



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 7/5/22

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

I (WE) Gary Vanleit + Danielle Vanleit PRESENTLY

RESIDING AT NUMBER 122 Rock Cut Rd.

TELEPHONE NUMBER (845) 234-1511

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

- _____ USE VARIANCE
- _____ AREA VARIANCE (S)
- _____ INTERPRETATION OF THE ORDINANCE
- _____ SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

47-1-28.21 (TAX MAP DESIGNATION)

122 Rock Cut Rd. (STREET ADDRESS)

R1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185

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:

7/6/22

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: To allow a deck to be

built taking on existing deck to a pool with a minimum side setback of 28 ft and a rear setback of 25ft. (numbers taken off side of pool)

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 proposed deck will be between an approved location for a pool and an already built existing deck. It will enhance the space, not make it undesirable.

- 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 proposed deck will be 28ft from an egress driveway granted for neighbors, falling short of the 30ft minimum requirement by the town.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The proposed deck would be 2ft shy of the 30ft setback and because of the pool now being "a part of the house" the rear set back is 45 as opposed to 50. If the deck was all that was considered, I would meet the required 50 foot set back in the rear.

- 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 area between the existing deck and pool is roughly 13ft x 20ft and will be best suited for a deck to uniformly tie both the pool and upper deck as one entertainment space. This space would not be used otherwise and as no

- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: negative environmental impact.

The setbacks demanded by the town of 30ft on the side and 50ft in the rear come into play after the pool was already put up following the minimum requirements of 10ft setbacks. Now that the lower deck permit was added, it is impossible for me to move the pool and the variance is needed to go forward.

7. ADDITIONAL REASONS (IF PERTINENT):

The deck proposed would make the pool easily accessible for my wife and three children as opposed to climbing up and down a ladder. It would serve as an entertaining place for my family and give us a better quality of life at our home to make memories while the pool is open during summer time.

Danielle vanneit

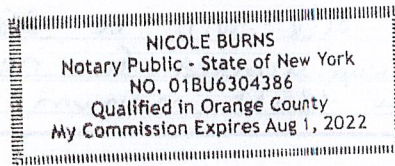
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6 DAY OF July 2022

Nicole Burns

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.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 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

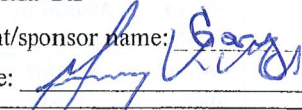
Instructions for Completing

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 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: <i>Partial wrap around deck connecting pool to existing deck.</i>			
Project Location (describe, and attach a location map): <i>122 Rock Cut Rd. Newburgh, NY 12550 (back yard)</i>			
Brief Description of Proposed Action: <i>We built a deck off the house a couple years ago and last year had a pool installed. We have received a C.O. for the deck and have an open permit on the pool. My family decided we would like a lower deck connecting the existing deck to the pool. The proposed deck would be 11ft x 20ft partially wrapping around the pool. It would connect to existing deck by way of stairs.</i>			
Name of Applicant or Sponsor: <i>Gary Vanleit</i>		Telephone: <i>845 234-1511</i>	
		E-Mail: <i>Gvanleit@gmail.com</i>	
Address: <i>122 Rock Cut Rd. Newburgh, NY 12550</i>			
City/PO: <i>Newburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
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 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 type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.0852</i> acres	
b. Total acreage to be physically disturbed?		<i>.00597</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.0852</i> 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input 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 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? <input type="checkbox"/> NO <input type="checkbox"/> YES	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: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Gary VanMet</u></p>		<p>Date: <u>7/5/22</u></p>
<p>Signature: <u></u></p>		

Agency Use Only [If applicable]

Project:

Date:

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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency 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.

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)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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



SECTION 47 BLOCK 1 LOT 28.21

RECORD AND RETURN TO:
(name and address)

