



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: 03-14-2022

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

I (WE) MICHAEL AND EVELYN FIELDS PRESENTLY

RESIDING AT NUMBER 113 HEATHER CIRCLE, NEWBURGH NY 12550

TELEPHONE NUMBER 845-401-3962 845-430-1961

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 (TAX MAP DESIGNATION)

2 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SEC 185-19-c-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:

3/14/22.

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: INCREASE THE

DEGREE NON-CONFORMITY

~~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:
REPLACING THE CURRENT DECK WITH A SAFER ONE WOULD NOT CHANGE CHARACTER BUT ENHANCE THE NEIGHBORHOOD.
- 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 CURRENT DECK IS UNSAFE AND IN DISREPAIR. ENLARGEMENT WOULD MEET THE DEMANDS OF CURRENT DECK LIVING (PATIO FURNITURE, ECT).
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
ENLARGEMENT WOULD BE AN ADDITIONAL 136 SQ FT
- 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 WOULD BE REPLACING THE CURRENT ^{DECK} WITH A SAFER CODE COMPLIANT DECK.
- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
WHEN THIS HOME WAS PURCHASED IN MARCH 1993, THE CURRENT DECK WAS CONSTRUCTED BASED ON THE THEN BUILDING CODES FOR STRUCTURES.

7. ADDITIONAL REASONS (IF PERTINENT):

REPLACEMENT/ENLARGEMENT WOULD ALSO
REGAIN THE HOMES ENTRY/EXIT FROM THAT
LOCATION.

M. Fuld

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF April 2022

Lisa M. Ayers

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			
MICHAEL AND EVELYN FIELDS			
Name of Action or Project: REAR DECK REPLACEMENT/ENLARGEMENT			
Project Location (describe, and attach a location map): 113 HEATHER CIRCLE, NEWBURGH NY (115-2-2)			
Brief Description of Proposed Action: CURRENT 10X12 DECK IS IN DISREPAIR. REPLACE AND ENLARGE TO A 16X16 DECK			
Name of Applicant or Sponsor: MICHAEL AND EVELYN FIELDS		Telephone: 845-	
		E-Mail:	
Address: 113 HEATHER CIRCLE, NEWBURGH NY 12550 mg			
City/PO: NEWBURGH		State: NY	Zip Code: 12550
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"/>
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: T/NEWBURGH BUILDING DEPT.			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____			.5 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			

<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>	NO	YES
<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>	NO	YES
<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>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>MICHAEL FIELDS</u></p>	<p>Date: <u>03-14-2022</u></p>	
<p>Signature: <u>M. Fields</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

PRINT OR TYPE: BLACK INK ONLY

RIDGE ROAD HOLDING CORP
TO
MICHAEL A FIELDS
EVELYN R FIELDS

SECTION 115 BLOCK 2 LOT 2

RECORD AND RETURN TO:
(Name and Address)

Jack G. Rosenfield Esq
11 LAKE STREET
MORRIS NY 10950

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

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52832 DATE 2/24/93 AFFIDAVIT FILED _____ 19 _____

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

- BG20 Blooming Grove _____ SERIAL NO. _____
- CH22 Chester _____ Mortgage Amount \$ _____ CHECK CASH _____ CHARGE _____
- CO24 Cornwall _____
- CR26 Crawford _____ Exempt Yes _____ No _____
- DP28 Deerpark _____
- GO30 Goshen _____ 3-6 Cooking Units Yes _____ No _____
- GR32 Greenville _____
- HA34 Hamptonburgh _____ Received Tax on above Mortgage _____
- HI36 Highlands _____ Basic \$ _____
- MK38 Minisink _____ MTA \$ _____
- ME40 Monroe _____
- MY42 Montgomery _____ Spec. Add. \$ _____
- MH44 Mount Hope _____
- NT46 Newburgh (T) TOTAL \$ _____
- NW48 New Windsor _____
- TU50 Tuxedo _____
- WL52 Wallkill _____
- WK54 Warwick _____
- WA56 Wawayanda _____
- WO58 Woodbury _____
- MN09 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 9999 Hold _____

