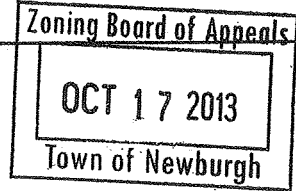


TOWN OF NEWBURGH

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: OCTOBER, 2013

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

I (WE) GILL MACKAY, SANDRA L. MACKAY, & CHRISTINA A. MACKAY PRESENTLY

RESIDING AT NUMBER 70 & 72 COLDENHILL ROAD, NEWBURGH, N.Y. 12550

TELEPHONE NUMBER 845-564-5415 / 845-564-1822 (CHRISTINA)
(GILL & SANDRA)

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:

47-1-8.2 / 47-1-8.3 (TAX MAP DESIGNATION)

70 COLDENHILL / 72 COLDENHILL (STREET ADDRESS)

R-1 / R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 18.5 - 48.5 Residential Lot Areas

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: 9-20-13

4. DESCRIPTION OF VARIANCE SOUGHT: _____

(SEE ATTACHED ADDENDUM)

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: *N/A*

- 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:

Addendum to Application to Zoning Board of Appeals

Applicants: Gill Mackay, Sandra L. Mackay, & Christina A. Mackay

#4—Description of Variance Sought:

For Lot 47-1-8.2:

1. A minimum lot width variance (150 feet required, 122.4 feet provided)
2. A minimum lot area variance (40,000 square feet required, 31,008 square feet provided)
3. A minimum side yard setback variance (30 feet required, 16.3 feet provided)

For Lot 47-1-8.3:

1. A minimum lot width variance (150 feet required, 124.8 feet provided)
2. A minimum side yard setback variance (30 feet required, 26.9 feet provided)
3. A minimum combined side yard setback variance (80 feet required, 68 feet provided)

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:

NOTHING IS CHANGING OTHER THAN THE TRANSFER OF LAND FROM CHRISTINA (47-1-8.2) TO GILL & SANDRA (47-1-8.3). THE LAND IS LOCATED AT THE REAR OF BOTH HOUSES.

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:

THIS IS JUST A TRANSFER OF LAND BETWEEN FAMILY MEMBERS AND IS THE ONLY METHOD TO EFFECT THIS TRANSFER

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE REQUESTED VARIANCES IN ESSENCE EXIST IN THE PRESENT STATE OF THE EXISTING HOUSES.

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 ONLY THING CHANGING IS THE OWNERSHIP OF UNDEVELOPED LAND AT THE REAR OF THE ADJOINING PROPERTIES.

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

THIS IS NOTHING MORE THAN A TRANSFER OF PROPERTY BETWEEN FAMILY MEMBERS.

7. ADDITIONAL REASONS (IF PERTINENT):

CHRISTINA (SISTER-IN-LAW OF GILL) IS ILL WITH MULTIPLE SCLEROSIS. IF IT IS NECESSARY, IN THE FUTURE, TO SELL CHRISTINA'S HOUSE TO FUND MEDICAL EXPENSES, GILL WOULD LIKE TO EXCESS PROPERTY TO BECOME PART OF HIS TO ALLOW IT IN TOTAL TO PASS ON TO HIS HEIRS. CHRISTINA'S HOUSE WAS GILL'S PARENTS HOUSE.

Neil Mackay

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12th DAY OF October 2013

Barbara A. Ibberson

NOTARY PUBLIC

BARBARA A. IBBERSON
NOTARY PUBLIC, State of New York
No. 7030080
Qualified in County of Orange
Commission Expires June 30, 2014

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

CHRISTINA A. MACKAY, DEPOSES AND SAYS THAT
~~HE~~/SHE RESIDES AT 70 COLDENHILL ROAD, NEWBURGH, N.Y. 12550
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 70 COLDENHILL ROAD,
NEWBURGH, N.Y. 12550

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

DATED: 10/12/13 Christina A. Mackay
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 12 DAY OF October 20 13

Barbara A. Ibberson
NOTARY PUBLIC

BARBARA A. IBBERSON
NOTARY PUBLIC, State of New York
No. 7030060
Qualified in County of Orange
Commission Expires June 30, 2014