BALMVILLE
CONSTRUCTION INC

TO
GARY VANVLEIT JR
DANIELLE VANVLEIT

J. REVELLA ESQ
15 CHURCH ST
WALDEN NY 12586

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 R MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)
<input type="checkbox"/> 2003 SO. BLOOMING GROVE (VLG)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4205 WALDEN (VLG)
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4401 OTISVILLE (VLG)
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input checked="" type="checkbox"/> 4600 NEWBURGH (TN)
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input type="checkbox"/> 4800 NEW WINDSOR (TN)
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5401 FLORIDA (VLG)
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5405 WARWICK (VLG)
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5600 WAWAYANDA (TN)
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5889 WOODBURY (TN)
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5801 HARRIMAN (VLG)
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5809 WOODBURY (VLG)
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	CITIES
<input type="checkbox"/> 4089 MONROE (TN)	<input type="checkbox"/> 0900 MIDDLETOWN
<input type="checkbox"/> 4001 MONROE (VLG)	<input type="checkbox"/> 1100 NEWBURGH
<input type="checkbox"/> 4003 HARRIMAN (VLG)	<input type="checkbox"/> 1300 PORT JERVIS
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)	<input type="checkbox"/> 9999 HOLD

NO. PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 165,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

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

Ann G. Rabbitt
ANN G. RABBITT
ORANGE COUNTY CLERK

Received From Hill N Dale

#9357-65962

Bargain & sale deed, with covenant against grantor's acts

HN50871

THIS INDENTURE, made the 28th day of April, 2014
BETWEEN

BALMVILLE CONSTRUCTION, INC., a New York corporation, with offices located at 6 Old North Plank Road, Newburgh, New York 12550

party of the first part, and

GARY VAN ~~VLIET~~^{VLEIT, Jr.} and DANIELLE VAN ~~VLIET~~^{VLEIT}, husband and wife, both residing at 4 Fairview Avenue, Walden, New York 12586,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States and other good and 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, and State of New York, being more particularly described on Schedule A annexed hereto and made a part hereof.

SUBJECT TO an Irrevocable Offer of Dedication dated March 31, 2014 made by Balmville Construction, Inc. to the County of Orange, to be recorded in the Orange County Clerk's Office.

✓ **BEING AND INTENDED TO BE** a portion of the same premises described in a deed dated May 10, 2013 made by Vickie Gibson to Balmville Construction, Inc., the Grantor herein, and recorded in the Orange County Clerk's Office on May 22, 2013 in Liber 13569 of Deeds at page 318.

✓ This transaction is being made in the usual course of business actually conducted by the grantor corporation and does not constitute a sale, transfer, or alienation of all or substantially all of the assets of said corporation. This conveyance is authorized by the Board of Directors and no other consent is required.

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.

Schedule A Description

Title Number **HN 50871**

Page **1**

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, being known as Lot 1 on a map entitled "Gibson Estates 4 Lot Subdivision" dated 3/28/13 filed March 27, 2014 in the Orange County Clerk's Office as Map #71-14 (4 sheets).

HILL-N-DALE ABSTRACTERS, INC.
20 SCOTCHTOWN AVENUE
P.O. BOX 547
GOSHEN, NEW YORK 10924
(845) 294-5110
FAX (845) 294-9581

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.

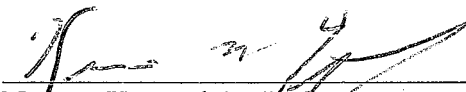
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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.

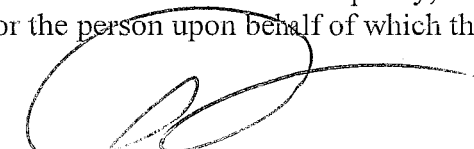
IN PRESENCE OF:

BALMVILLE CONSTRUCTION, INC.

By: _____
Name: Kenneth R. Lytle
Title: President

STATE OF NEW YORK)
) ss.
COUNTY OF ORANGE)

On the 28th day of April, 2014, before me, the undersigned, a Notary Public in and for the State, personally appeared, KENNETH R. LYTLE 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

TAYLOR PALMER
Notary Public, State of New York
Registration No. 02PA6284458
Qualified in Westchester Co.
Commission Expires June 17, 2017

JRL/ef/346108
9357-65926
4/24/14



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

2991-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/06/2022

Application No. 22-0614

To: Gary VanVleit
122 Rock Cut Road
Newburgh, NY 12550

SBL: 47-1-28.21
ADDRESS: 122 Rock Cut Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 06/21/2022 for permit to build a 16' x 20' pool deck that connects to the house deck on the premises located at 122 Rock Cut Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 1: Requires a side yard setback of 30' minimum.
- 2) Bulk table schedule 1: Requires a rear yard setback of 40' minimum.

Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES / NO

NAME: GARY VANVLEIT **Application #** 22-0614

ADDRESS: 122 ROCK CUT RD NEWBURGH NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 16' X 20' POOL DECK

SBL: 47-1-28.21 **ZONE:** R-1 **ZBA Application #** 2991-22

TOWN WATER: YES / NO **TOWN SEWER:** YES / NO N/A

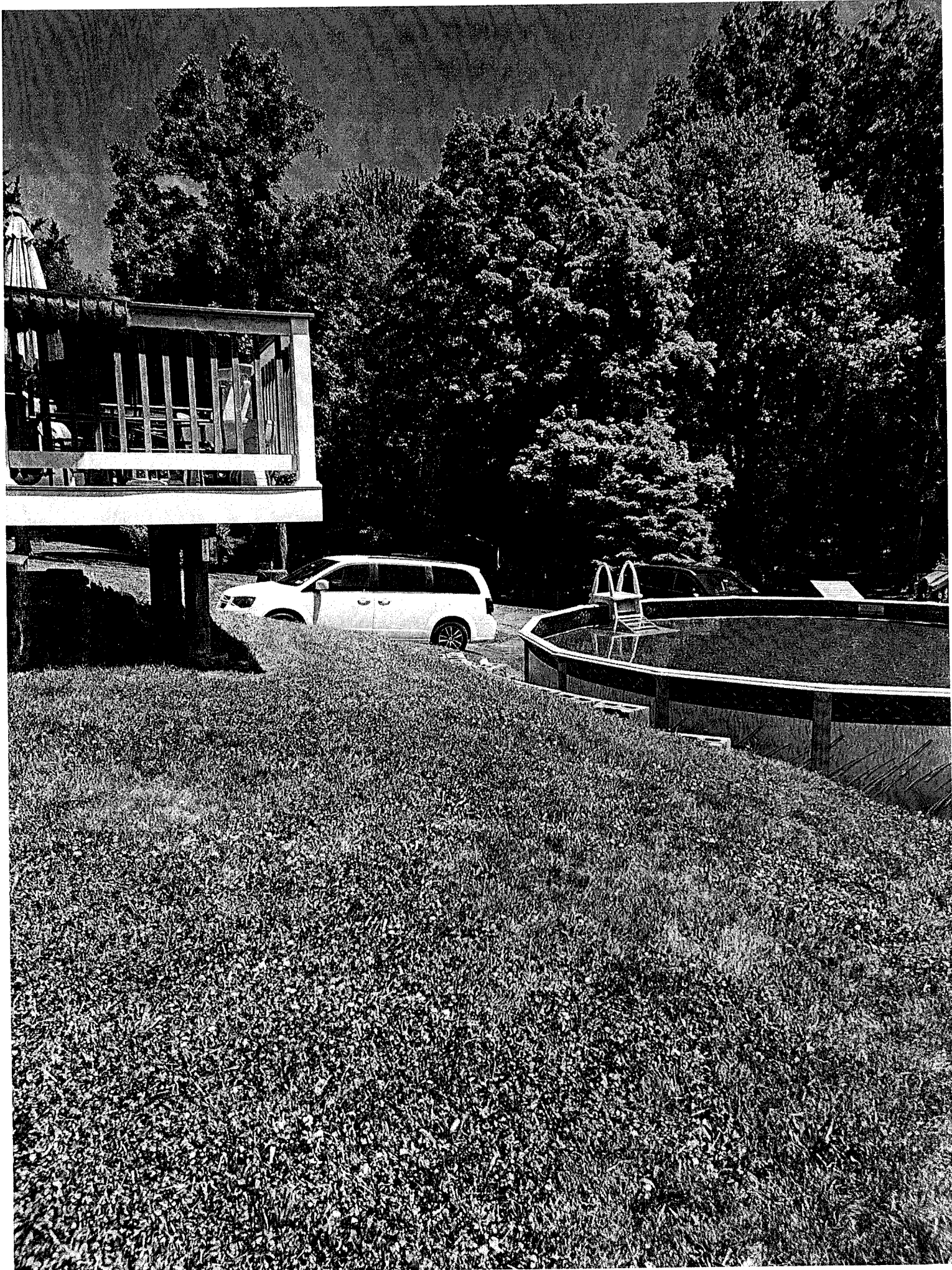
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'		30'	10'	25.00%
ONE SIDE YARD	30'		23.3'	6.7'	22.30%
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