MORTGAGE TAX \$ _____
TRANSFER TAX \$ 580⁰⁰
Ed Fund 5⁰⁰
RECORD. FEE \$ 11⁰⁰
REPORT FORMS \$ 3⁰⁰
CERT. COPIES \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on MAR 1 1993
at 243 O'Clock P. M.
In Liber/Film 3772 deeds
at page 151 and examined.
Marion S. Murphy
County Clerk

RECEIVED
\$ 580⁰⁰
REAL ESTATE
MAR 1 1993
TRANSFER TAX
ORANGE COUNTY
mb

LIBER 3772 PAGE - 151

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
ON 3-1-93 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Kelly A. Eskew 4-1-22

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

ORG 03/01/93 02:43:03 10109 41.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 52832 580.00 *
***** SERIAL NUMBER: 005208 *****

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

THIS INDENTURE, made the 24th day of February, nineteen hundred and ninety-three
BETWEEN RIDGE ROAD HOLDING CORP., a domestic corporation
P.O. Box 449
Highland Mills, New York 10930

party of the first part, and

MICHAEL A. FIELDS & EVELYN R. FIELDS, *as husband and wife*
211 Cartwheel Court
Washingtonville, New York 10992

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 and State of New York, known and designated as Lot No. 55 on a certain map entitled "Subdivision Plan for Amber Fields", which said map was filed in the Orange County Clerk's Office on October 19, 1989 as Filed Map No. 9680.

This conveyance is of premises which do not constitute all or substantially all of the assets of the party of the first part, and further, this conveyance is made in the regular course of business actually conducted by the party of the first part.

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.

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:

RIDGE ROAD HOLDING CORP.

by: *Diana E. Gastio*
Diana E. Gastio, Asst. Secty.

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____, 19____, before me personally came _____ to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that _____ executed the same.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____, 19____, before me personally came _____ to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that _____ executed the same.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF DUTCHESS

SS:

On the 24th day of February, 1993, before me personally came Diana E. Gastio to me known, who, being by me duly sworn, did depose and say that (s)he resides at No. 571 Main Street, Poughkeepsie, New York 12501 that (s)he is the Assistant Secretary of Ridge Road Holding Corp. the corporation described in and which executed the foregoing instrument, and that (s)he signed his/her name thereto by like order.

CAROL STICKLE
Notary Public, State of New York
Qualified in Dutchess County No. 4890638
Commission Expires May 4, 1993

Carol Stickle
NOTARY PUBLIC

BARGAIN AND SALE DEED
With Covenant Against Grantor's Acts

Title No. _____

Section _____
Block _____
Lot _____
County or Town _____

TO _____

RECORD AND RETURN TO:

Jack J. Rosenthal, Esq.
P.O. Box 803
Monroe, N.Y. 10950



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

2979-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/14/2022

Application No. 21-1080

To: Michael Fields
119 Heather Cir
Newburgh, NY 12550

SBL: 115-2-2
ADDRESS: 113 Heather Cir

ZONE: R1

PLEASE TAKE NOTICE that your application dated 09/22/2021 for permit to enlarging the rear deck from 10' x 12' to 16' x 16' on the premises located at 113 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. (Side yard 21' required 30')

Joseph Mattina

Cc: Town Clerk & Assessor (500')
File





1





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

STATE OF NEW YORK: COUNTY OF ORANGE:

I MICHAEL FIELDS, being duly sworn, depose and say that I did on or before

April 14, 2022, post and will thereafter maintain at

113/119 Heather Cir 115-2-2 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.

