh, NY 12550

## SEE ATTACHED

STATE OF NEW YORK

SS.:

#### COUNTY OF ORANGE

On the  $\iint$  day of  $\bigwedge$ , in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared Richard Schisano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ANABETSY LEE NOTARY PUBLIC, STATE OF NEW YORK QUALIFIED IN ORANGE COUNTY LIC. #01TE6014863 COMMISSION EXPIRES

RAR: MEMMELAAR JASON MEMMELAAR 38 WEST AVENIE 38 WEST AVENIE OHESTER, NY 10918

#### **Schedule A Description**

#### Title Number RPATS-4136

Page 1

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being the in Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the North line of Highland Road said point of beginning marking the southeast corner of lands as described in a certain deed from Leonora O. Churle to Jerome A. Hughes and Louise Irma Hughes, his wife, dated June 27,1946 and recorded in the Orange County Clerk's Office on June 28,1946 in Liber 1004 of Deeds at page 553; and running thence northerly along the East line of said lands of Hughes 200 feet to a point; running thence easterly on a line South 63 degrees 48 minutes east 50 feet to a point; running thence southerly in a course South 26 degrees 12 minutes West 200 feet to a point in the North line of Highland Road; running thence westerly along the North line of Highland Road; running thence of BEGINNING.