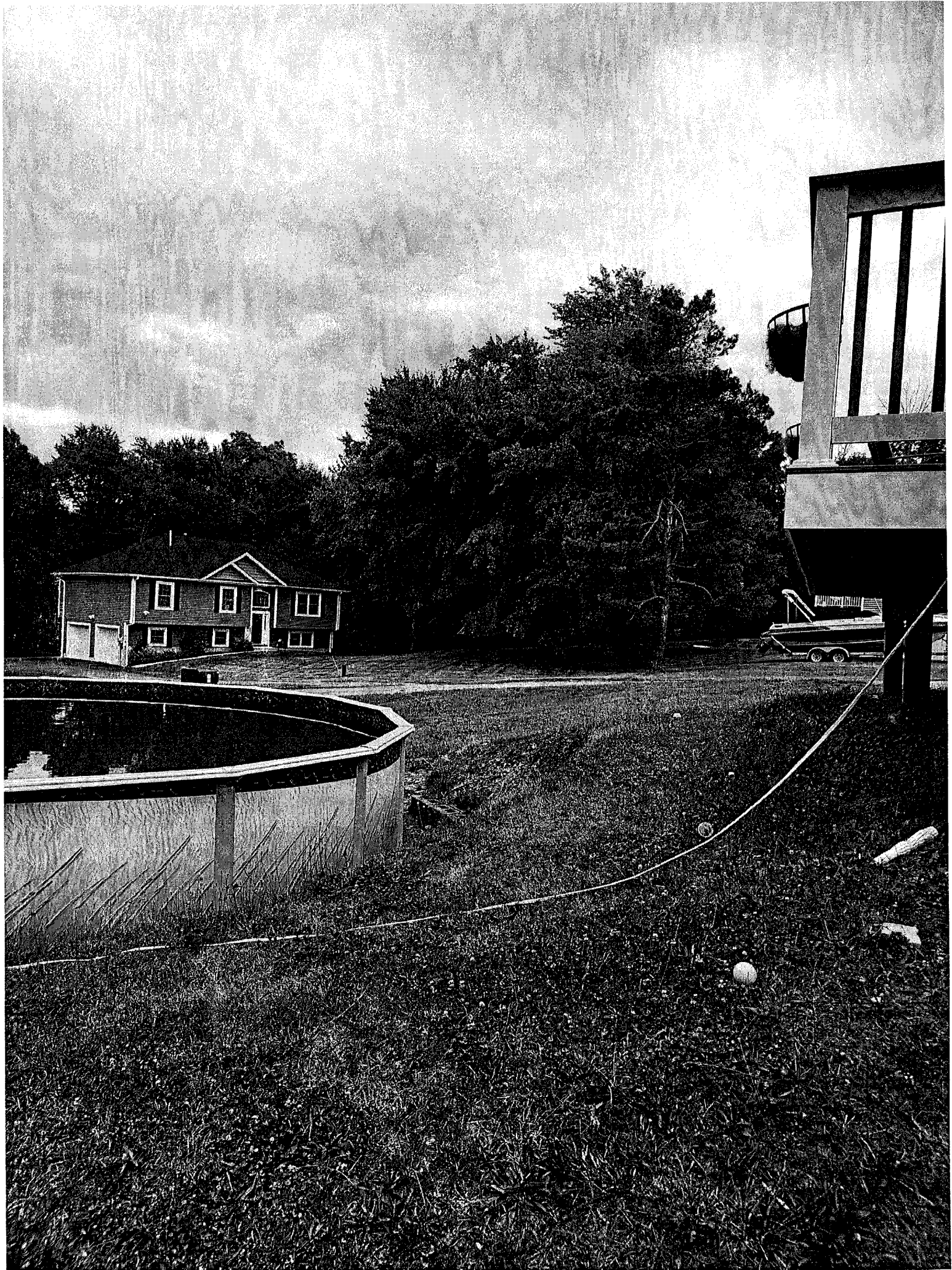
INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 ----- YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY ----- YES / NO
 CORNER LOT - 185-17-A ----- YES / NO

