



Steven M. Neuhaus
County Executive

Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#:
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh	Tax Map #:	98-1-143
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	Gail MacDonald	Tax Map #:	
Project Name:	Ridgeview Subdivision	Local File No.:	Henry Rd Refl
Location of Project Site:	3 Ridgeview Drive	Size of Parcel*:	22acres
Reason for County Review:	within 500ft NYS I87 RAMP	Current Zoning District (include any overlays):	R-3

*If more than one parcel, please include sum of all parcels.

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____

 Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision Number of lots proposed: _____

 Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance AREA USE (circle one) Front yard setback - existing residence

Other

Is this an update to a previously submitted referral? YES / NO (circle one)

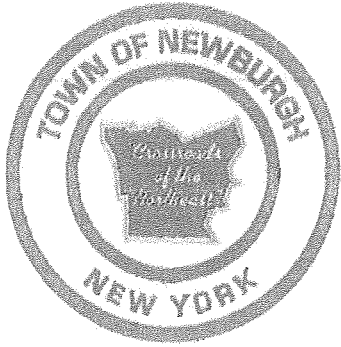
Local board comments or elaboration:

Signature of local official: [Signature] Date: 2/8/10 Chairperson
Zoning Board of Appeals

Municipal Contact Phone Number: 845-566-4901 Title

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



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: 2/5/16

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

I (WE) GAIL MACDONALD PRESENTLY

RESIDING AT NUMBER 4917 S. LINKS DRIVE, NABS HEAD, NC

TELEPHONE NUMBER (513) 518-4338

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:

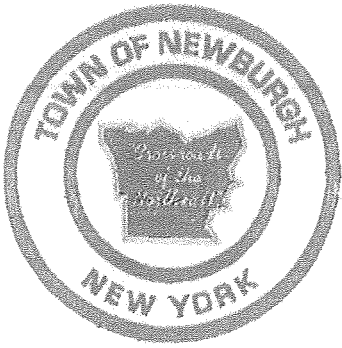
98-1-14.3 (TAX MAP DESIGNATION)

3 RIDGEVIEW DRIVE (STREET ADDRESS)

R3 (ZONING DISTRICT)

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 DISTRICT - SCHEDULE 5



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308 GARDNERTOWN ROAD
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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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 1/8/16

4. DESCRIPTION OF VARIANCE SOUGHT: VARIANCE FOR 38.7'
EXISTING FRONT YARD SETBACK (40' REQUIRED)

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:

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:

NO PHYSICAL CHANGES ARE PROPOSED TO
STRUCTURE

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 STRUCTURE IS EXISTING

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

NO PHYSICAL CHANGES ARE PROPOSED TO
STRUCTURE

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

NO PHYSICAL CHANGES ARE PROPOSED

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

THE HOME IS EXISTING



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF ^{North Carolina} ~~NEW YORK~~ COUNTY OF ^{Dare} ~~ORANGE~~:

SWORN TO THIS 28th DAY OF January 2016

NOTARY PUBLIC

JASON M. KRIEG
Notary Public
Dare Co., North Carolina
My Commission Expires Oct. 27, 2018

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 10 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)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

GAIL MACDONALD, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 4917 S. LINKS DRIVE, NAGS HEAD, NC
IN THE COUNTY OF DARE AND STATE OF NORTH CAROLINA
AND THAT HE/SHE IS THE OWNER IN FEE OF 3 RIDGEVIEW
DRIVE - SBL-98-1-14.3

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED ANDREW WILLINGHAM
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 1/28/16 *Gail MacDonald*

OWNER'S SIGNATURE

Colleen S. Sitt

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28th DAY OF January 2016

JASON M. KRIEG
Notary Public
Dare Co., North Carolina
My Commission Expires Oct. 27, 2018

