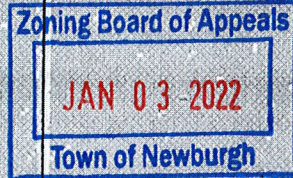




TOWN OF NEWBURGH

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: 12/28/22

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

I (WE) Northern Enterprise NY, LLC PRESENTLY
Business Address
~~RESIDING~~ AT NUMBER P.O. Box 322, Cornwall NY 12518
TELEPHONE NUMBER 845-783-6484

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:

86-1-5.243 (TAX MAP DESIGNATION)
31 Colleen Hill Road (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1 (one side yard)
185-19-C-1 (combined side yard)

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:

12/8/22

- 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:

Combined side yard and one side yard
variances for new deck. The deck is conforming. The existing residence
is a legal nonconforming building as to the side yard(s).

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:

~~AND THAT WITH THE APPLICATION OF COMBINED SIDE YARD AND ONE SIDE YARD VARIANCES~~
~~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:

See attached

- 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:

See attached.

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

See attached


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

See attached.

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

See attached.

7. ADDITIONAL REASONS (IF PERTINENT):

Nirthern Enterprises NY, LLC
by: 
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

AFFIRMED

SWORN TO THIS

3

DAY OF

JANUARY

20 23


NOTARY PUBLIC

Moishe Gruber

Notary Public, State of New York

No. 01GR4840440

Qualified in Richmond County

Commission expires September 30, 2025

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)

APPLICATION ADDENDUM

6(a) The applicant merely seeks to construct a new 12' x 13.5' deck on the rear of the residence. The deck meets all zoning requirements, including the side yard requirements (see attached plot plan). The applicant removed an older deck that did not meet the side yard requirement. This is a suburban neighborhood where decks and other accessory structures are common, and the deck is on the rear of the house in a large back yard. Therefore, granting the variances to allow the deck will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

6(b) The benefit sought by the applicant cannot be achieved by other than an area variance, because even though the deck itself is conforming, a building permit was denied, because the existing residence is a legal nonconforming building which does not comply with the current requirements for one side yard and combined side yards.

6(c) The requested area variance(s) are not substantial, because the deck location itself is conforming. The lawful nonconforming side yard dimensions for the existing residence cannot be changed because the residence was constructed years ago.

6(d) Since the variances will allow only a new deck, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Some of the fill-ins on the short Environmental Assessment Form were generated by the NYS DEC's EAFMapper, which typically are not site-specific. Contrary to Item 13a on the EAFMapper, there are no regulated wetlands or other water bodies on the property and, as stated on the EAF, the proposed action (construction of a new deck) will not physically alter or encroach into any wetland or water body. Item 15 on the EAFMapper states that Indiana Bat habitat is in the area, but there is no evidence on this property. In addition, as shown on the attached photographs, no trees are removed to construct the deck.

6(e) The practical difficulty in complying with the side yard setback requirements is not self-created, because the non-compliance is due to the existing lawful nonconforming residence and is not due to the deck.

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.

