



# 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: 7/31/23

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

I (WE) Tom & Monica Mulholland PRESENTLY

RESIDING AT NUMBER 108 Heather Circle,

TELEPHONE NUMBER 845-566-0717

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:

115-1-12 (TAX MAP DESIGNATION)

108 Heather Circle (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19C-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:

7/27/2023

- 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 be able to build

a deck closer than the offset allows, but not beyond the boundaries of the house

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:

NEARLY EVERY HOUSE HAS A DECK and it will not be  
built beyond the boundaries of the 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:

My home does not have the offsets required  
by the town. There are no other means.

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

IT IS WITHIN MY BACKYARD LIMITS. IT  
impinges no more than our house currently  
does.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

Nothing will be destroyed and it will be  
completely behind our house so one will see it  
from the front of the house or from the Road.

- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

The house's offsets were created at the  
time the house was built and were to code, since  
then the offsets have changed/increased and my  
house offset is no longer to code

7. ADDITIONAL REASONS (IF PERTINENT):

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*Monica Melholland*  
*Thomas Melholland*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1 DAY OF AUGUST 20 23

*John L. Molfese*  
\_\_\_\_\_  
NOTARY PUBLIC

JOHN L. MOLFESSE  
Notary Public, State of New York  
Registration # 01MO6090904  
Qualified In Orange County  
My Commission Expires April 21, 2027

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.

<b>Part 1 - Project and Sponsor Information</b>			
Tom & Monica Mulholland			
Name of Action or Project:			
Deck at 108 Heather Circle, Newburgh			
Project Location (describe, and attach a location map):			
Rear of house - from <sup>Right</sup> corner to 12' into toward house			
Brief Description of Proposed Action:			
12x16' Deck in Backyard			
Name of Applicant or Sponsor:		Telephone: 845-566-0717	
Tom & Monica Mulholland		E-Mail: mmconsult@verizon.net	
Address:			
108 Heather Circle			
City/PO:		State:	Zip Code:
Newburgh		NY	12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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?		<input checked="" 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?		<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	
	<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 checked="" type="checkbox"/>	<input 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?		<input type="checkbox"/>	
	<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: _____		<input type="checkbox"/>	
	<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 checked="" 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"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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)? If Yes, explain purpose and size: _____ _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Monica Mulholland</u> Date: <u>7/31/23</u></p> <p>Signature: <u>Monica Mulholland</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:	<input type="checkbox"/>	<input type="checkbox"/>
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

PRINT OR TYPE: BLACK INK ONLY

HORIZON ABSTRACT CORP.

740-0-5067

Amber Fields Associates

TO

SECTION 115 BLOCK 1 LOT 12

Thomas Mulholland and Monica Mulholland, ux.

RECORD AND RETURN TO:  
(Name and Address)

Frank McCue, Esq.  
45 East Main Street  
Washingtonville, N.Y. 10992

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 56662 DATE 6-26-90 AFFIDAVIT FILED \_\_\_\_\_ 19\_\_\_\_

INSTRUMENT TYPE: DEED ☒ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

BG20 Blooming Grove _____	SERIAL NO. _____	
CH22 Chester _____		
CO24 Cornwall _____	Mortgage Amount \$ _____	CHECK <input checked="" type="checkbox"/> CASH _____ CHARGE _____
CR26 Crawford _____	Exempt Yes _____ No _____	
DP28 Deerpark _____	3-6 Cooking Units Yes _____ No _____	MORTGAGE TAX \$ _____
GO30 Goshen _____	Received Tax on above Mortgage	TRANSFER TAX \$ <u>598.00</u>
GR32 Greenville _____	Basic \$ _____	ED Fund <u>5.00</u>
HA34 Hamptonburgh _____	MTA \$ _____	RECORD. FEE \$ <u>14.00</u>
HI36 Highlands _____	Spec. Add. \$ _____	REPORT FORMS \$ <u>5.00</u>
MK38 Minisink _____	TOTAL \$ _____	CERT. COPIES \$ _____
ME40 Monroe _____		
MY42 Montgomery _____		
MH44 Mount Hope _____		
NT46 Newburgh (T) <input checked="" type="checkbox"/>		
NW48 New Windsor _____		
TU50 Tuxedo _____		
WL52 Walkkill _____		
WK54 Warwick _____		
WA56 Wawayanda _____		
WO58 Woodbury _____		
MN09 Middletown _____		
NC11 Newburgh _____		
PJ13 Port Jervis _____		
9999 Hold _____		

MARION S. MURPHY  
Orange County Clerk

by: C. P. P. P. P.