Jason M. Krieg
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

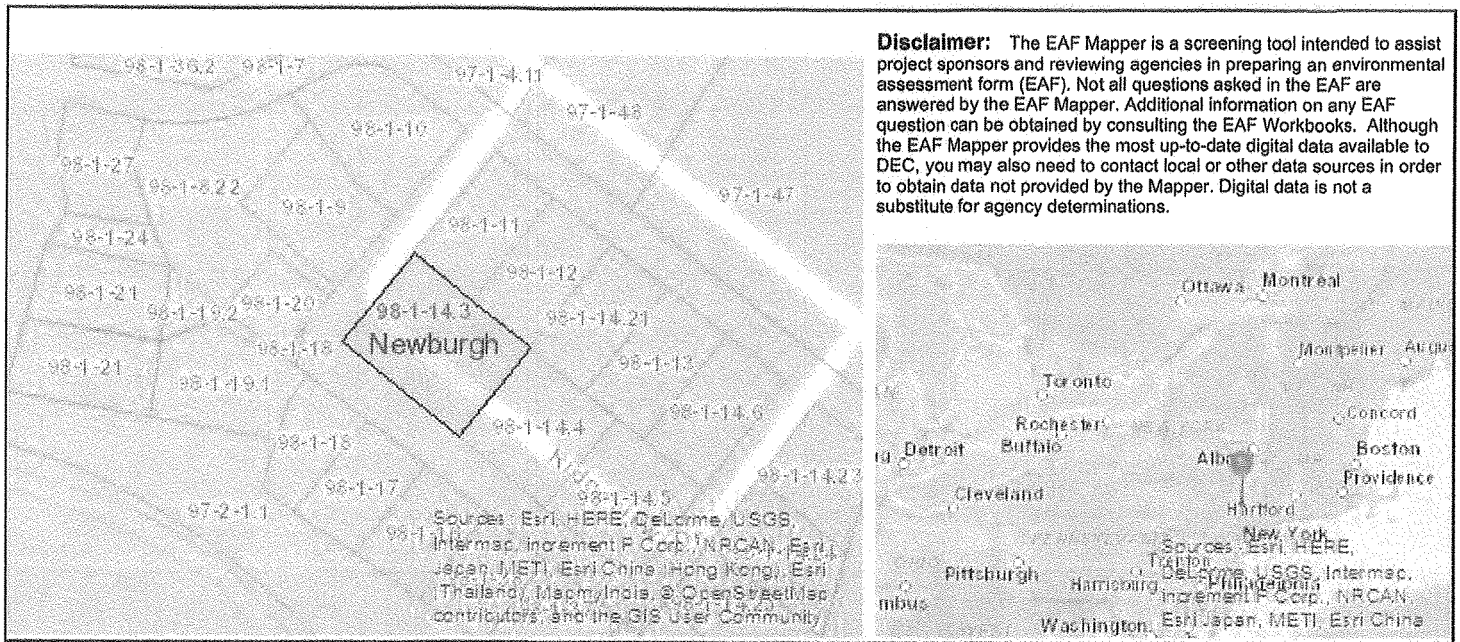
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: 2 Lot Subdivision - 3 Ridgeview Drive							
Project Location (describe, and attach a location map): 3 Ridgeview Drive, Newburgh, NY							
Brief Description of Proposed Action: Subdivide an existing 0.72 residential lot into two residential lots. Existing lot has home on it.							
Name of Applicant or Sponsor: Willingham Engineering, PLLC		Telephone: 845-255-0210 E-Mail: awillingham@willinghamengineering.com					
Address: 10 Main Street - Suite 321							
City/PO: New Paltz		State: NY	Zip Code: 12561				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		0.72 acres					
b. Total acreage to be physically disturbed?		0.12 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.72 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input checked="" 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="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="checked" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="checked" 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	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	
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="checked" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="checked" 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="checked" 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="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 type="checkbox"/>	<input checked="checked" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="checked" 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 checked="checked" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="checked" 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="checked" type="checkbox"/> YES runoff will discharge to roadway. _____			