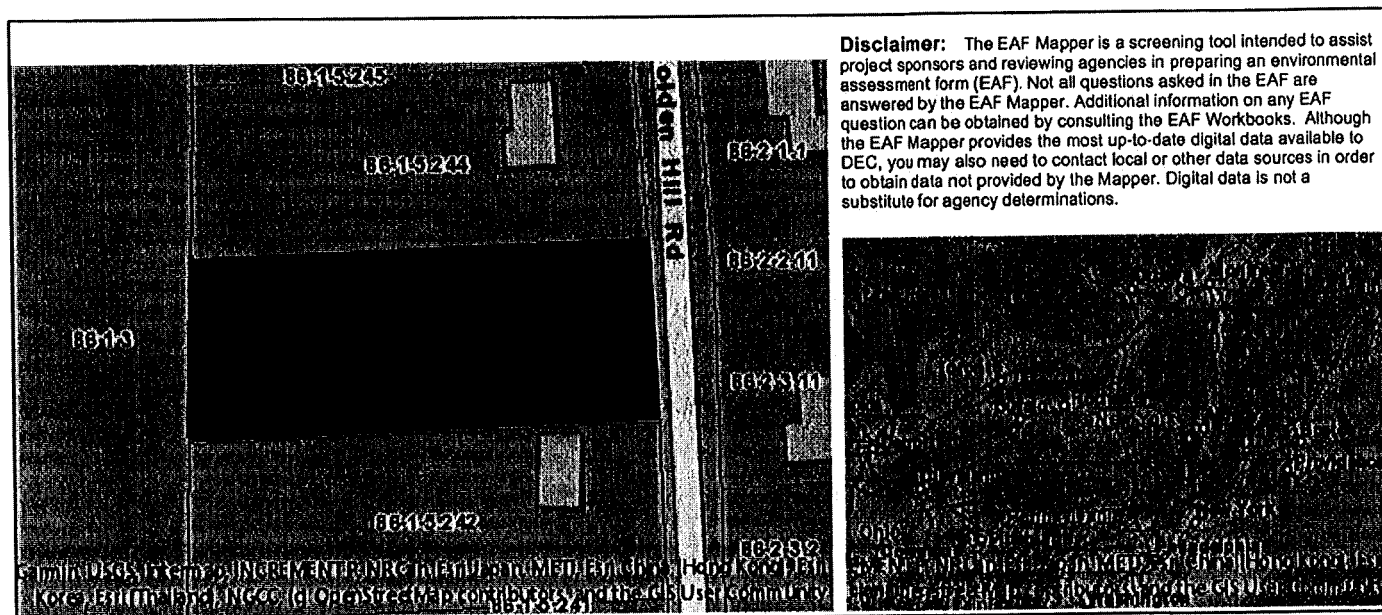
Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Side yard area variances at 31 Calden Hill Road</i>			
Project Location (describe, and attach a location map): <i>31 Calden Hill Road SBL 86-1-S.243 (tax map attached)</i>			
Brief Description of Proposed Action: <i>The property owner is constructing a new deck which conforms with all zoning requirements. However, since the existing residence is a legal nonconforming building which does not comply with the current one side yard and combined side yards requirements, the building permit was denied on the ground that the deck would increase the degree of nonconformity.</i>			
Name of Applicant or Sponsor: <i>Northern Enterprise NY LLC</i>		Telephone: <i>845-783-6484</i>	
		E-Mail: <i>joel@njreservic.com and phillip@thejnet.com</i>	
Address: <i>PO Box 322, Cornwall NY 12518</i>			
City/PO: <i>Cornwall</i>	State: <i>NY</i>	Zip Code: <i>12518</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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>Building permit from Bldg Dept</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
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?		<i>40,000± acres sq. feet</i> <i>approx 300 acres sq. feet</i> <i>40,125 acres sq. feet</i> <i>(proposed deck is 12'x13.5')</i>	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<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?	NO	YES	
If Yes, identify: _____	<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	
b. Are public transportation services available at or near the site of the proposed action? <i>N.A.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed <i>N.A.</i> action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? <i>N.A.</i>	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties? <u>N.A.</u>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>N.A.</u>	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Northern Enterprise NY LLC</u> Date: <u>12/28/22</u>		
Signature: <u>Ben Gailley</u> Title: <u>Attorney for Applicant</u> <u>Ben Gailley, Esq.</u>		

EAF Mapper Summary Report

Wednesday, December 28, 2022 1:03 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only (If applicable)

Project:

Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 - Impact Assessment

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 – 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: 14678 / 1233
INSTRUMENT #: 20190090130

Receipt#: 2740818
Clerk: PM
Rec Date: 12/30/2019 03:08:17 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 3
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: KULAK ANDREW H REF
Party2: NORTHERN ENTERPRISES NY LLC
Town: NEWBURGH (TN)
86-1-5.243

Payment Type: Check ☐
Cash ☐
Charge ☐
No Fee ☐

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Recording:

Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 185.00

Transfer Tax
Transfer Tax - State 774.00

Sub Total: 774.00

Total: 959.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 4719
Transfer Tax
Consideration: 193100.00

Transfer Tax - State 774.00
Total: 774.00

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, 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
ON 12-30-19 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 12-30-19
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

Record and Return To:

NORTHERN ENTERPRISE NY LLC
PO BOX 322
CORNWALL NY 12518

REFEREE'S DEED

This Deed, made this 19 day of December, 2019, between Maryann Dederick and Paul T. Dederick by Andrew H. Kulak, Esq., Referee, with an address of 300 Hamilton Avenue, Suite 403, White Plains, NY 10601, being the party of the first part and Northern Enterprise NY, LLC with an address of P.O. Box 322, Cornwall, NY 12518 being the party of the second part,

WITNESSETH, that the party of the first part was appointed REFEREE in an action entitled FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA vs. MARYANN DEDERICK and PAUL T. DEDERICK, et al. The Mortgage was recorded at Book 11635, Page 1321 in the Office of the Orange County Clerk on October 6, 2004. The mortgage was subsequently assigned by an assignment executed October 19, 2010 and recorded on November 19, 2010, in the Office of the Orange County Clerk at Book 13084, Page 1151. The mortgage was subsequently assigned by an assignment executed February 11, 2014 and recorded on March 3, 2014, in the Office of the Orange County Clerk at Book 13723, Page 675.

In pursuance of a Judgment of Foreclosure in said action, executed by the Supreme Court of Orange County and duly entered on the August 30, 2019*, and in consideration of the sum of One Hundred Ninety-Three Thousand One Hundred Dollars and No Cents Dollars (\$193,100.00), being the highest sum bid at sale, the party of the first part does hereby grant and convey unto the party of the second part, its successors and assigns, the premises described in "Schedule A" attached hereto,

*Index 2014-8507

To have and to hold the premises so conveyed unto the party of the second part, its successors and assigns forever.

The premises are not subject to a credit line mortgage.

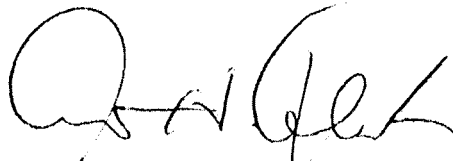
In witness whereof, the party of the first part has set his/her hand the day and year first above written.

