

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: 3/29/21

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

I (WE) Michael Higgins PRESENTLY

RESIDING AT NUMBER 1460 S Ocean Blvd, Unit 602 Pompano Beach, FL 33062

TELEPHONE NUMBER 617 448-6925

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:

57-2-7 (TAX MAP DESIGNATION)

21 Lancer Dr (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk table schedule 4, section 185

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:

3/15/2021

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

4. DESCRIPTION OF VARIANCE SOUGHT: To keep a 6' x 10' front

deck on property, seeking variance of 40' minimum front yard setback, have 34'. Variance of 6', variance percentage 15%.

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 deck is aesthetically pleasing, the setback variance percentage is 15%.

- 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 deck has already been built. It would be a financial hardship to have it torn down and re-done.

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

Bulk table Schedule 4, section 185 requires a 40' minimum front yard setback. The deck is at 34', which is a 15% variance percentage (6').

- 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 deck is aesthetically pleasing, the setback variance percentage is 15%.

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

As the front door had side lights, it was decided the current 6' x 10' deck would be appropriate by the builder.

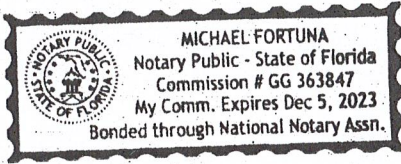
7. ADDITIONAL REASONS (IF PERTINENT):

Paul Higgins

PETITIONER (S) SIGNATURE

~~FLORIDA~~ ~~STATE OF NEW YORK~~ ~~COUNTY OF ORANGE~~
FLORIDA PALM BEACH

SWORN TO THIS 30 DAY OF MARCH 2021



Michael Fortuna
NOTARY PUBLIC

: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the
g Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be
ed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed action
Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR
EW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE
T OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Michael Higgins, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 1460 S Ocean Blvd #602 Pompano Beach, FL 33062
IN THE COUNTY OF Broward AND STATE OF FLORIDA
AND THAT HE/SHE IS THE OWNER IN FEE OF 21 Lanier DR
Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED New Homes By Liberty, Inc.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/30/21 [Signature]

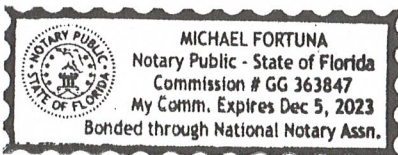
OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

FLORIDA PALM BEACH
STATE OF ~~NEW YORK~~: COUNTY OF ORANGE:

SWORN TO THIS 30 DAY OF MARCH 20 21



[Signature]
NOTARY PUBLIC

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>Variance request to keep 6'x10' front deck with 34' instead of 40' setback</i>			
Project Location (describe, and attach a location map): <i>21 Lancer Dr Newburgh NY 12550 SBL: 57-2-7</i>			
Brief Description of Proposed Action: <i>To keep 6'x10' front deck on property in the Town of Newburgh, Bulk table Schedule 4 section 185 requires a 40' minimum front yard setback, we would like a variance for 34', a 15% variance percentage (6')</i>			
Name of Applicant or Sponsor: <i>Michael Higgins</i>		Telephone: <i>617-448-7907</i>	
Address: <i>1460 S. Ocean Blvd Unit 602</i>		E-Mail: <i>michael.higgins@morganstanley.com</i>	
City/PO: <i>Pompano Beach, FL</i>		State: <i>FL</i>	Zip Code: <i>33062</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 governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>0.344</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.344</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<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 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: <u>(Deck on house with water)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>(Deck on house with sewer)</u>	<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? 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? 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?	<input checked="" type="checkbox"/>	<input 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 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<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 Higgins</u></p>	<p>Date: <u>3/30/21</u></p>	
<p>Signature: <u>[Handwritten Signature]</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



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Eleanor H. Edwards, by John A. Hammond,
her attorney-in-fact