<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>_____</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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Andrew Willingham, PE Date: <u>12/18/15</u></p> <p>Signature: <u></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 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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:	<input type="checkbox"/>	<input type="checkbox"/>
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)

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

January 8, 2016

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: 3 Ridgeview Drive Subdivision
98-1-14.3 (Zone R-3)
3 Ridgeview Drive (15.34)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of January 7, 2016. The applicant proposes a two-lot subdivision. One of the proposed lots (Lot #1) has an existing single family dwelling which does not meet the required front yard setback. That noncompliance will continue to exist upon subdivision. Subdivision approval will cause a loss of the noncomplying building protection. Therefore the planning board is referring this matter to you for consideration of a variance permitting a front yard setback of 38.7 feet where 40 feet is required.

The planning board has no particular matters to bring to your attention. Your review of this matter appears to be a Type II Action under the New York State Environmental Quality Review Act.

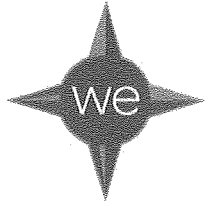
Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Willingham Engineering



willingham
engineering

10 Main Street – Suite 321
New Paltz, NY 12561
T 845.255.0210 F 845.256.8110
www.willinghamengineering.com

February 5, 2016

Mr. James Manley Jr., Chairperson
Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

Re: **Planning Board Project #: 2015-34**
3 Ridgeview Drive Subdivision
2 – Lot Subdivision
Town of Newburgh
Area Variance Application

Dear Chairman Manley:

We represent the Applicant Gail MacDonald regarding a proposal for a 2 lot residential subdivision at 3 Ridgeview Drive in the Town of Newburgh. The 0.72 acre lot contains an existing home and is proposed to be subdivided into two 0.36 acre residential lots. The existing home does not meet front yard setback by a small margin (38.7 feet existing, 40 feet required). As directed by the Planning Board, an area variance for front yard setback must be obtained from the Zoning Board of Appeals before proceeding with the subdivision process.

We have attached the following documents for the Board's review:

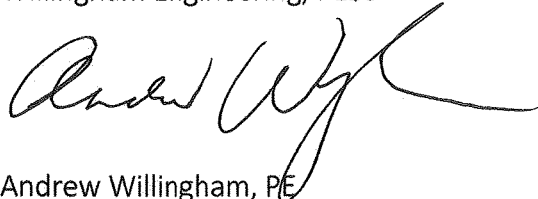
- **Subdivision Plan S-1 (11 copies)**
- **Zoning Board Application**
- **Short Environmental Assessment Form**
- **Proxy Statement**
- **Fee Receipt (\$200)**
- **Deed (Certified Copy)**
- **Assessor's List of Adjacent Property Owners**
- **Photographs of Site (11 copies)**
- **Planning Board Referral Letter**

The 0.72 acre property is located in the R-3 zoning district. The home was built in or around 1974. Per the Table of Use and Bulk Requirements for the R-3 district, a minimum front yard setback of 40 feet is required for a single family residence. Per the survey, the home has a front yard setback of 38.7 feet (see attached Subdivision Plan S-1).

We are proposing two lots in the subdivision, where proposed Lot #1 will include the existing home. The nonconforming front yard setback would continue with proposed Lot #1. We are requesting an area variance for front yard setback for proposed Lot #1.

Thank you for your consideration of this matter and we look forward to meeting with you. Please feel free to contact me at your convenience with any questions.