For tax assessor/indexing use:

SBL #: 86 - 1 - 5.243

Property address: 31 Colden Hill Road, Newburgh, NY 12550

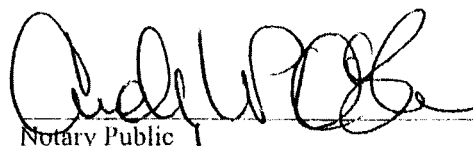
Tax mailing address: P.O. Box 322, Cornwall, NY 12518



Andrew H. Kulak, Esq., As Referee

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.
CITY OF _____)

On this 19th day of Dec, 2019, before me, the undersigned, personally appeared Andrew H. Kulak, Esq., 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

Cindy L. Prince O'Shea

86-1-5.243

SCHEDULE "A"

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, known and designated as Lot 3 on map entitled "Major Subdivision Lands of Pomarico Construction Co." revised July 21, 1981 and filed in the Orange County Clerk's Office on September 21, 1981 as Map No. 5720, which map was made by Sidney L. Horowitz, C.E., P.E. and L.S. and being more particularly bounded and described as follows:

Beginning at a point on the westerly line of Colden Hill Road, said point being N 9 degrees 04' 20" E 250.0' from the northeasterly corner of lands now or formerly of William and Victoria Pomarico, thence N 80 degrees 55' 40" W 320.80' to a point, thence along the easterly line of lands of the Montgomery School District, N 13 degrees 07' E 125.31' to a point, thence S 80 degrees 55' 40" W 311.97' to a point, thence along said westerly line of Colden Hill Road, S 9 degrees 04' 20" W 125.0' to the point and place of beginning, containing 0.91 acre of land.

FOR COUNTY USE ONLY

C1. SWIS Code

334600

C2. Date Deed Recorded

12/30/19

C3. Book

14678

C4. Page

1233

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property
Location

31

Colden Hill Road

* STREET NUMBER

* STREET NAME

Newburgh

* CITY OR TOWN

VILLAGE

12550

* ZIP CODE

2. Buyer
Name

Northern Enterprise NY,

LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax
Billing
AddressIndicate where future Tax Bills are to be sent
if other than buyer address(at bottom of form)

LAST NAME/COMPANY

FIRST NAME

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment
Roll parcels transferred on the deed 1 # of Parcels

OR

☐ Part of a Parcel

(Only If Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists ☐4B. Subdivision Approval was Required for Transfer ☐4C. Parcel Approved for Subdivision with Map Provided ☐5. Deed
Property
Size

125

* FRONT FEET

X

321

* DEPTH

OR

0.00

* ACRES

6. Seller
Name

Dederick

* LAST NAME/COMPANY

Maryann

FIRST NAME

Dederick

LAST NAME/COMPANY

Paul T.

FIRST NAME

*7. Select the description which most accurately describes the
use of the property at the time of sale:

B. 2 or 3 Family Residential

Check the boxes below as they apply:

8. Ownership Type is Condominium ☐9. New Construction on a Vacant Land ☐10A. Property Located within an Agricultural District ☐10B. Buyer received a disclosure notice indicating that the property is in an
Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date

10/26/2019

* 12. Date of Sale/Transfer

12/19/2019

*13. Full Sale Price

193,100.00

(Full Sale Price is the total amount paid for the property including personal property.
This payment may be in the form of cash, other property or goods, or the assumption of
mortgages or other obligations.) Please round to the nearest whole dollar amount.14. Indicate the value of personal
property included in the sale

0.00

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives
☐ B. Sale between Related Companies or Partners in Business.
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
☒ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G. Significant Change in Property Between Taxable Status and Sale Dates
☐ H. Sale of Business is Included in Sale Price
☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)
☐ J. None

*Comment(s) on Condition:

E. Referee's Deed I. Foreclosure Sale

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 19

*17. Total Assessed Value

102,800

*18. Property Class

220

*19. School District Name

Valley Central

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))

86-1-5.243

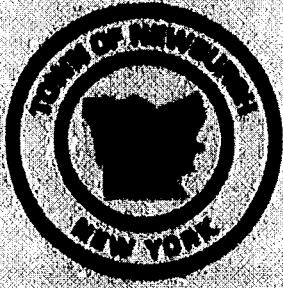
CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments. *

SELLER SIGNATURE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible
party who can answer questions regarding the transfer must be entered. Type or print clearly.)



