



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 12/16/2018

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

I (WE) CARLOS HERNANDEZ PRESENTLY

RESIDING AT NUMBER 74 LIBERTY STREET, NEWBURGH, NEW YORK 12550

TELEPHONE NUMBER 914-805-1063

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

27-1-3 (TAX MAP DESIGNATION)

13 TERRY AVENUE (STREET ADDRESS)

R-3 SINGLE FAMILY RESIDENTIAL (ZONING DISTRICT)  
WITH MUNICIPAL WATER AND INDIVIDUAL SDS

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185 - ATTACHMENT 9: R-3 BULK REQUIREMENTS FOR SINGLE FAMILY RESIDENCE  
185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY



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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: 12/04/2018
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: XXX

4. DESCRIPTION OF VARIANCE SOUGHT: AREA VARIANCE FOR FRONT YARD SETBACK AND SIDE YARD SETBACKS. THERE WILL BE NO FURTHER ENCROACHMENTS, BUT THE PROPOSED SECOND FLOOR ADDITION WILL INCREASE THE DEGREE OF 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:

\_\_\_\_\_  
\_\_\_\_\_





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

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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 BUILDING IS EXISTING AND EXISTING ADJACENT BUILDINGS ON TERRY AVENUE HAVE SIMILAR SETBACKS. THE PROPOSED ADDITION TO THE SECOND FLOOR IS BY CONSTRUCTING A DORMER OUT OF THE REAR ROOF LINE THAT WILL INCREASE THE DEGREE OF NON-CONFORMITY OF PRE-EXISTING NON CONFORMING FRONT AND SIDE AND SIDE YARD SETBACKS. THE FOOTPRINT OF THE BUILDING WILL NOT CHANGE.

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:

ANY ADDITION TO THE EXISTING RESIDENCE TO CREATE ADDITIONAL SQUARE FOOTAGE WILL REQUIRE AN AREA VARIANCE.

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: IT WILL NOT CREATE ANY ADDITIONAL BURDEN ON THE TOWN OF NEWBURGH INFRASTRUCTURE INCLUDING ROADS, EMERGENCY SERVICES, OR SCHOOLS,

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

THE PROPOSED ADDITION WILL BE CONSTRUCTED ON THE FRONT PRINT OF THE EXISTING BUILDING AND THEREFORE WILL NOT CREATE ANY ADDITIONAL IMPERVIOUS AREA. THEE WILL BE NO ADVERSE EFFECTS ON THE ENVIRONMENT AND ALL DISTURBED AREAS WILL BE RECLAIMED PER PERMANENT EROSION AND SEDIMENTATION CONTROL MEASURES OUTLINED BY NYSDEC GUIDELINES. THE CONSTRUCTION WILL NOT ALTER THE THE DISTRICT OR NEIGHBORHOOD AS IT WILL REMAIN A SINGLE FAMILY RESIDENCE. THE ADDITION WILL ONLY BE VISIBLE FROM THE REAR.

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

THE BUILDING WAS EXISTING WHEN THE CURRENT OWNER PURCHASED THE PROPERTY AND THEY ARE NOT INCREASING THE FOOTPRINT OF THE BUILDING.

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### 7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CARLOS HERNANDEZ  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15<sup>TH</sup> DAY OF December 2018

NOTARY PUBLIC

A. LEONARD PAUL  
Notary Public, State of New York  
No. 01-4004047  
Qualified in Rockland County  
Commission Expires May 31, 2022

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)





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ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

CARLOS HERNANDEZ, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 74 LIBERTY STREET, NEWBURGH, NEW YORK 12550

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

13 TERRY AVENUE (S/B/L: 27-1-3), TOWN OF NEWBURGH, ORANGE COUNTY, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12-15-18

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15<sup>TH</sup> DAY OF December 20 18

  
NOTARY PUBLIC

A. LEONARD PAUL  
Notary Public, State of New York  
No. 01-4004247  
Qualified in Rockland County  
Commission Expires May 31, 2022