Sincerely,
Willingham Engineering, PLLC

A handwritten signature in black ink, appearing to read "Andrew Willingham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Willingham, PE
NYS Professional Engineer No. 083984

cc: Gail MacDonald

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE
TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT



MARIE MacDONALD
TO
GXIL MacDONALD

SECTION 98 BLOCK 1 LOT 14:3

RECORD AND RETURN TO:
(name and address)

Gary A. Galati, Esq.
263 Route 17K
Newburgh, New York 12550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)
- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALKKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO. PAGES 3 CROSS REF. _____
CERT. COPY 3 ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 0
TAX EXEMPT _____
MORTGAGE AMT. \$ _____
DATE _____

MORTGAGE TAX TYPE:
____ (A) COMMERCIAL/FULL 1%
____ (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.UN/1 OR 2
____ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Galati

LIBER 5753 PAGE 272

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 01/22/02 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
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY FEBRUARY 1, 2016

LIBER 5753 PAGE 272
ORANGE COUNTY CLERKS OFFICE 4226 DAB
RECORDED/FILED 01/22/2002 09:33:59 AM
FEES 44.00 EDUCATION FUND 5.00
SERIAL NUMBER 005890
DEED CNTL NO 51112 RE TAX .00

NY2005

--- Bargain and Sale Deed, with Covenant against Grantor's Acts --- Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 7th day of JANUARY, 2002, in the year 2001

BETWEEN Marie MacDonald, presently residing at 3 Ridgeview Drive, Newburgh, New York 12550,

party of the first part, and Gail MacDonald, presently residing at 8324 Ashley Hall Court, West Chester, Ohio, 45069,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN----- (\$ 10.00) ----- dollars

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, New York, known and designated as Lot No. 1 on a certain map entitled "Proposed Subdivision Lands of Lulu A. Tuttle" dated September 8, 1977, revised September 9, 1977, and filed in the Orange County Clerk's Office on October 12, 1977, as Map #4287, Pocket 15, Folder A.

TOGETHER WITH AND SUBJECT to covenants, easements, restrictions, and agreements of record, if any.

BEING and intended to be the same premises conveyed by Lulu A. Tuttle to Francis MacDonald and Marie MacDonald by Deed dated October 27, 1983 and recorded in the Orange County Clerk's Office on 28, 1983 in Liber 2266 of Deeds at page 915. The said Francis MacDonald having died a resident of Orange County, New York on November 23, 2001 and having left surviving him, his spouse, Marie MacDonald, the Grantor herein.

AND, the Grantor hereby reserves for herself, the right to the continued use and occupancy of the said premises for the rest and remainder of her natural life, with no obligation of support or maintenance.

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.

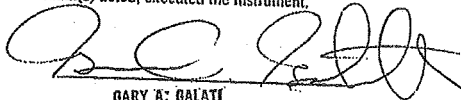
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Marie MacDonald
MARIE Mac DONALD

STATE OF NEW YORK, COUNTY OF ORANGE
On the 17 day of December in the year 2002,
before me, the undersigned, personally appeared
Marie MacDonald

, personally known to me or proved to me on
the basis of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument and acknowl-
edged to me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person on behalf of which the
individual(s) acted, executed the instrument.



GARY A. GALATI
Notary Public, State of New York
Certified in Orange County
Commission Expires Oct. 31, 2002.

STATE OF _____, COUNTY OF _____
On the _____ day of _____ in the year _____
before me, the undersigned, a Notary Public in and for said State,
personally appeared

_____ the
subscribing witness to the foregoing instrument, with whom I am
personally acquainted, who, being by me duly sworn, did depose
and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);
that he/she/they know(s)

to be the individual described in and who executed the foregoing
instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed
his/her/their name(s) as a witness thereto

(add the following if the acknowledgment is taken outside NY State)
and that said subscribing witness made such appearance before
the undersigned in the (insert the city or other political subdivision and
the State or country or other place the proof was taken).

STATE OF _____
On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

, personally known to me or proved to me on
the basis of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument and acknowl-
edged to me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person on behalf of which the
individual(s) acted, executed the instrument

(add the following if the acknowledgment is taken outside NY State)
and that said subscribing witness made such appearance before
the undersigned in the (insert the city or other political subdivision and the State or
country or other place the acknowledgment was taken).