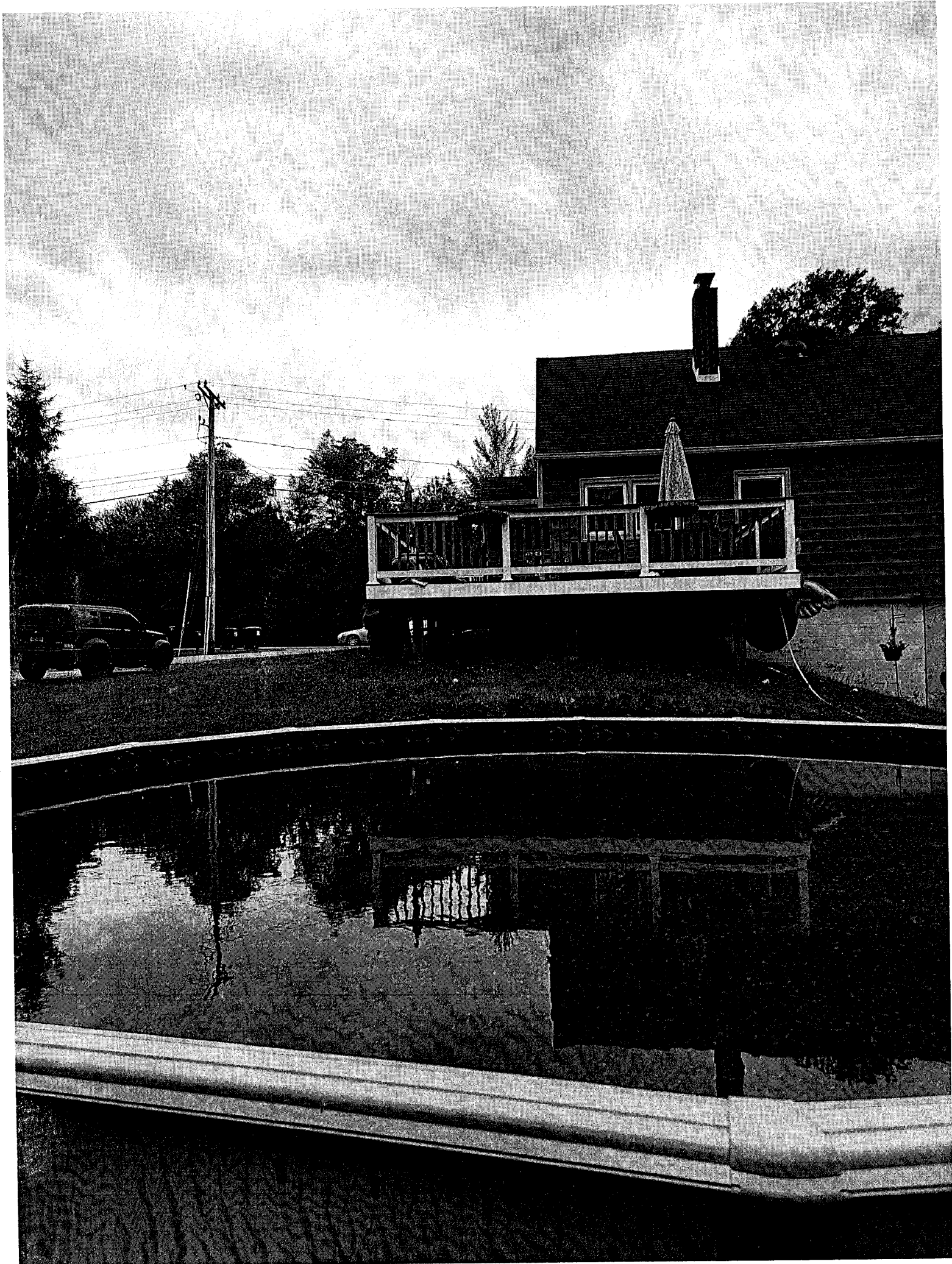
ACCESSORY STRUCTURE:
 GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 ----- YES / NO
 FRONT YARD - 185-15-A ----- YES / NO
 STORAGE OF MORE THEN 4 VEHICLES ----- YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

