



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

Zoning Board of Appeals

DEC 30 2025

Town of Newburgh

## APPLICATION

DATED: 12/26/2025

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

I (WE) Jose Garcia (owner-Silbase Enterprise, LLC) PRESENTLY  
RESIDING AT NUMBER 8 Carmel Dr Wallkill, NY 12589

TELEPHONE NUMBER 845-421-8466

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:

SBL: 47-1-5.21 (TAX MAP DESIGNATION)

97 Colden Hill Rd (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

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:  
12/03/2025
- 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: Town of Newburgh Municipal Code requires a 30' minimum side yard setback. Actual deck side setback is 28' with a 2' variance

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 corner of the deck is 2' inward from the corner of the house.

Also, the neighbor's house is not close (over 60') to the subject property.

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:

*I, the applicant will have to demolish part of the deck and this might affect the configuration of the house's exit door which is close to corner of the house where variance is needed.*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:  
It is 2' variance

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

*It's ~~over~~ 2' an extension of the deck and it does not extend beyond the corner of the house. As a matter of fact, the corner of the house is 2 feet beyond the edge of the deck.*

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

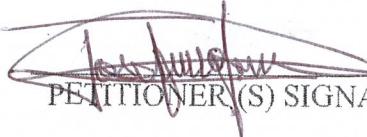
*This is an extension of a deck by previous owner. They probably had no knowledge of the Zoning Code.*

7. ADDITIONAL REASONS (IF PERTINENT):

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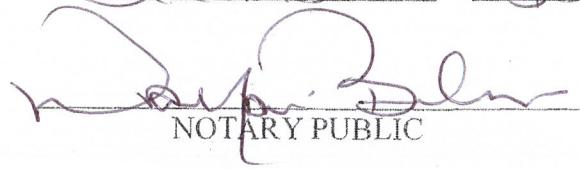
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PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF December 2025

  
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: <u>Extension of deck</u>		
Project Location (describe, and attach a location map): <u>97 Golden Hill Rd Newburgh, NY 12550</u>		
Brief Description of Proposed Action: <u>Applying for a 2' variance on a existing deck extension built by prior owner.</u>		
Name of Applicant or Sponsor: <u>Silbase Enterprise, LLC (Jose Garcia</u>	Telephone: <u>845-421-8466</u>	E-Mail: <u>Silbase33@gmail.com</u>
Address: <u>9 Carmel Dr</u>	City/PO: <u>Walkin</u>	State: <u>NY</u> Zip Code: <u>12589</u>
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.		
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: <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 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
b. Consistent with the adopted comprehensive plan?	<input checked="" 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 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"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	<input checked="" type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>N/A</i>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input 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	<i>N/A</i>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO	YES	<i>N/A</i>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	<i>N/A</i>
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"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<i>N/A</i>
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"/>
16. Is the project site located in the 100 year flood plain?	NO	YES	<input checked="" 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 checked="" type="checkbox"/> 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 checked="" type="checkbox"/> YES	<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>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Silboso Enterprise, LLC</u> Date: <u>12/30/25</u>  Signature: <u>Jose Silboso</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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" 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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<hr/> Name of Lead Agency _____ Date _____	
<hr/> Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer _____	
<hr/> Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from Responsible Officer) _____	

25-ATA-8240

**THIS DEED**

Made this 12 day of June, 2025

BETWEEN *Alysia R. Baker, Esq., Referee, having offices at 201 Ward Street, Suite 2B, Montgomery, NY 12549, duly appointed in the action hereinafter mentioned, Grantor*

AND

*Silbase Enterprise LLC, having office at 8 Carmel Dr, Wallkill, NY 12589, Grantee*

*WITNESSETH, that the Grantor, the Referee appointed in an action between*

*U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR VRMTG ASSET TRUST,*

*Plaintiff,*

*and*

*ERICA A. CRESPO, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF DORIS AMADOR ; THE DORIS AMPADOR REVOCABLE TRUST ; CAPITAL ONE BANK (USA), N.A. ; SLOBODA BROTHERS INC DBA AMERICA SEPTIC*