TO
Michael F. Higgins

SECTION 57 BLOCK 2 LOT 7

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

Michael F. Higgins
436 Marlborough Street
Boston, MA 02115

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

- | | |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2600 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALKKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | |
| ___ 4003 HARRIMAN (VLG) | |
| ___ 4095 KIRYAS JOEL (VLG) | |

NO. PAGES 4 CROSS REF _____
CERT. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 125,000
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:
___ (A) COMMERCIAL
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000.
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT.PERSON/CR.UNION
___ (J) NAT.PER.CR.UNI/ OR 2
___ (K) CONDO

- CITIES
- | |
|----------------------|
| ___ 0900 MIDDLETOWN |
| ___ 1100 NEWBURGH |
| ___ 1300 PORT JERVIS |
| ___ 9999 HOLD |

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: *Harkin*

4810PG 338

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
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

April 01, 2021
Ann G. Rabbit

LIBER 4810 PAGE 338
ORANGE COUNTY CLERK'S OFFICE 34809 MCD
RECORDED/FILED 06/22/98 09:52:48 AM
FEES 47.00 EDUCATION FUND 5.00
SERIAL NUMBER: 008864
DEED CNTL NO 57502 RE TAX 420.00

Form 807 10/8/88 — Bargain and Sale Deed with Covenant against Grantor's Act — Ind. or Corp.

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

THIS INDENTURE, made the 12 day of June, nineteen hundred and ninety-eight BETWEEN ELEANOR H. EDWARDS, by JOHN A. HAMMOND, her attorney-in-fact Box 21, Sparrowbush, New York 12780

party of the first part, and ^{F.} MICHAEL HIGGINS, 436 Marlborough Street, Boston, MA 02115

party of the second part, WITNESSETH, that the party of the first part, in consideration of Ten and no/100 (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the first 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 (described in Schedule A annexed hereto and made a part hereof)

DIST:
SECTION:
BLOCK:
LOT:

The premises in which the insured has the estate or interest covered by this policy.

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, KNOWN AND SHOWN AS LOT NO. 7, BLOCK "H", MAP OF MEADOW HILL SUBDIVISION, TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK, DATED JULY 25, 1963, MADE BY HERBERT L. KARTIGANER, P.E., L.S., REVISED APRIL 16, 1964, AND FILED APRIL 27, 1964, AND FILED APRIL 27, 1964, AS MAP NO. 2043, ORANGE COUNTY CLERK'S OFFICE; THE SAID PREMISES BEING KNOWN BY STREET NUMBER AS NO. 21 LANCER DRIVE.

SCHEDULE A

1988 4810PG 340

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 premise 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 incumbered 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:

Eleanor H. Edwards
by John A. Hammond

Eleanor H. Edwards by John A. Hammond, her attorney-in-fact

STATE OF NEW YORK, COUNTY OF ss.:
On the day of 19 , before me
personally came
to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF ss.:
On the day of 19 , before me
personally came
to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF ss.:
On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.
that he is the
of
the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation,
and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss.:
On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.
say that he is the
of
the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation,
and that he signed his name thereto by like order.

STATE OF NEW YORK: COUNTY OF ORANGE

On this 12 day of June 1998 before me personally came John A. Hammond
to me personally known to be the person described and appointed
attorney-in-fact in adn by a certain power of attorney executed by
Eleanor H. Edwards dated June 23, 1987 and intended to be recorded
in the Office of the County Clerk of the County of Orange, simultaneously
with the foregoing instrument and acknowledged to me that he executed the
foregoing instrument as the act of the said Eleanor H. Edwards.

Marquin and Sule Deed

WITH COVENANT AGAINST GRANOR'S ACTS

TITLE No. GAN-4751-0

GRENDALL ABSTRACT INC.