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

3021-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/08/2022

Application No. 22-1346

**To: Northern Enterprise NY, LLC
P.O. Box 322
Cornwall, NY 12518**

**SBL: 86-1-5.243
ADDRESS: 31 Colden Hill Rd**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 12/07/2022 for permit to build a 12' x 13'-6" rear deck on an existing non-conforming dwelling on the premises located at 31 Colden Hill Rd 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 yard)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: NORTHERN ENTERPRISE LLC **Application #** 22-1346

ADDRESS: PO BOX 322 CORNWALL NY 12518

PROJECT INFORMATION: [REDACTED] **USE VARIANCE**

TYPE OF STRUCTURE: 12' X 13'-6" REAR DECK @ 31 GOLDEN HILL RD

SBL: 86-1-5.243 **ZONE:** R-1 **ZBA Application #** 3021-22

TOWN WATER: YES / [REDACTED] **TOWN SEWER:** YES / [REDACTED] **N/A**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	25.1'	INCREASING DEGREE NON-CONFORMITY		
COMBINED SIDE YARD	80'	58.9'	INCREASING DEGREE NON-CONFORMITY		
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

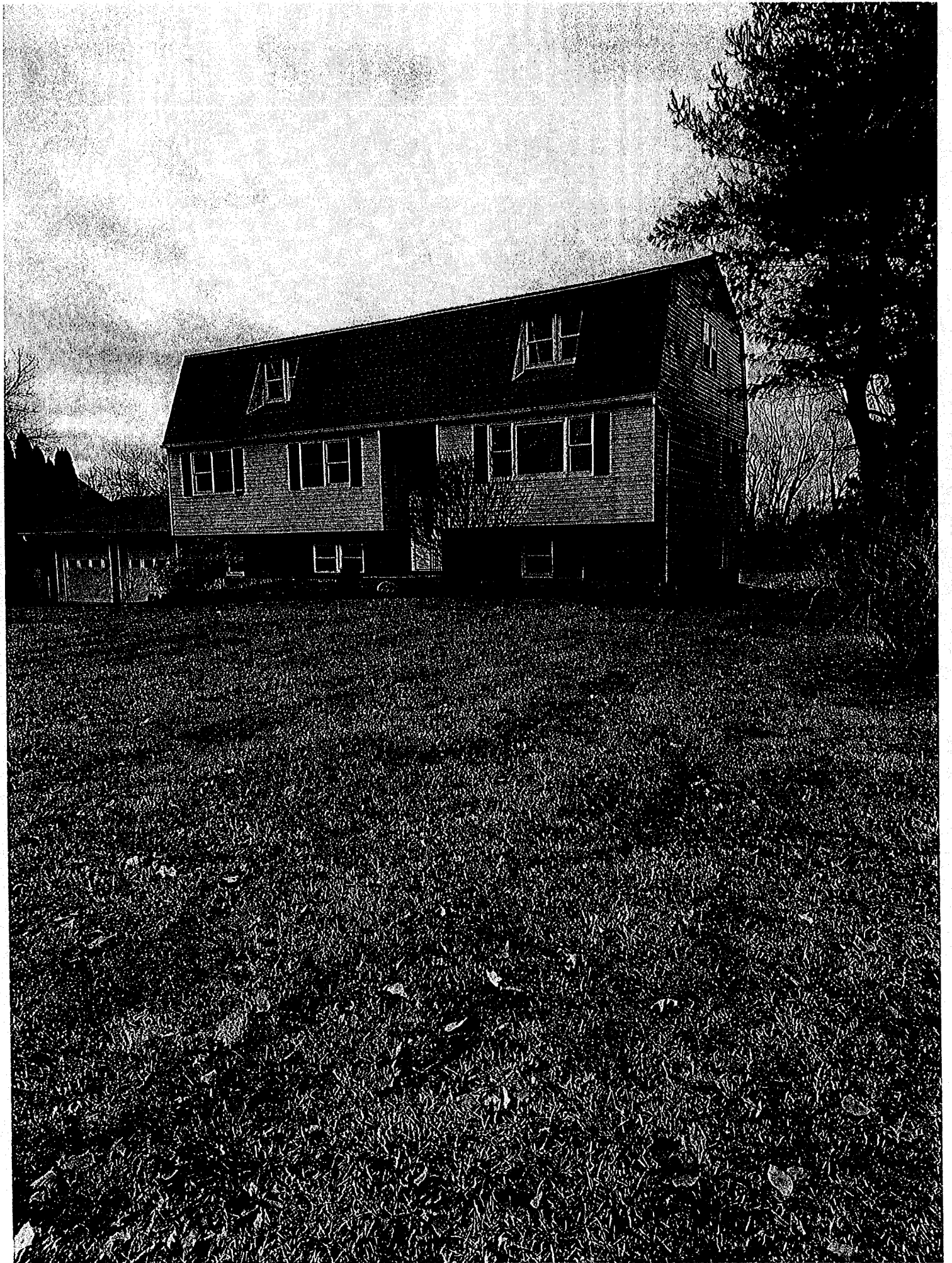
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