*Defendants,*

*foreclosing a mortgage recorded on consolidated mortgage August 28, 2017 in the offices of the County Clerk/City Register of the County of ORANGE in Book 14281, Page 666 Instrument No.: 20170061381 of Mortgages, in pursuance of a Judgment entered at an IAS Part 5 of the Supreme Court of the State of New York held in and for the County of ORANGE on February 18, 2025 and in consideration of Three Hundred Thousand and 00/100 (\$300,000.00) DOLLARS paid by the Grantee, being the highest sum bid at the sale under said Judgment does hereby grant and convey unto the Grantee, all the right, title and interest of the defendants ERICA A. CRESPO Et Al in and to 97 COLDEN HILL RD, NEWBURGH, NY 12550 as more particularly described in the attached Schedule "A".*

*TO HAVE AND TO HOLD the premises herein granted unto the Grantee its successors and assigns forever.*

*Whenever the text hereof requires, the singular number as used herein shall include the plural and all genders.*

*IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the date first above written.*

  
Alysia R. Baker, Esq., Referee

## SCHEDULE A

### Section 47 Block 1 Lot 5.21

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of Newburgh, Orange County, New York known and designated as Lot No. 1 on map entitled "Subdivision Lands of Vincent and Lucia Pomarico, Town of Newburgh, Orange Co., N.Y." made by Sidney L. Horowitz, C.E., dated September 2, 1973 and revised October 1, 1973, September 24, 1974 and December 22, 1974 and duly filed in Orange County Clerk's Office on February 4, 1975 as Map No. 3379 and more particularly bounded and described as follows:

BEGINNING at a point in the westerly side of Colden Hill Road, said point also being the northerly corner of lands now or formerly Guardino, Liber 4657, Page 219, and runs thence along said lands of Guardino North  $62^{\circ} 22' 00''$  West, 375.96 feet, thence along lands now or formerly Bonfiglio, Liber 2104, Page 824, North  $77^{\circ} 00' 00''$  East, 285.31 feet, thence along Colden Hill Road, South  $13^{\circ} 00' 00''$  East, 244.83 feet to the point or place of BEGINNING.

Premises known as **97 Colden Hill Road, Newburgh, N.Y. 12550**

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

On the 12 day of June in the year 2025, before the undersigned, a Notary Public in and for said State, personally appeared Alycia R. Baker, Esq., Referee, 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 s/he 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

MICHELE A. SPORDONE NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01SP5001339 Qualified in Orange County My Commission Expires <u>9-8-26</u>
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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

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/03/2025

Application No. 25-1248

To: Silbase Enterprise, LLC  
8 Carmel Drive  
Wallkill, NY 12589

SBL: 47-1-5.21  
ADDRESS: 97 Colden Hill Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 11/04/2025 for permit to keep a 14' x 45' rear deck built without permits or approvals on the premises located at 97 Colden Hill Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3: Requires a 30' minimum side yard setback. (28' actual / 2' variance / 6.6 %)



Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



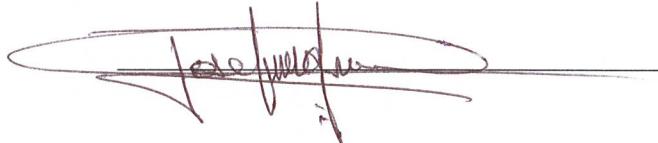


**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

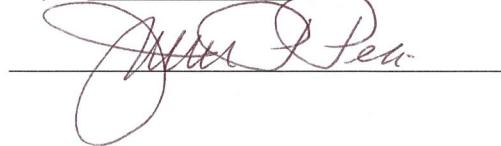
I Jose Garcia, being duly sworn, depose and say that I did on or before January 8, 2026, post and will thereafter maintain at 97 Colden Hill Rd 47-1-5.21 R1 Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice 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 properly 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 31

day of December 2025











97 Golden Hill Rd

SBL: 47-1-5.21

Plot Plan