# 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>			
LANDS OF CARLOS HERNANDEZ			
Name of Action or Project: AREA VARIANCES FOR PROPOSED SECOND FLOOR ADDITION			
Project Location (describe, and attach a location map): 13 TERRY AVENUE (S/B/L: 27-1-3), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK			
Brief Description of Proposed Action: THE OWNER IS SEEKING AREA VARIANCES FOR FRONT YARD AND SIDE YARD SETBACKS TO CONSTRUCT A SECOND STORY ADDITION ON THE EXISTING FOOT PRINT OF AN EXSITING SINGLE FAMILY RESIDENCE. THE CONSRUCTION WILL NOT CREATE ANY ADDITIONAL BEDROOMS IN THE RESIDENCE, AND THE FOOTPRINT OF THE RESIDENCE WILL ALSO NOT CHANGE.			
Name of Applicant or Sponsor: CARLOS HERNANDEZ		Telephone: 914-805-1063	
		E-Mail: jonathancella@hotmail.com	
Address: 74 LIBERTY STREET			
City/PO: NEWBURGH		State: NEW YORK	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 checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: APPROVAL FROM THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS FOR AREA VARIANCES AND BUILDIG PERMIT FROM THE TOWN OF NEWBUGH BUILDING DEPARTMENT FOR ERMISION TO CONSTRUCT ADDITION.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.27 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.27 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 checked="" 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			

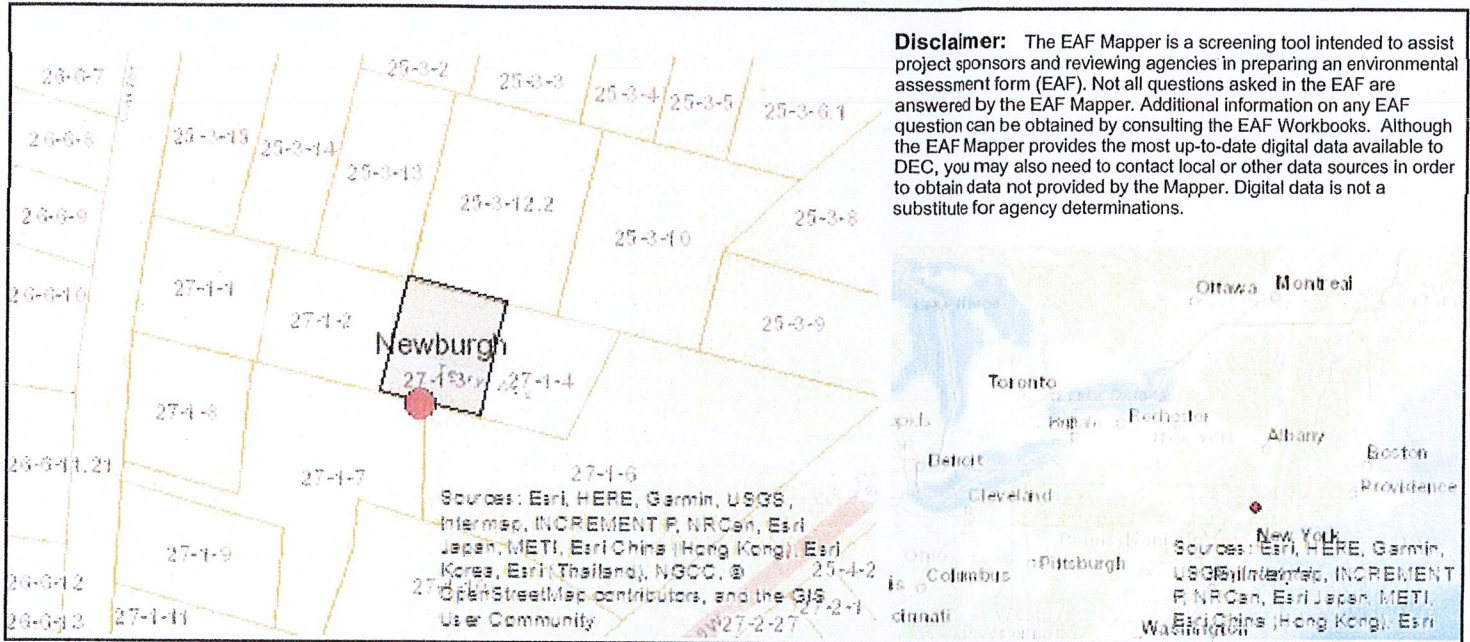


	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" 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: _____	<input type="checkbox"/>	<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: _____	<input type="checkbox"/>	<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: _____ THE EXISTING RESIDENCE IS SERVICED BY AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM.	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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?    Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input 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	<input checked="" type="checkbox"/>	<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: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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: _____</p>	<p>Date: <u>12/16/2018</u></p>	
<p>Signature: <u><i>Jonathan Cella</i></u></p>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
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