STATE OF _____, COUNTY OF _____
On the _____ day of _____ in the year _____
before me personally came

to me known, who, being by me duly sworn, did depose and say
that he resides at
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.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

MARIE MacDONALD

TO

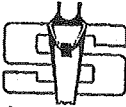
GAIL MacDONALD

SECTION _____
BLOCK _____
LOT _____
COUNTY OR TOWN _____
STREET ADDRESS _____

Recorded at Request of STEWART TITLE®

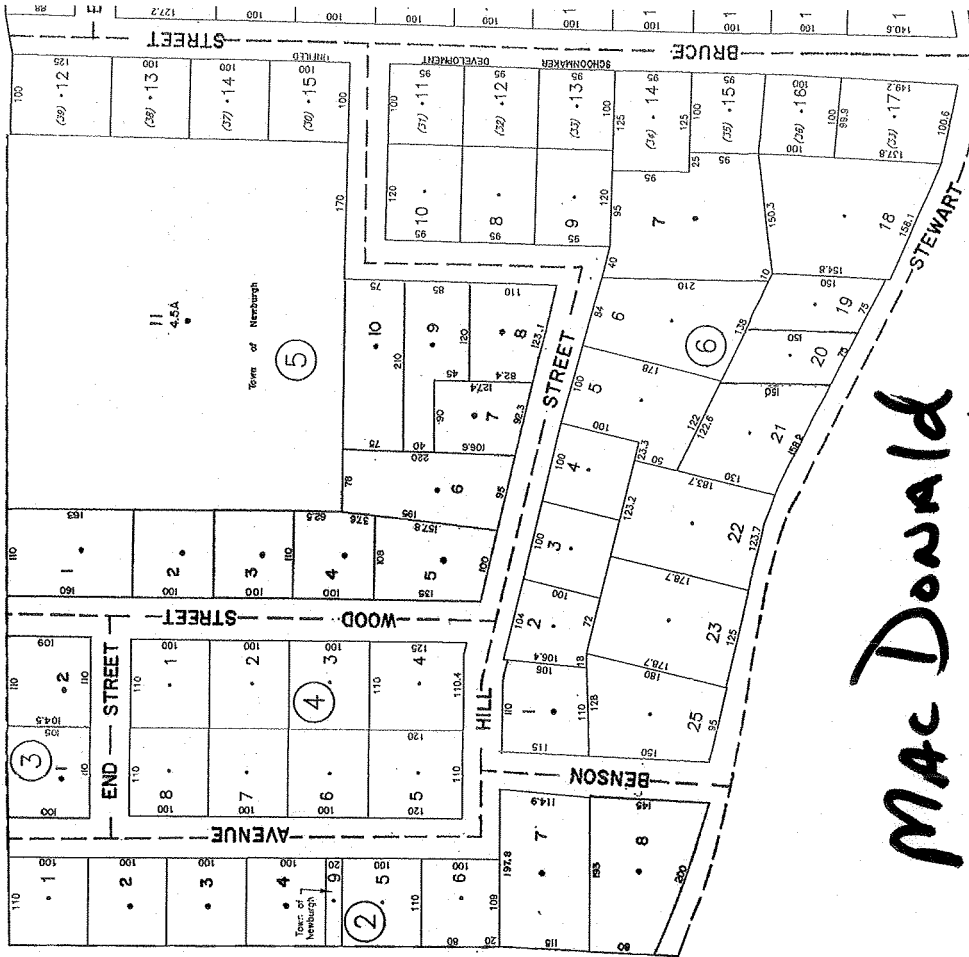
RETURN BY MAIL TO:

Gary A. Galati, Esq.
263 Route 17K
Newburgh, New York 12550

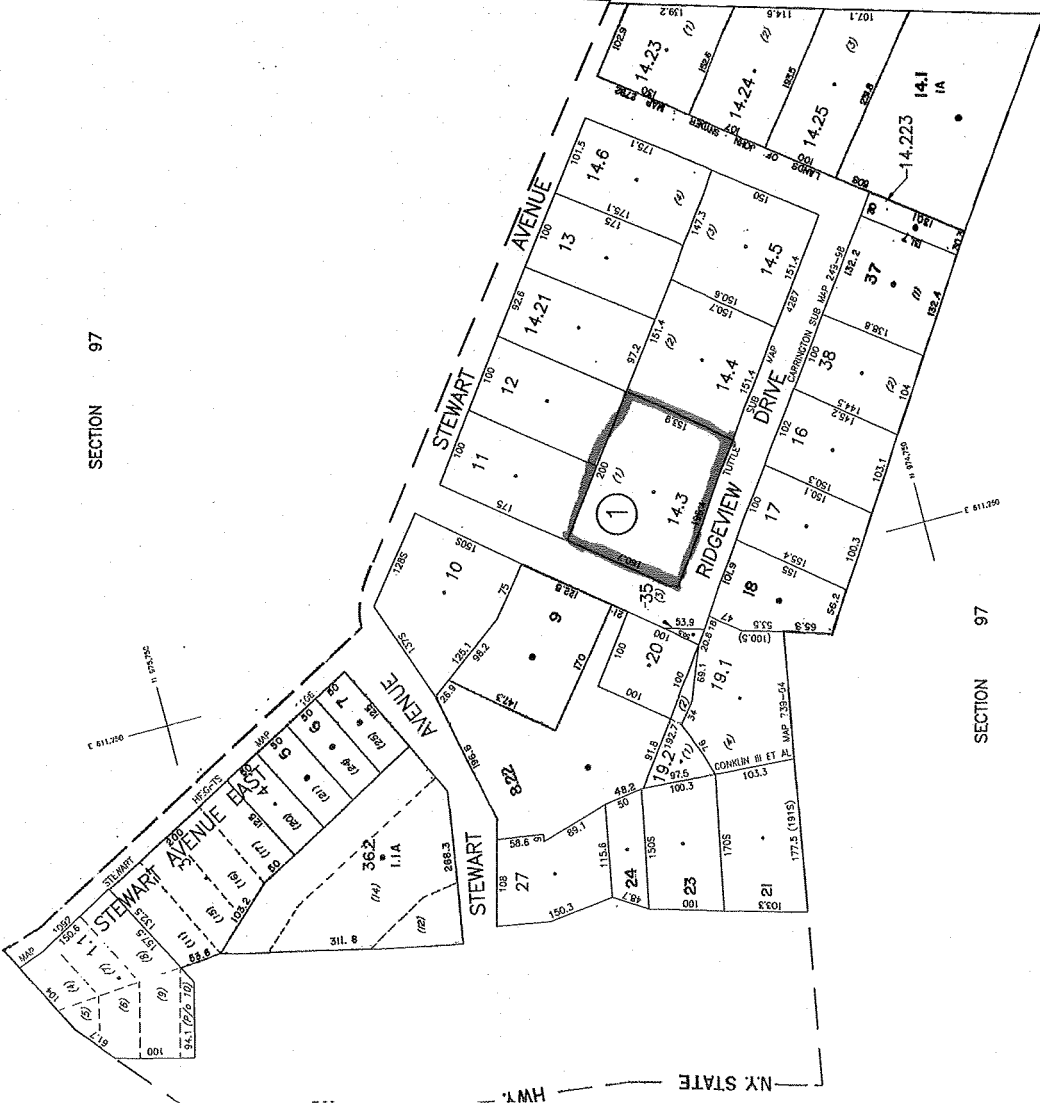


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NEW YORK, NEW YORK 10017
(212) 922-0050 Fax (212) 983-1133

Surety of Contract



Mac Donald
3 Ridgeview Dr
 (98-1-14.3)



SECTION 97

SECTION 97