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

SANDRA L. MACKAY, DEPOSES AND SAYS THAT
~~HE/SHE~~ RESIDES AT ⁷⁰⁰72 COLDENHILL ROAD, NEWBURGH
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT ~~HE/SHE~~ IS THE OWNER IN FEE OF 72 COLDENHILL ROAD,
NEWBURGH, N.Y. 12550

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

DATED: 10-17-2013 Sandra L. Mackay
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 12th DAY OF October 20 13

Barbara A. Ibberson

NOTARY PUBLIC

BARBARA A. IBBERSON
NOTARY PUBLIC, State of New York
No. 7030080
Qualified in County of Orange
Commission Expires June 30, 20 14

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

GILL MACKAY, DEPOSES AND SAYS THAT
~~HE/SHE~~ RESIDES AT 72 COLDENHILL ROAD, NEWBURGH,
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 70⁺72 COLDENHILL ROAD,
NEWBURGH, N.Y. 12550

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

DATED: 10 - 2013 Gill Mackay
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 12 DAY OF October 2013

Barbara A. Eberson
NOTARY PUBLIC

BARBARA A. EBERSON
NOTARY PUBLIC, State of New York
No. 7030080
Qualified in County of Orange
Commission Expires June 30, 2014

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

CHRISTINA A. MACKAY

TO
CHRISTINA A. MACKAY, GILL
MACKAY AND SANDRA L. MACKAY

SECTION 47 BLOCK 1 LOT 82



RECORD AND RETURN TO:
(name and address)

JOHNSON & FOLEY, P.C.
P.O. BOX 664
MONTGOMERY, NEW YORK 12549

John Foley 10/16/13

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

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

NO PAGES 5 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 0
TAX EXEMPT

Taxable
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

CITIES

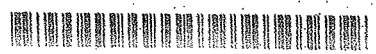
- | |
|---|
| <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 1300 PORT JERVIS |
| <input type="checkbox"/> 9999 HOLD |

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Hill N Dale

RECORDED/FILED
04/30/2010/ 10:37:58
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100041168
DEED R / BK 12997PG 1930
RECORDING FEES 195.00
TTX# 005615 T TAX 0.00
Receipt#1163802 marse



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)**

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the April 7, 2010,

BETWEEN CHRISTINA A. MACKAY, of 70 Coldenhill Road, Newburgh, New York 12550,

party of the first part, and

GILL MACKAY and SANDRA L. MACKAY, residing at 72 Coldenhill Road, Newburgh, New York 12550; CHRISTINA A. MACKAY, residing at 70 Coldenhill Road, Newburgh, New York 12550, all as joint tenants with the right of survivorship,

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, 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, State of New York, bounded and described as follows:

SEE SCHEDULE A ATTACHED HERETO

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.

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Newburgh, Orange County, New York, bounded and described as follows:

BEGINNING at a point on the center line of road leading southerly from Colden Hill to the Shunpike and to the Cochection Turnpike and on the northerly bounds of lands of Mrs. Etta Rose: thence North 4 degrees 15 minutes West 325.5 feet along center line of road to a point; thence South 80 degrees East 534 feet to and along center line of stone fence to lands of Ivan Tillson; thence South 28 degrees West 432.5 feet along lands of Ivan Tillson to a point on northerly side of the Shunpike – about six feet south of corner of stone fence; thence North 63 degrees 15 minutes West 335 feet along the Shunpike to the place of beginning. Containing three acres and six tenths of an acre (3.6 acres). Being the most southeasterly lot and part of the farm conveyed by Arthur Fowler and others to Hassie A. Tillson by deed dated April 13, 1926 and recorded in the Orange County Clerk's Office May 1, 1926 in Liber 664 at page 26.

BEING the same lands and premises described in that certain deed Harold J. Zabriskie and Helene C. Zabriskie to Robert Denison and Ida Denison dated September 15, 1954 and recorded September 16, 1954 in the Orange County Clerk's Office in Liber 1320 of Deeds at page 259.