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

**2727-18**

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/04/2018

Application No. 18-0597

To: Carlos Hernandez  
74 Liberty St  
Newburgh, NY 12550

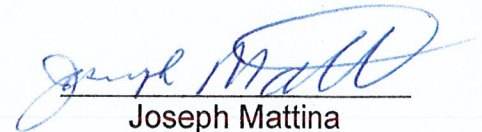
SBL: 27-1-3  
ADDRESS: 13 Terry Ave

ZONE: R3

PLEASE TAKE NOTICE that your application dated 06/08/2018 for permit to raise the roof to create a bedroom on the second floor on the premises located at 13 Terry Ave 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.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

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

**NAME:** Carlos Hernandez      **Building Application #** 18-0597

**ADDRESS:** 13 Terry Ave Newburgh NY 12550

**PROJECT INFORMATION:**       **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:** Raising the entire back half of the roof

**SBL:** 27-1-3      **ZONE:** R3      **ZBA Application #** \_\_\_\_\_

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'	17'-6"	Increasing the degree of non-conformity		
REAR YARD	40'		OK		
SIDE YARD	15' / 30'		OK		
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:** Raising the roof to create a bedroom on the second floor.

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 : Shall not increase the degree of nonconformity.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 4-Dec-18



Orig.  
scn.  
12/18/18.



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\*\*\*



Recording:	
Recording Fee	40.00
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

BOOK/PAGE: 14413 / 1848  
INSTRUMENT #: 20180041970

Sub Total:	190.00
Transfer Tax	
Transfer Tax - State	220.00
Sub Total:	220.00

Receipt#: 2502877  
Clerk: MP  
Rec Date: 06/11/2018 03:28:56 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 4  
Rec'd Frm: RIVER CITY ABSTRACT OF HUDSON VALLEY INC

Total: 410.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: HOROS ERNEST JOSEPH  
Party2: HERNANDEZ CARLOS  
Town: NEWBURGH (TN)  
27-1-3

***** Transfer Tax *****	
Transfer Tax #: 10060	
Transfer Tax	
Consideration: 55000.00	
Transfer Tax - State	220.00
Total:	220.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

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 June 11, 2018 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  
Orange County Clerk

Ann G. Rabbitt  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY December 17, 2018

Record and Return To:

NATASHA TURNER DUBOIS  
1662 RTE 300- SUITE 100  
NEWBURGH, N.Y. 12550



Deed-Executor's 56417

1/99

**THIS INDENTURE**, made the 11th day of May, Two Thousand Eighteen

**BETWEEN KATHRYN HOPPER**, residing at 66 Albany Post Road, Newburgh, New York 12550 as Executrix of the Last Will and Testament of Ernest Joseph Horos, late of the Town of Newburgh, Orange County, New York, deceased,

*Letters Testamentary issued by the Surrogate's Court of Orange County on 8/18/16 File No. 2016-019*

*ACA ST-56417  
a/k/a Ernest J. Horos*

party of the first part, and

**CARLOS HERNANDEZ**, residing at 74 Liberty Street, Newburgh, New York 12550

party of the second part:

**WITNESSETH**, that the party of the first part, in consideration of Fifty- Five Thousand 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,

87-1-3

**SEE ATTACHED SCHEDULE A**

**TOGETHER** with the appurtenances, and also all the estate which the said Testator/Testatrix had at the time of his/her decease, in said premises, and also the estate therein, which the party of the first part has or had power to convey or dispose of, whether individually, or by virtue of said Will or otherwise.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, his/her heirs, distributees and assigns forever,

**AND** the party of the first part covenants that she has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

That, in compliance with Sec. 13 of the Lien Law, the grantor will receive 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 hereunto set his/her hand and seal the day and year first above written.

IN PRESENCE OF

*Kathryn Hopper*  
\_\_\_\_\_  
**KATHRYN HOPPER**, as Executrix  
of the Last Will and Testament of Ernest  
Joseph Horos *a/k/a Ernest J. Horos*

SCHEDULE A

ALL that certain plot, piece, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being bounded and described as follows:

**BEGINNING** at a point in the southwesterly line of Terry Avenue, said point being an iron pipe set in the ground at the northwesterly corner of lands now or formerly Robins, said point also being 303.8 feet from the center line of the NYS Highway known as Route 9W (SH #5007); and running thence along said Robins lands, South 26 degrees 03' West 116.00 feet to an iron pipe set in the ground; thence along lands now or formerly Mantis/Zeitlin, and along lands now or formerly Vernol, North 63 degrees 57' West 100.00 feet to an iron pipe set in the ground; thence, along lands now or formerly Burger, North 26 degrees 03' East 116.00 feet to an iron pipe set in a stump in the southerly line of Terry Avenue; thence along said street line, South 63 degrees 57' East 100.00 feet to the point or place of **BEGINNING**.