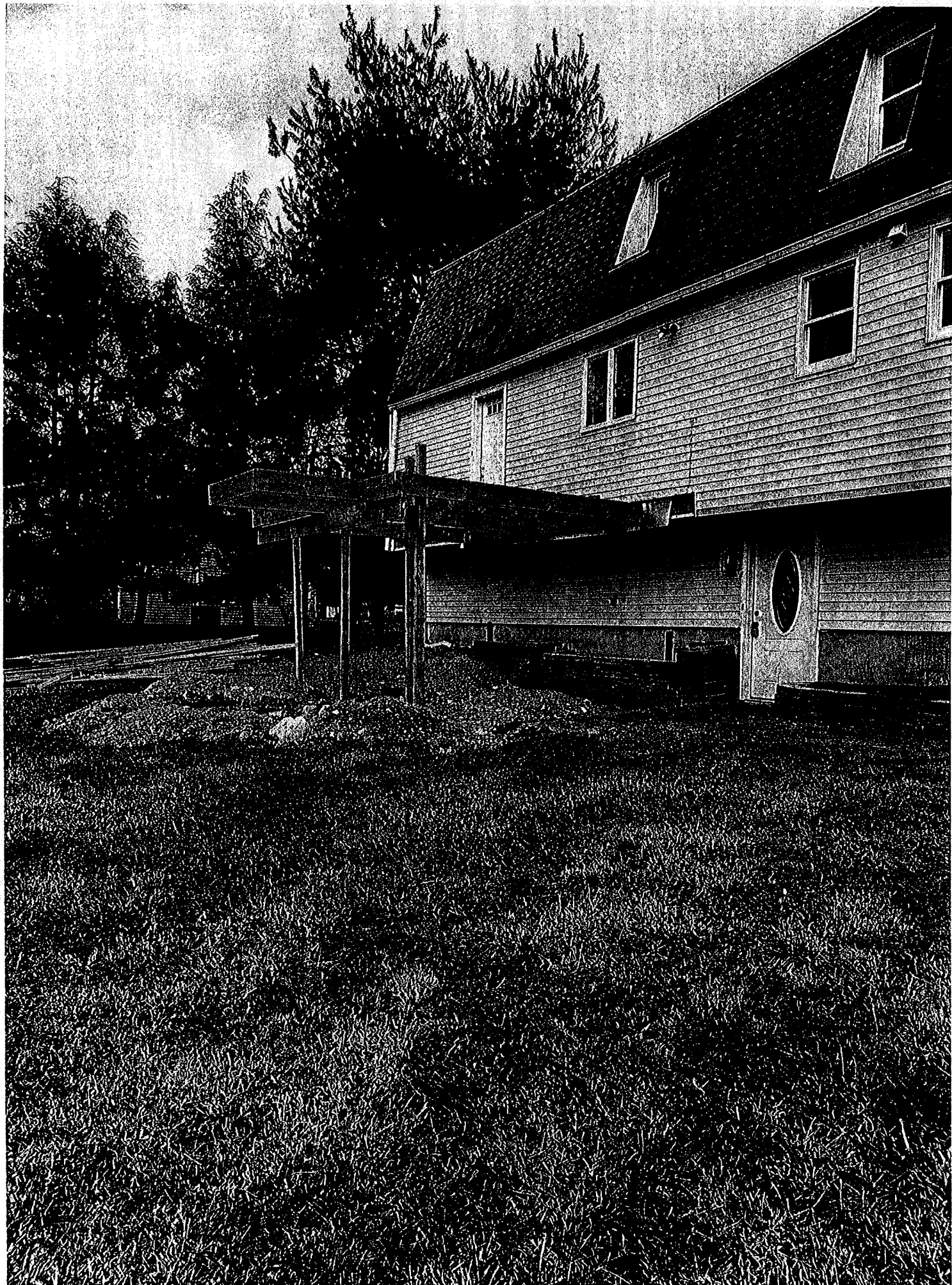
NOTES:

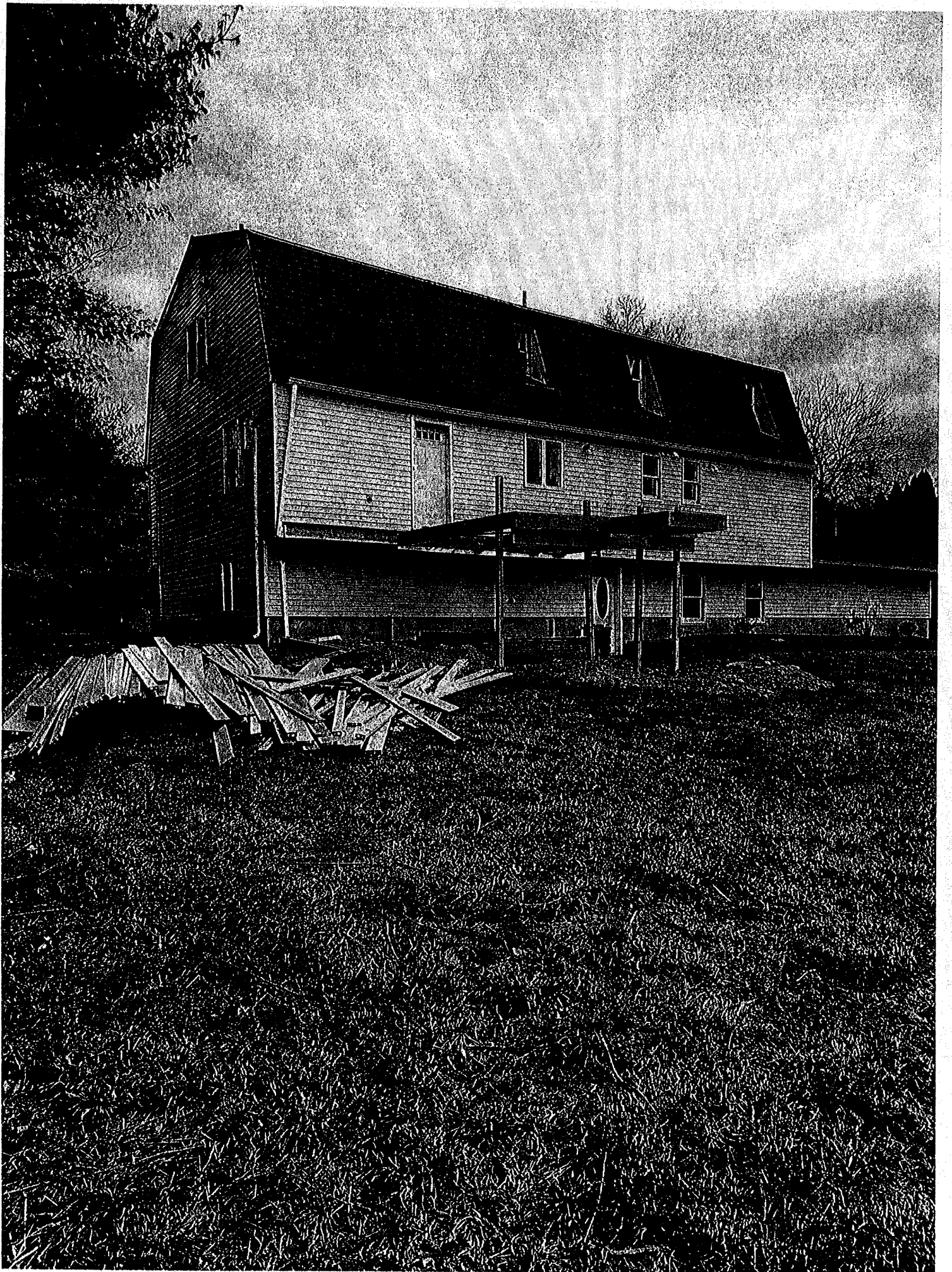
The dwelling is existing non-conforming

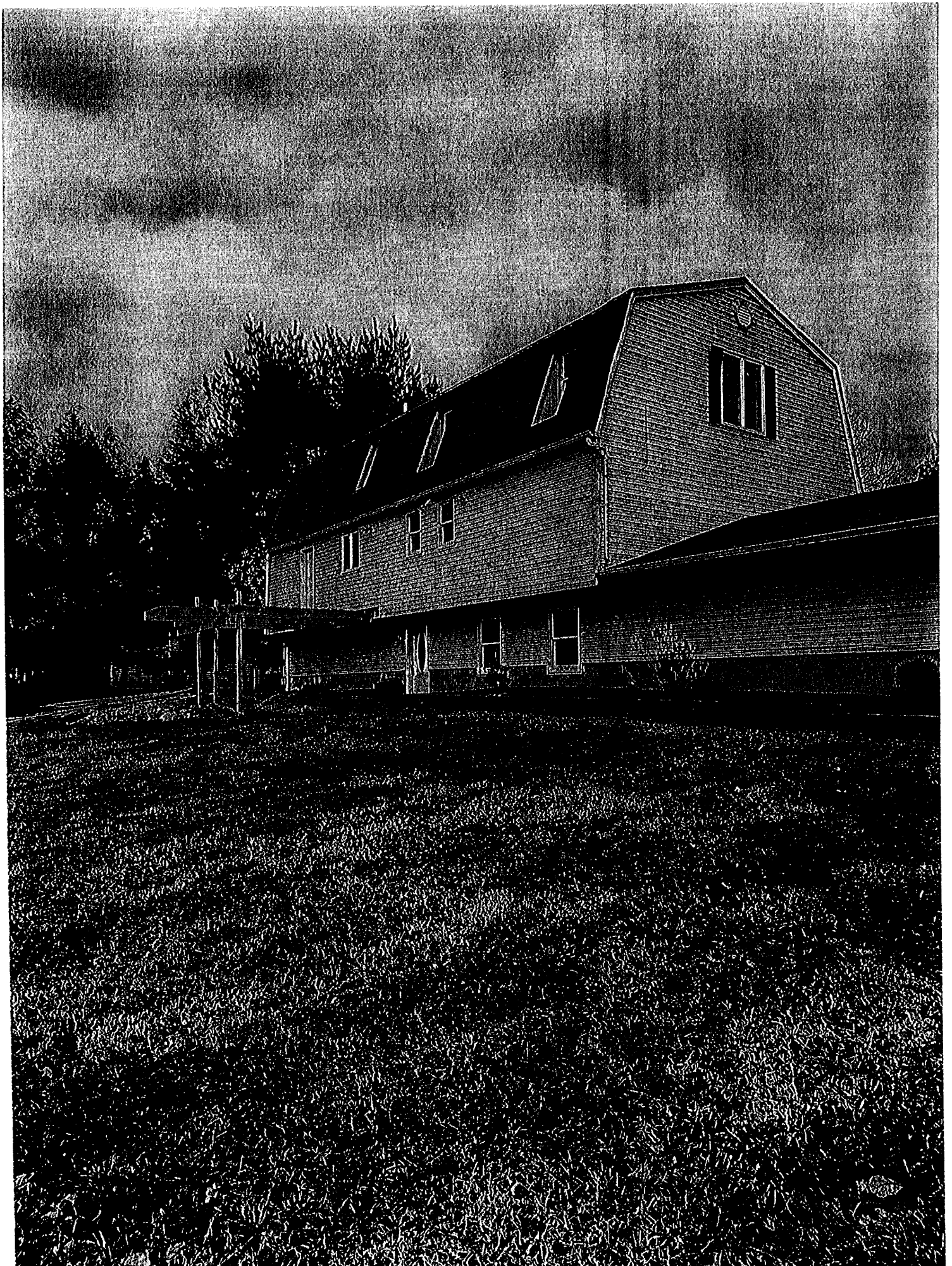
REVIEWED BY: Joseph Mattina

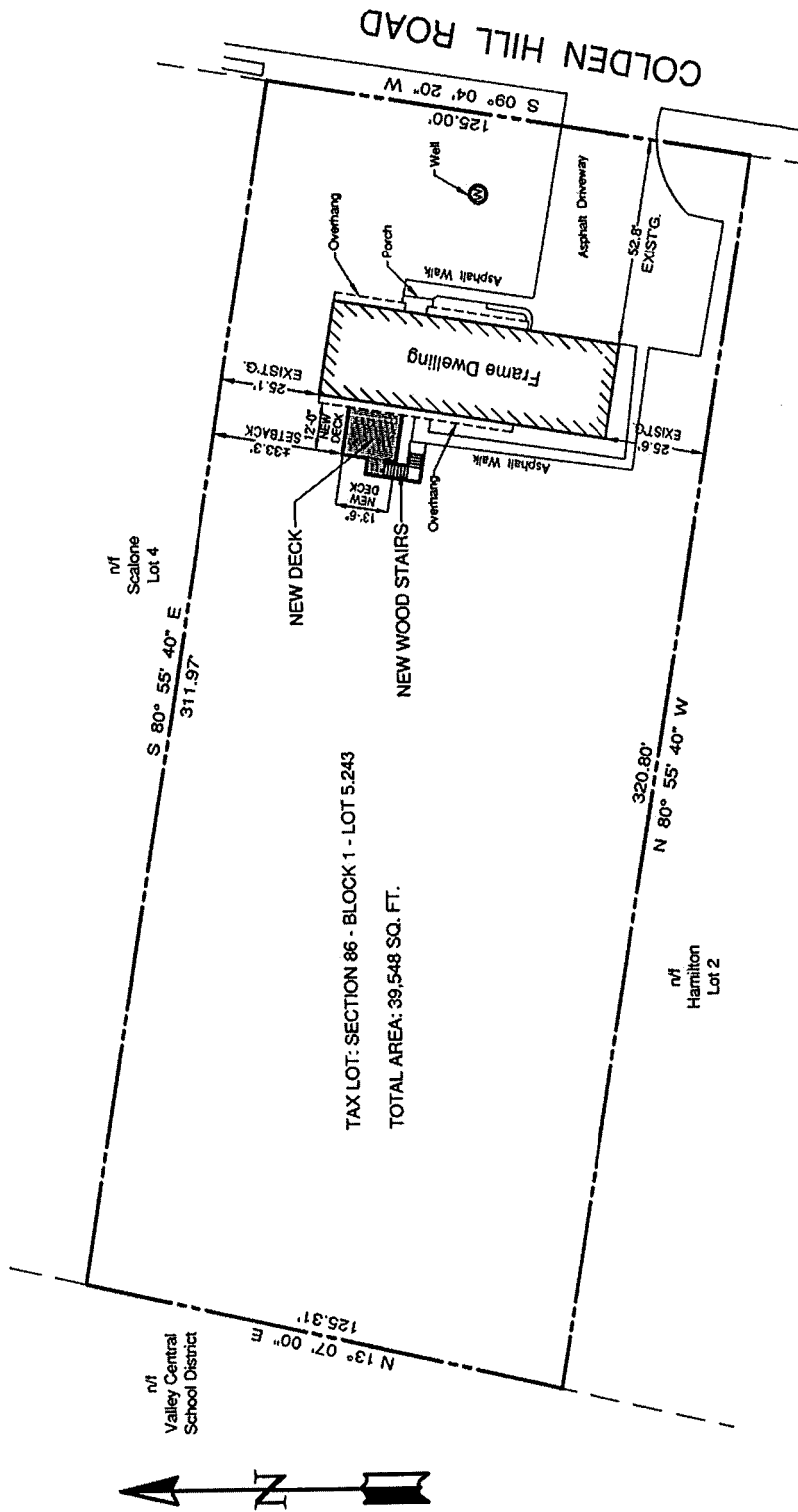
DATE: 8-Dec-22







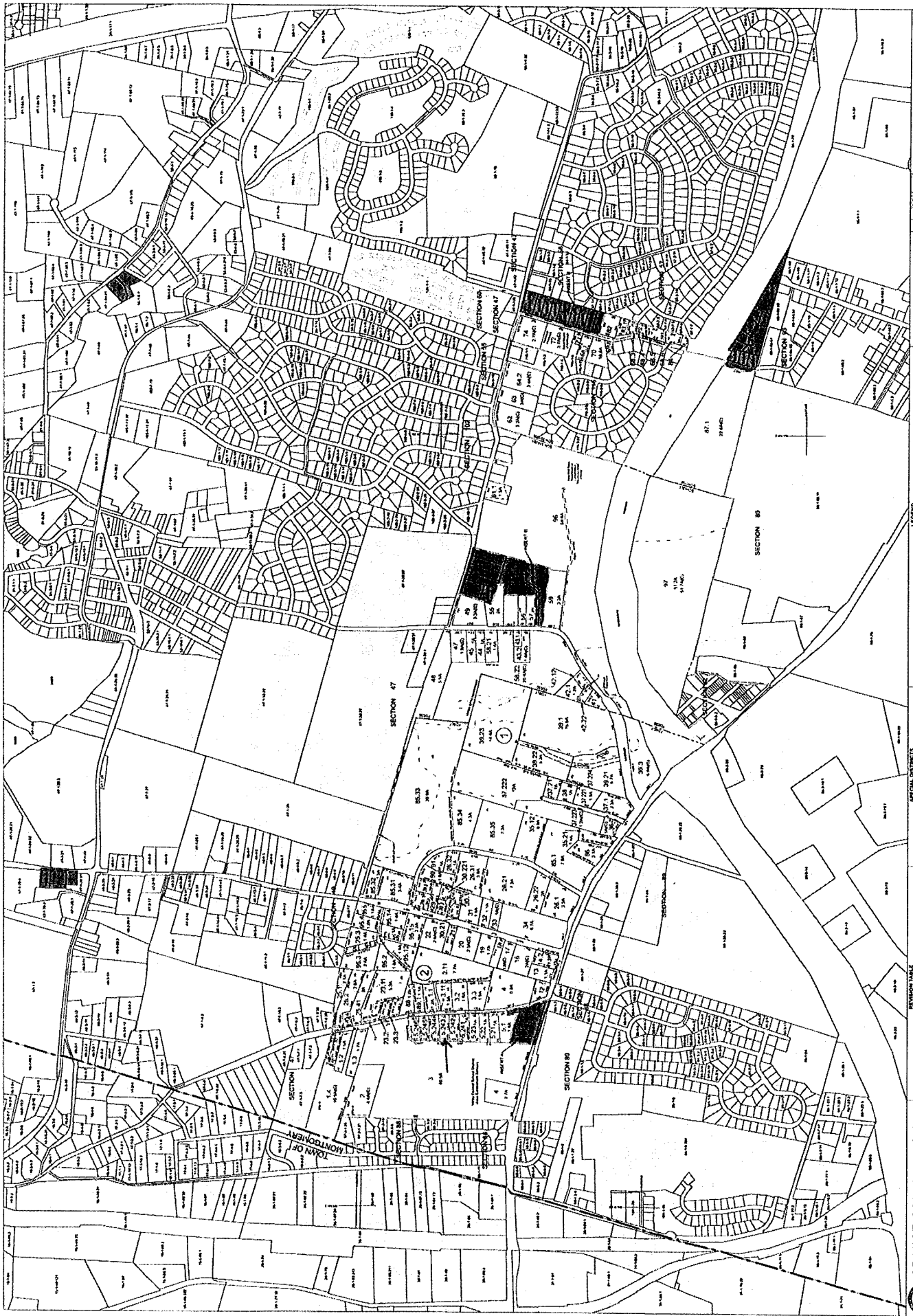




PLOT PLAN

NOTE: PLOT PLAN INFORMATION TAKEN FROM DRAWING
 ENTITLED SURVEY PREPARED FOR 31 GOLDEN HILL ROAD
 TOWN OF NEWBURGH COUNTY OF ORANGE, STATE OF NEW YORK
 DATED APRIL 08, 2022
 BY EDWARD T. GANNON, PLS.

SCALE: 1" = 30'



ORANGE COUNTY
NEW YORK

TOWN OF NEWBURGH
SECTION NO. 86

DATE: 10/14/2022

LEGEND

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DATE: 10/14/2022

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

STATE OF NEW YORK: COUNTY OF ORANGE:

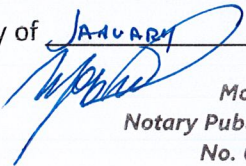
I Joel Markowitz, being duly ^{affirmed}sworn, depose and say that I did on or before
January 12, 2023, post and will thereafter maintain at
31 Colden Hill Rd 86-1-5.243 R1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) 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~~ ^{Affirmed} to before me this 3

day of JANUARY, 2023.



Moishe Gruber
Notary Public, State of New York
No. 01GR4840440
Qualified in Richmond County
Commission expires September 30, 2025