5419 Route 9W
Newburgh, NY 12550
TO

SECTION
BLOCK
LOT
COUNTY OR TOWN

Stewart P. Glenn
Notary Public

STEWART P. GLENN
Notary Public, State of New York
No. 4508660
Qualified in Ulster County
My Commission Expires December 31, 1999

Recorded At Request of American Title Insurance Company
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK STATE LAND TITLE ASSN.
Distributed by

American Title Insurance Company
Northeast Region

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



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

2905 - 21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/15/2021

Application No. 21-0104

To: Michael Higgins
21 Lancer Drive
Newburgh, NY 12550

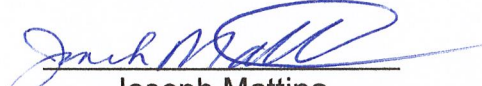
SBL: 57-2-7
ADDRESS: 21 Lancer Dr

ZONE: R2

PLEASE TAKE NOTICE that your application dated 02/03/2021 for permit to keep a 6' x 10' front deck built without a permit on the premises located at 21 Lancer Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 4: Requires a 40' minimum front yard setback


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: MICHAEL HIGGINS

Application # 21-0104

ADDRESS: 21 LANCER DR. NEWBURGH NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 6' X 10' OPEN FRONT DECK

SBL: 57-2-7 ZONE: R-2 ZBA Application # 2905-21

TOWN WATER: **YES** / NO

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'		34'	6'	15.00%
REAR YARD					
SIDE YARD					
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

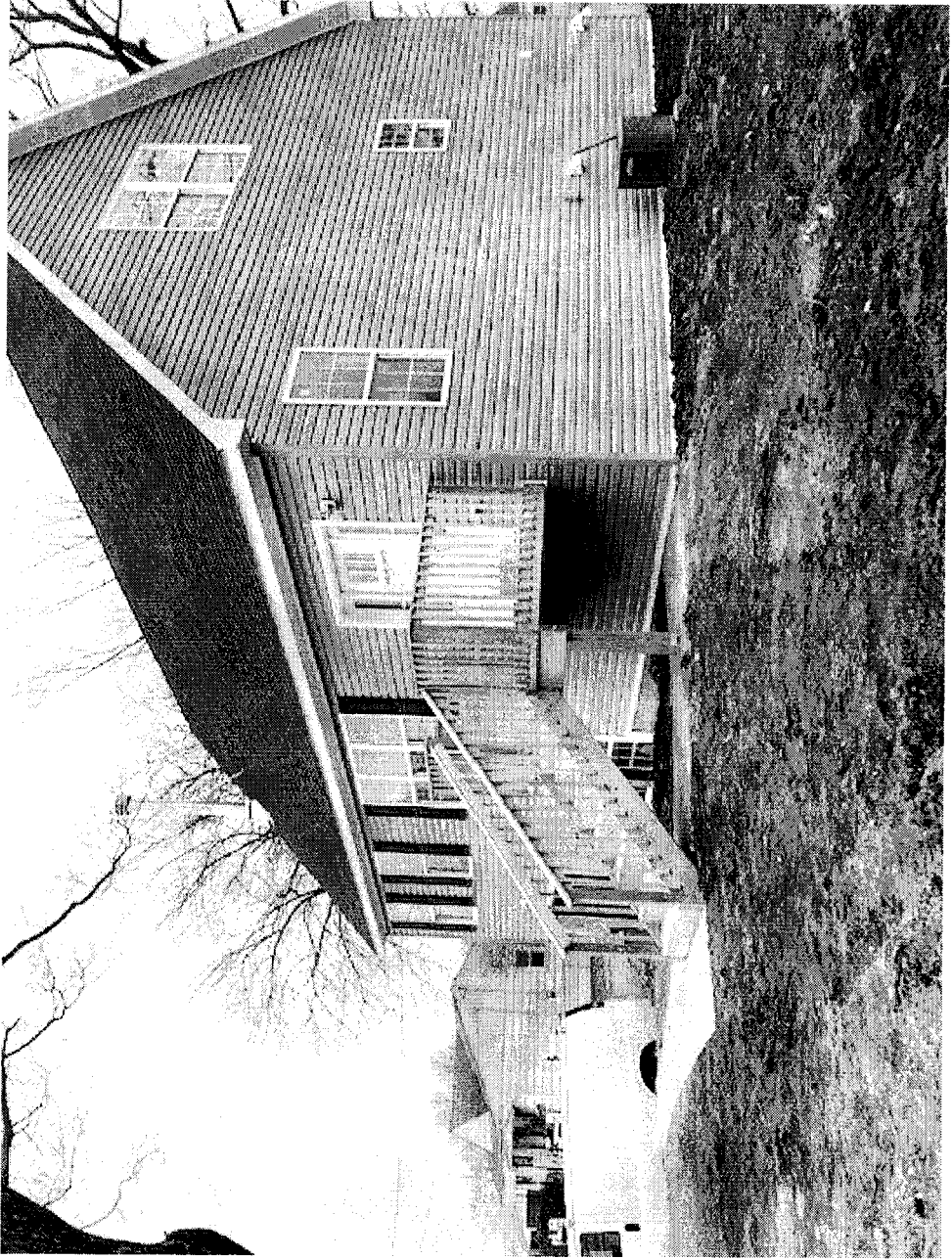
10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