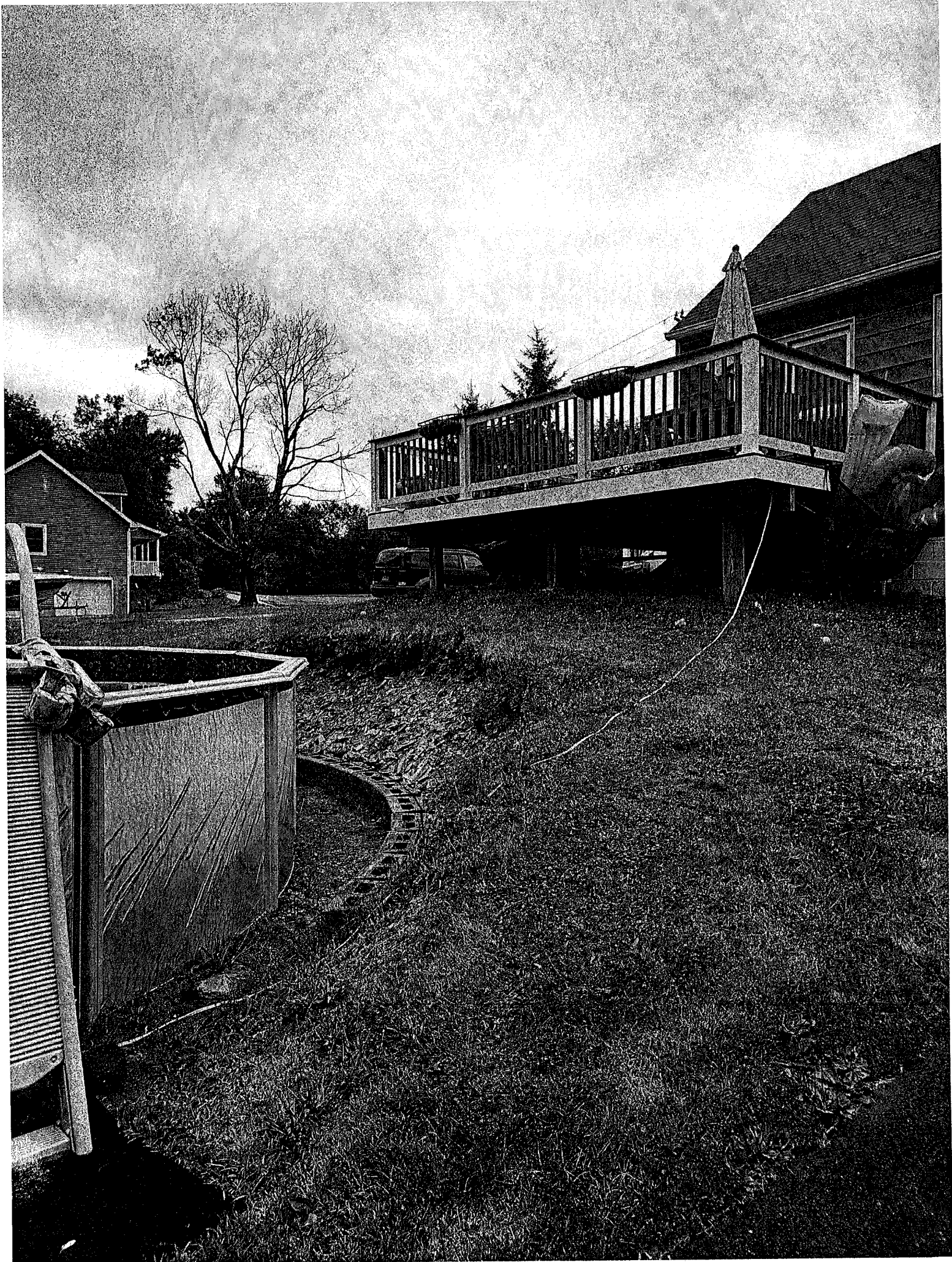
NOTES: HOUSE / HOUSE DECK / POOL DECK / POOL

REVIEWED BY: Joseph Mattina **DATE:** 6-Jul-22









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Danielle VanMeit, being duly sworn, depose and say that I did on or before