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on JUL 11 1990  
at 9:21 O'Clock A M.  
in Liber/Film 3317 Deed  
at page 67  
Marion S. Murphy examined.

County Clerk

RECEIVED

598.00  
REAL ESTATE  
JUL 11 1990  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3317 PAGE 67

STATE OF NEW YORK, COUNTY OF ORANGE ss:

I, Kelly A. Eskew, County Clerk and Clerk of the Supreme and County Courts, Orange County, do hereby certify that I have compared this copy with the original thereof filed or recorded in my office 7/11/1990 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 08/01/2023.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts  
Orange County

ORG 07/11/90 09:21:34 23719 19.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO. 56662 007905 \*\*\*\*\*  
\*\*\*\*\* SERIAL NUMBER \*\*\*\*\*



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

THIS INDENTURE, made the <sup>26<sup>th</sup></sup> day of June nineteen hundred and ninety.

BETWEEN AMBER FIELDS ASSOCIATES, a New York State General Partnership, having an office c/o Suite 311, One Linden Place, Great Neck, New York 11021,

party of the first part, and

Thomas Mulholland and Monica Mulholland, <sup>his wife</sup> residing at 16-41 Bell Boulevard, Bayside, New York 11360

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, known and designated as Lot No. 12, on a certain map entitled "Subdivision Plan for Amber Fields" dated November 1, 1988 and filed in the Orange County Clerk's Office on October 19, 1989 as Map Number 9680 and being more particularly described on Schedule A, annexed hereto and made a part hereof.

Being a portion of the premises described in a deed dated October 13, 1989 made by John J. Lease, Jr., and Richard F. Lease and Raphael J. Lease to Amber Fields Associates and recorded in the Orange County Clerk's office on October 18, 1989, in Liber 3202 of Deeds at page 193.

Subject to and reserving to the Grantor the right to offer for dedication to the Town of Newburgh all roads, easements, rights of way pertinent thereto as identified on the filed Subdivision Map of Grantor.

Subject to all easements, restrictions, agreements and rights of way of record affecting the premises herein conveyed.

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 an easement for ingress and egress over the streets shown on the Subdivision Map of Amber Fields to the nearest public highway, but excepting and reserving therefrom the fee to said streets, the title of which is not hereby conveyed except as set forth above; 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.

Section 115 Block 1 Lot 12



SCHEDULE A AMENDED

All that certain lot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York and being more accurately bounded and described as follows:

Beginning at a point in the northeasterly line of Heather Circle marking the southwesterly corner of the herein described parcel and the westerly corner of Lot 13 as shown on a plan entitled "Amber Fields Subdivision" as prepared by Eustance & Horowitz, P.C. and filed in the Orange County Clerk's office on October 19, 1989 as Map No. 9680; thence from said point of beginning and along the northeasterly line of Heather Circle on a curve to the left having a radius of 216.00', an arc distance of 55.81' to a point of tangency as described by the chord North  $36^{\circ}-12'-01''$  West 55.66'; thence on a tangent North  $43^{\circ}-36'-10''$  West 31.00' to the southerly corner of Lot 11; thence along the lot line between Lots 11 and 12 North  $46^{\circ}-23'-50''$  East 219.09' to a point on the southerly line of lands now or formerly of Eric W. and O'Brien Parks; thence along a portion of the southerly line of said lands North  $82^{\circ}-16'-58''$  East 65.29' to the northwesterly corner of lands of Rose Anne Zemantauski; thence along the westerly line of said lands South  $16^{\circ}-42'-36''$  West 100.00' to the northwesterly corner of Lot 22; thence along the lot line between Lots 22 and 12 South  $10^{\circ}-54'-24''$  East 50.00' to the northerly corner of Lot 13; thence along the lot line between Lots 12 and 13 South  $61^{\circ}-12'-08''$  West 170.95' to the point or place of beginning.



IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence of:

AMBER FIELDS ASSOCIATES

By: THE AMBER FIELDS DEVELOPMENT CORPORATION, General Partner

By: Valerie Acerra  
Valerie Acerra, Vice President

By: BP&G DEVELOPMENT CORPORATION, General Partner

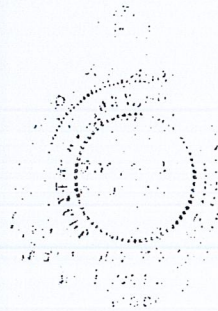
By: Richard Lewis  
Richard Lewis, President

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

On the 26<sup>th</sup> day of June, 1990, before me personally came VALERIE ACERRA to me known, who, being by me duly sworn, did depose and say that he/she resides at Suite 4510, 888 7th Avenue NY, NY 10106 and that he/she is the Vice President of The Amber Fields Development Corporation, the corporation described in and which executed the foregoing instrument and that he/she signed his name thereto by order of the Board of Directors of said corporation.

Judith A. Bory  
Notary Public

JUDITH A. BORY  
Notary Public, State of New York  
No. 41-4554534  
Qualified in Queens County  
Term Expires November 30, 1991



STATE OF NEW YORK, COUNTY OF ss:

On the 27<sup>th</sup> day of June 1990, before me personally came Richard Lewis to me known, who, being by me duly sworn, did depose and say that he resides at 630 First Avenue New York, New York, that he is the President of BP&G Development Corporation, the corporation described in and which executed the foregoing instrument and that he signed his name thereto by order of the Board of Directors of said corporation.

Rene Flanagan  
Notary Public

EVE FLANAGAN  
NOTARY PUBLIC State of New York  
Qualified in Orange County  
Commission Expires February 28, 1991

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## 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

# 3059-23.

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 07/27/2023**

**Application No. 23-0744**

**To: Thomas Mulholland**  
**108 Heather Circle**  
**Newburgh, NY 12550**

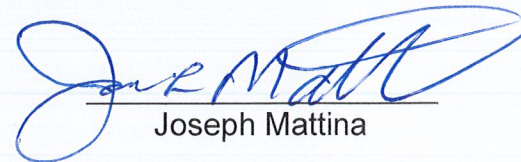
**SBL: 115-1-12**  
**ADDRESS: 108 Heather Cir**

**ZONE: R1**

PLEASE TAKE NOTICE that your application dated 06/23/2023 for permit to build a 12' x 16' rear deck on the premises located at 108 Heather 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. (One side yard)
- 2) 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side yards)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

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

NAME: THOMAS MULHOLLAND Application # 23-0744

ADDRESS: 108 HEATHER CIRCLE NEWBURGH NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: 12' X 16' REAR DECK

SBL: 115-1-12 ZONE: R-1 ZBA Application # 4059-23

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	19.1'	INCREASING DEGREE NON-CONFORMITY		
COMBINED SIDE YARD	80'	50.2'	INCREASING DEGREE NON-CONFORMITY		
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:

EXISTING NON-CONFORMING

REVIEWED BY: Joseph Mattina

DATE: 27-Jul-23





























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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Monica Mitchell, being duly sworn, depose and say that I did on or before

August 10, 2023, post and will thereafter maintain at

108 Heather Circle 115-1-12 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.


Sworn to before me this 1

day of AUGUST, 2023.

John L. Molfese  
JOHN L. MOLFESSE  
Notary Public, State of New York  
Registration # 01M06090904  
Qualified in Orange County  
My Commission Expires April 21, 2027





 **TOWN OF NEWBURGH**  
Office of the Town Clerk  
11 Hudson Valley Boulevard, 2nd Floor  
Newburgh, NY 12551

NOTICE TO THE PUBLIC

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the 15th day of the Month of June, 2024, at 7:00 PM, at the Town Hall, 11 Hudson Valley Boulevard, Newburgh, New York, to hear the following application:

Application of [Name] to amend the Zoning Ordinance of the Town of Newburgh, New York, to allow for the construction of a new building for the purpose of [Purpose], located at [Address].

Any person wishing to speak at the public hearing should appear at the hearing and all persons registered to vote in the Town of Newburgh should be present at the hearing.

It is ordered that the Town Board of the Town of Newburgh, New York, do hereby certify that the foregoing is a true and correct copy of the notice of public hearing as filed with the Town Clerk.

*[Signature]*  
Town Clerk