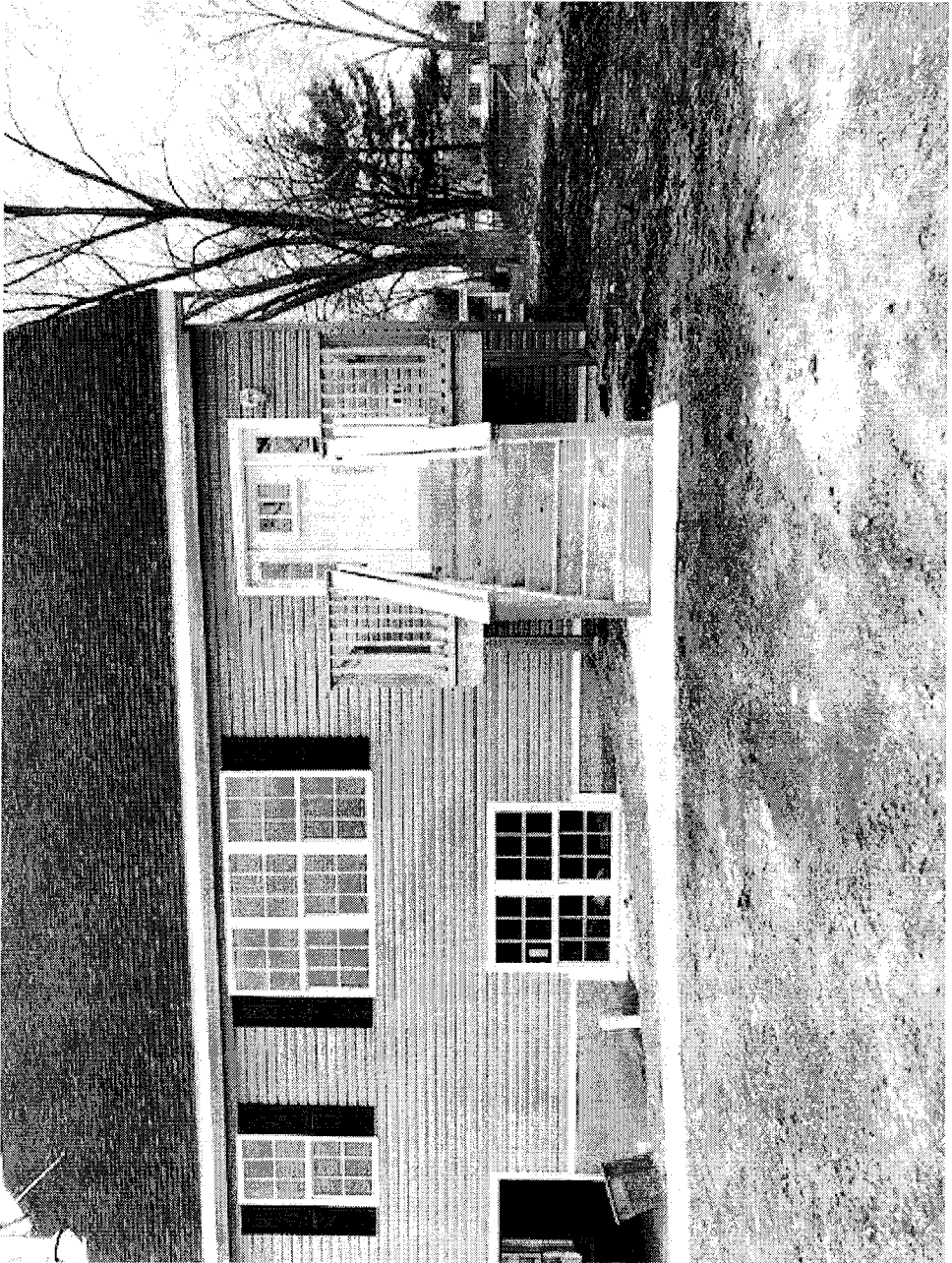
NOTES:

BUILT WITHOUT A PERMIT

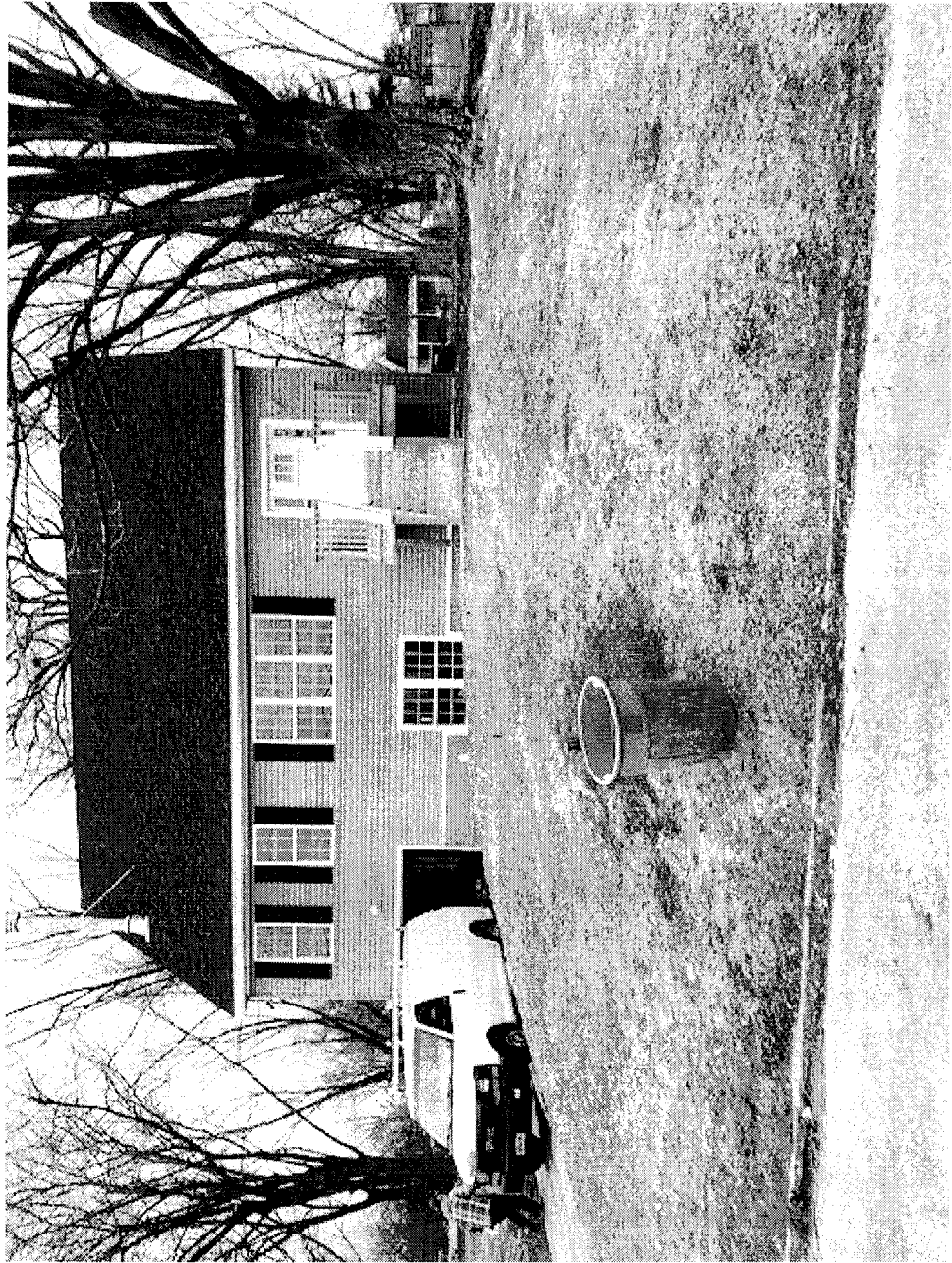
REVIEWED BY: Joseph Mattina

DATE: 15-Mar-21









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

STATE OF NEW YORK, COUNTY OF ORANGE:

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

April 8, 2021, post and will thereafter maintain at

21 Lancer Dr 57-2-7 R2 Zone in the Town of Newburgh, New York, at or near the front

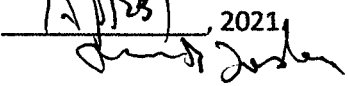
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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 6th

day of April, 2021


ANDREW B. LEIDER
Notary Public, State of New York
No. 02LE4641856
Qualified in Orange County
Commission Expires Oct. 31, 2022



TOWN OF NEWBURGH

County of the Catskills
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4901
FAX LINE 845-564-7002

Notice of Public Hearing

PLEASE TAKE NOTICE that due to the current COVID-19 pandemic, the Zoning Board of Appeals meeting of the Town of Newburgh scheduled for April 22, 2021 at 7:00 p.m. at the Town Hall, 1496 Route 200, Newburgh, NY 12550 will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law. Accordingly, physical attendance by the public at the meeting will not be permitted. **All Board Members and Applicants will be required to appear in person unless prior arrangements have been made.**

PLEASE TAKE FURTHER NOTICE that the public may view the meeting live using the Zoom platform at the following link:

Topic: Town of Newburgh ZBA