July 14, 2022, post and will thereafter maintain at

122 Rock Cut Rd 47-1-28.21 R1 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.

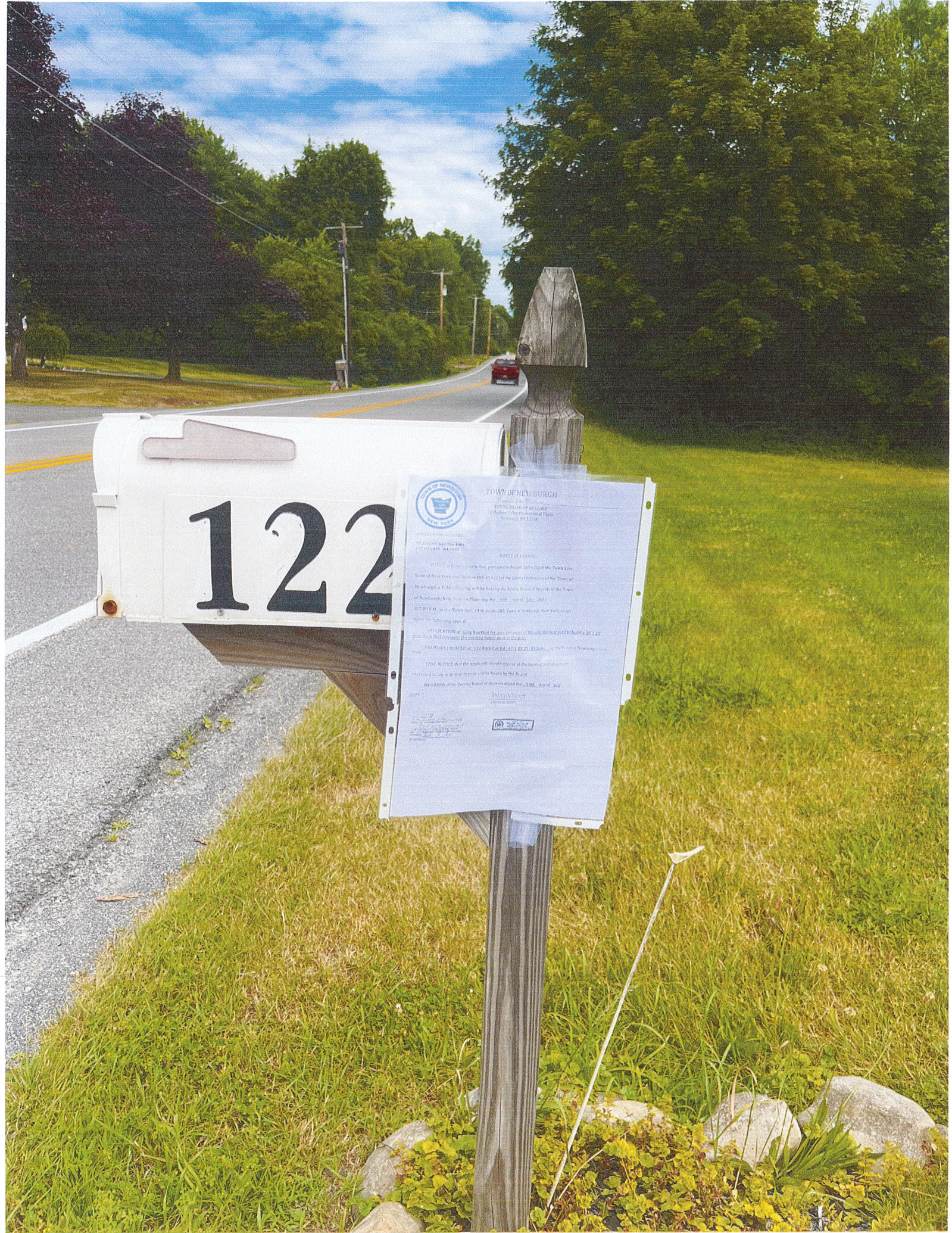
DVanMeit

Sworn to before me this 7

day of July, 2022.

Lisa Ayers





122



TOWN OF NEWBURGH

Office of the Town Engineer
2000 State Street
Newburgh, NY 12551

OFFICE OF PUBLIC WORKS
TELEPHONE 645-7663
FAX 645-7663

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 2474 (1) of the Town Law, State of New York and Section 185.5 (1) of the Rules and Regulations of the Town of Newburgh, a Public Hearing will be held by the Board of Appeals of the Town of Newburgh, New York on Thursday the 27th day of July, 2012.

AT 09:15 A.M. in the Town Hall, 1400 Route 288, Town of Newburgh, New York, to act upon the following application:

APPLICATION of Gary VanVleet for a variance to build a 10' x 20' pool deck on the existing lot.

THE MAIN LOT IS LOCATED at 122 Park East Rd., Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

WE ORDER that the Board of Appeals shall hold the hearing on the 27th day of July, 2012.

2012

TOWN ENGINEER

OFFICIAL SIGNATURE

(Signature)