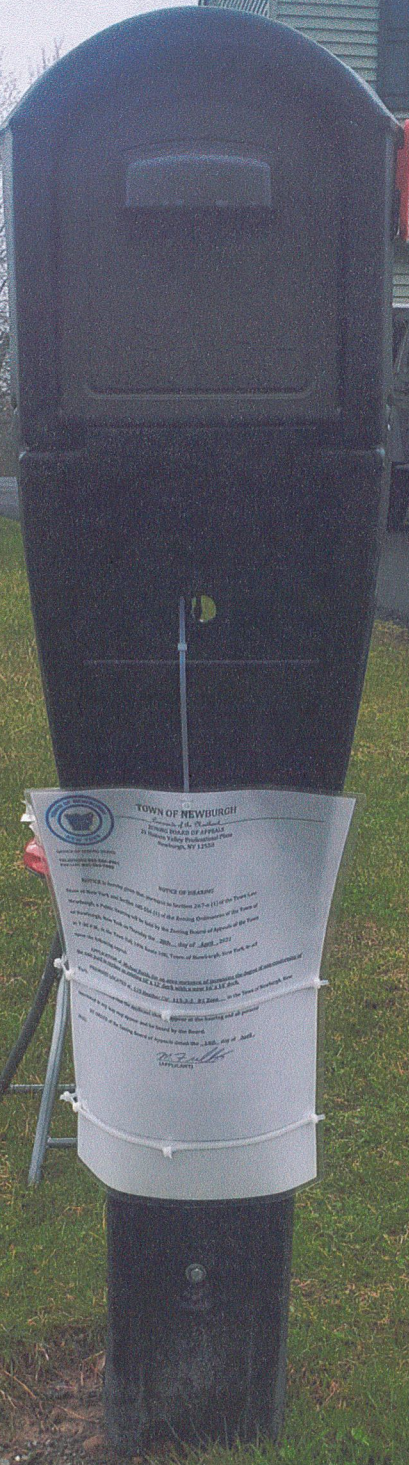
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

M. Fields

Sworn to before me this 6

day of April, 2022.





TOWN OF NEWBURGH
Town of Newburgh, New York
2021-2022
Public Hearing

NOTICE OF HEARING
NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, April 20, 2021, at 7:00 p.m. at the Town Office Building, 100 South Street, Newburgh, New York 12550, to hear testimony on the proposed change to the zoning code, which is a Public Hearing under Section 242 of the State Law. The proposed change is a Public Hearing under Section 242 of the State Law. The proposed change is a Public Hearing under Section 242 of the State Law. The proposed change is a Public Hearing under Section 242 of the State Law.

AGENDA
7:00 p.m. - 7:15 p.m. - Opening Remarks
7:15 p.m. - Presentation by the Planning Board
7:45 p.m. - Public Hearing
9:00 p.m. - Adjourn

FOR MORE INFORMATION
Contact the Town Clerk, Lisa M. Smith, at 518-537-1234 or email at lsmith@townofnewburgh.org

Lisa M. Smith
TOWN CLERK





12' 0" MINIMUM

CODE COMPLIANCE
DEPARTMENT

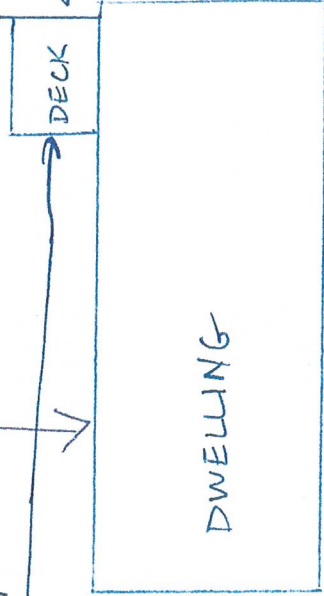
MAR 09 2022

Sign X 82

APPROX
80 FEET

76 FEET

21 FEET



77 FEET

ROAD

PLOT PLAN
113 HEATHER CIRCLE
LOT # 115-2-2