Time: Apr 22, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/89686060377?pwd=MFVjbnY5NGR0S2ZlbnE5M0RlbnR1aDZkdz09>

- Meeting ID: 896 8606 0377
- One tap mobile
- +16468709923,,89686060377#...*716099 US (New York)
- +13126216799,,89686060377#...*716099 US (Chicago)
- Dial by your location
- +1 646 870 9923 US (New York)
- +1 512 626 6799 US (Chicago)
- Meeting ID: 896 8606 0377
- Passcode: 716099

Find your local number: <https://us02web.zoom.us/j/89686060377>

Application of Michael Higgins for an area variance of the front yard to keep a 6' x 10' front deck.

Location 21 Lancee Dr S7-2-7 R2 Zone

After each hearing scheduled for April 22, 2021 is opened, the public will be able to make comments through the Zoom live stream or by telephone through the Zoom teleconference option. Written comments will be accepted prior to the meeting. Such comments may be submitted by email to zoningboard@townofnewburgh.org or by regular First Class mail to Town of Newburgh ZBA 21 Hudson Valley Professional Plaza Newburgh NY 12550. Meeting materials may be viewed on the Town of Newburgh web site at: <http://www.townofnewburgh.org/Meetings/2021-022>. As permitted by Section 104 of the Public Officers Law and the Governor's Executive Orders, the Zoning Board Chairman and

individual board members may participate from remote locations. Consistent with the aforementioned Executive Orders, physical attendance at said remote locations shall not be permitted.

BY ORDER OF THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH

Dated: April 8, 2021
Newburgh, New York

Applicant