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

**BEING** the same premises conveyed by Martin De Noyelles, Jr., to Ernest Richard Horos and Ernest Joseph Horos by deed dated April 25, 1980 and recorded in the Orange County Clerk's Office on April 25, 1980 in Liber 2164 at Page 147.







# ORANGE COUNTY CLERK

ANN G. RABBITT

*Receipt*

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Receipt Date: 12/17/2018 01:21:48 PM  
RECEIPT # 2589165

Recording Clerk: HL  
Cash Drawer: CASH22  
Rec'd Frm: CASH

Misc Fees \$5.00

Receipt Summary

TOTAL RECEIPT: ----> \$5.00  
TOTAL RECEIVED: ----> \$5.00

CASH BACK: ----> \$0.00

PAYMENTS

Cash -> \$5.00



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

STATE OF NEW YORK: COUNTY OF ORANGE:

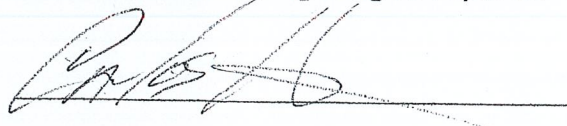
I Carlos Hernandez, being duly sworn, depose and say that I did on or before  
January 10, 2019, post and will thereafter maintain at

13 Terry Ave 27-1-3 R-3 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 18<sup>th</sup>  
day of December, 2018.



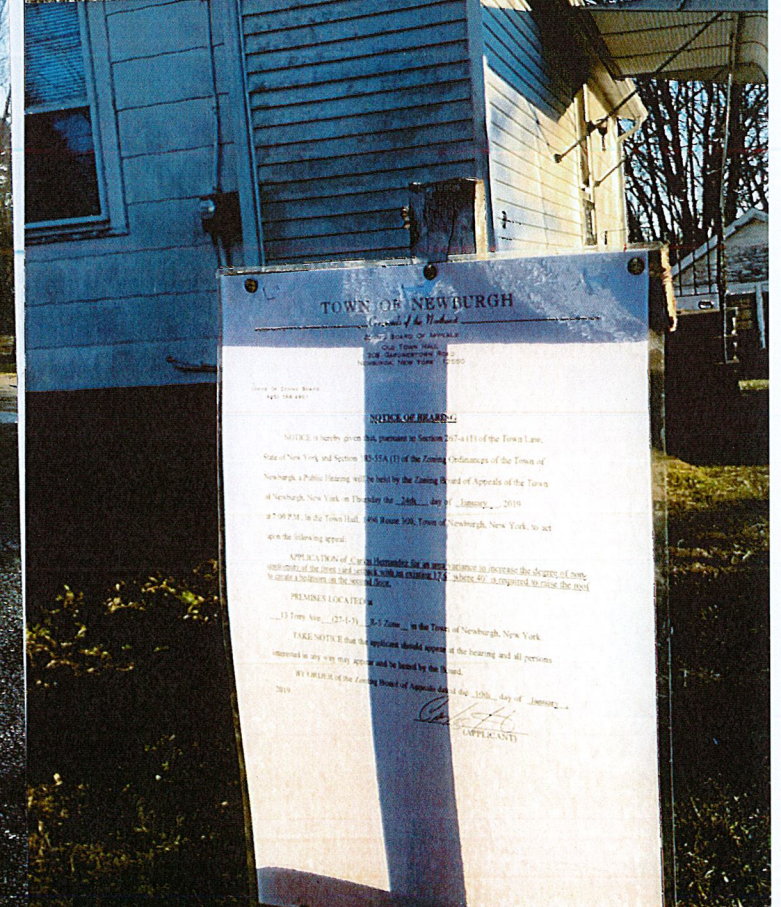
A. Lenard Paul

Notary Public

A. LENARD PAUL  
Notary Public, State of New York  
No. 01-400447  
Qualified in Rockland County  
Commission Expires June 22, 2022

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this  
affidavit.]





**TOWN OF NEWBURGH**

*County of the Hudson*  
Office of the Town Clerk  
100 Saratoga Street  
Newburgh, New York 12550

**NOTICE OF HEARING**

NOTICE is hereby given, pursuant to Section 267-111 of the Town Law, State of New York and Section 42-55A (1) of the Zoning Ordinance of the Town of Newburgh, New York, that a public hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York, on Thursday the 26th day of January, 2019, at 7:00 PM, in the Town Hall, 100 Saratoga Street, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Charles Hernandez for an area variance to decrease the degree of front setback of the front yard setback with an extension 17.5 meters, etc., as compared to what the zoning ordinance requires.

**PREMISES FOR A VARIANCE**

... 31 Town Ave., ... (27-1-1) ... R-1 Zone ... in the Town of Newburgh, New York.

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

BY A RESOLUTION of the Zoning Board of Appeals dated the 15th day of January, 2019.

*Charles Hernandez*  
(APPLICANT)





PICTURE # 1  
PROPERTY FRONTAGE ALONG  
TERRY AVENUE



PICTURE # 2  
EXISTING/PROPOSED  
FRONT OF HOUSE ON TERRY AVENUE

AREA VARIANCES  
CARLOS HERNANDEZ  
13 TERRY AVENUE (S/B/L: 27-1-3)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.  
51 HUNT ROAD

WALLKILL, NEW YORK 12589

DATE:  
12-16-2018

(845) 741-0363  
jonathancella@hotmail.com

SHEET NO.:  
1 OF 3





PICTURE # 3  
LEFT (EAST) SIDE OF PROPERTY  
FROM TERRY AVENUE



PICTURE # 4  
REAR (SOUTH)  
OF PROPERTY

AREA VARIANCES  
CARLOS HERNANDEZ  
13 TERRY AVENUE (S/B/L: 27-1-3)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

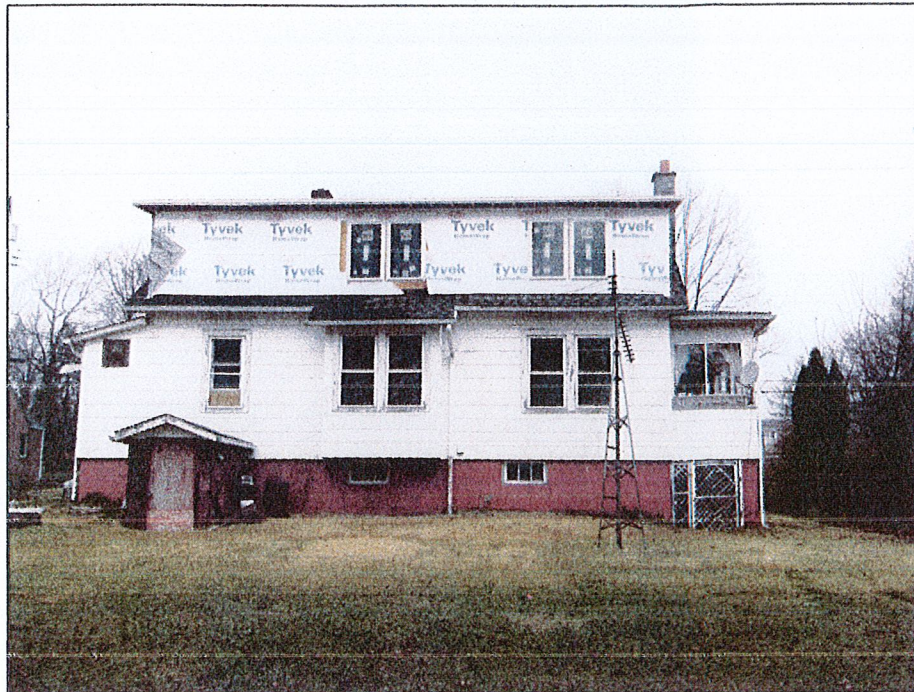
JONATHAN CELLA, P.E.  
51 HUNT ROAD

DATE:  
12-16-2018

WALKKILL, NEW YORK 12589  
(845) 741-0363  
jonathancell@hotmail.com

SHEET NO.:  
2 OF 3





PICTURE # 5  
EXISTING/PROPOSED REAR ELEVATION  
OF RESIDENCE



PICTURE # 6  
LEFT SIDE OF PROPERTY  
FROM REAR

AREA VARIANCES  
CARLOS HERNANDEZ  
13 TERRY AVENUE (S/B/L: 27-1-3)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.

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SHEET NO.:  
3 OF 3