EXCEPTING and RESERVING from the above described parcel the following two parcels of land.

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Newburgh, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the easterly boundary of Colden Hill Road, said point also being 25.00 feet, measured at right angles, from centerline of said Colden Hill Road; thence along aforementioned easterly boundary of Colden Hill Road NO 3 degrees-05'-30"W 100.71 feet to a point at a fence on the division line between the lands of others on the north and the lands of the grantor herein on the south; thence along said fence and division line S 84 degrees-04'-46"E 105.58 feet to an angle iron post; thence continuing along last said division line, being marked partially by fence and partially by stone wall, S76 degrees-50'-45" E 100.46 feet to a point in the aforementioned stone wall; thence through the lands of the grantor herein S09 degrees-13'-31"W 97.59 feet to a point; thence continuing through the lands of the grantor herein, N80 degrees-46'29"W 184.14 feet to the point or place of beginning, containing 0.45 acres more or less.

BEING a portion of the same lands and premises described in that certain deed Robert Denison and Ida Denison to Alex W. Mackay and Georgina Mackay dated February 25, 1956 and recorded February 27, 1956 in Liber 1378 of Deeds at page 160 in the Orange County Clerk's Office.

PARCEL II

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Newburgh, Orange County, New York, bounded and described as follows:

BEGINNING at an iron pipe on the Easterly side of Colden Hill Road, 25 feet distant from centerline of road and at the southwesterly corner of property of Alexander P. Mackay, thence:

- 1) S 80 degrees 46' 29" E 184.14 feet along lands of Alexander P. Mackay to an iron pipe thence:
- 2) S 9 degrees 13' 31" W 102.58 feet through lands of Alex W. Mackay, thence:
- 3) N 80 degrees 46' 29" W 161.74 feet through lands of Alex W. Mackay to an iron pipe on the Easterly side of Colden Hill Road, thence:
- 4) N 3 degrees 05' 30" W 105.00 feet along the easterly side of Colden Hill Road to an iron pipe and point of beginning containing 17,741 square feet of land as surveyed by George N. Stephenson, Licensed Land Surveyor, Montgomery, New York, as revised March 25, 1976. *LIBEC 5273 PG 105 A*

BEING a portion of the same lands and premises as described in that certain deed Robert Denison and Ida Denison to Alex W. Mackay and Georgina Mackay dated February 25, 1956 and recorded February 27, 1956 in Liber 1378 of Deeds at page 160 in the Orange County Clerk's Office.

BEING the same lands and premises as described in that certain deed John D. Mackay to John D. Mackay and Christina A. Mackay, husband and wife, dated March 20, 2000 and recorded in the Orange County Clerk's Office on April 6, 2000 in Liber 5273 of Deeds at page 102.

The said John D. Mackay died on July 20, 2009 a resident of the County of Orange, State of New York, leaving the said Christina A. Mackay, his wife, surviving.

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.

Christina A. Mackay
CHRISTINA A. MACKAY

IN PRESENCE OF:

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 7th day of April, 2010, before me, the undersigned, personally appeared CHRISTINA A. MACKAY, 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 acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Barbara A. Ibberson
(signature and office of individual taking acknowledgment)

BARBARA A. IBBERSON
NOTARY PUBLIC, State of New York
No. 7030080
Qualified in County of Orange
Commission Expires June 30, 2010



This Indenture,

Made the 3rd day of
Between April, Nineteen Hundred and seventy-six

ALEX W. MACKAY and GEORGINA MACKAY, husband and wife,
residing at 12 Colden Hill Road, Newburgh, New York, 12550

Handwritten signatures and date: 10/16/13

part ies of the first part, and

GILL MACKAY, residing at 12 Colden Hill Road, Newburgh,
New York, 12550, and SANDRA L. HOBART, residing at 41 Center
Street, Walden, New York, 12586, as joint tenants with right
of survivorship and not as tenants in common,

part ies of the second part,

Witnesseth that the part ies of the first part, in consideration of

----- O N E -----Dollar (\$ 1.00)

lawful money of the United States,

paid by the part ies of the second part, do hereby grant and release unto the
part ies of the second part, their distributees and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate in the Town of Newburgh,
Orange County, New York, bounded and described as follows:

BEGINNING at an iron pipe on the Easterly side of
Colden Hill Road, 25 feet distant from centerline of road and
at the southwesterly corner of property of Alexander P. Mackay,
thence:

1) S 80°46' 29" E 184.14 feet along lands of Alexander
P. Mackay to an iron pipe, thence:

2) S 9° 13' 31" W 102.58 feet through lands of Alex
W. Mackay, thence:

3) N 80° 46' 29" W 161.74 feet through lands of Alex
W. Mackay to an iron pipe on the Easterly side of Colden Hill
Road, thence:

4) N 3° 05' 30" W 105.00 feet along the easterly
side of Colden Hill Road to an iron pipe and point of beginning
containing 17,741 square feet of land as Surveyed by George N.
Stephenson, Licensed Land Surveyor, Montgomery, New York, as
revised March 25, 1976.

BEING a portion of the same lands and premises as
described in that certain deed Robert Denison and Ida Denison
to Alex W. Mackay and Georgina Mackay dated February 25, 1956
and recorded February 27, 1956 in Liber 1378 of Deeds at page
160 in the Orange County Clerk's Office.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their distributees and assigns forever.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of
Earle H. Houghtaling Jr.

Alex W. Mackay
Georgina Mackay

(Consideration less than \$100 no stamps required)

State of New York } ss. On this 3rd day of April,
County of ORANGE } Nineteen Hundred and Seventy-six

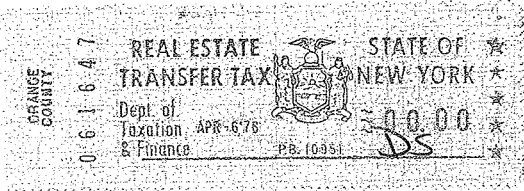
before me, the subscriber, personally appeared

ALEX W. MACKAY and GEORGINA MACKAY

to me personally known and known to me to be the same persons described in and who executed the within instrument, and they severally acknowledged to me that they executed the same.

Earle H. Houghtaling Jr.

EARLE H. HOUGHTALING JR.
Notary Public, State of New York
Residing in County of Orange,
Commission Expires March 30, 1978



Red

Covenant Against Grantor with Lien Covenant

ALEX W. MACKAY
and GEORGINA MACKAY

TO

GILL MACKAY and
SANDRA L. HOBART

Dated, April 3rd, 1976

Orange County Clerk's Office, s.s.

Recorded on the 6th day
of April 1976 at 9:05
o'clock P.M. in Liber 2032
and Examined
at page 995

B. & R.
EARLE H. HOUGHTALING, JR.
ATTORNEY AND COUNSELOR AT LAW
WALDEN, NEW YORK

OFFICE 914-779-8508 RESIDENCE 914-772-9361

41

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

James B. Biagi
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

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

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

September 20, 2013

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

RE: Mackay Lot Line Change
47-1-8.2 & 8.3 (Zone R-1)
70 & 72 Coldenhill Road (13.16)

Members of the Board:

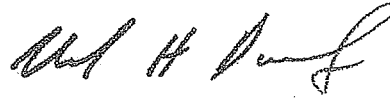
I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of September 19, 2013. The applicants propose a lot line change between their parcels. For the planning board to approve the applicants' request, variances will be required. The planning board wishes me to list these variances and to refer to you the applicants' request for consideration of granting same:

1. A minimum lot width variance for lot 47-1-8.2 (150 feet required, 122.4 feet provided);
2. A minimum lot area variance for lot 47-1-8.2 (40,000 square feet required, 31,008 square feet provided);
3. A minimum side yard setback variance for 47-1-8.2 (30 feet required, 16.3 feet provided);
4. A minimum lot width variance for lot 47-1-8.3 (150 feet required; 124.8 feet provided);
5. A minimum side yard setback variance for lot 47-1-8.3 (30 feet required; 26.9 provided); and
6. A minimum combined side yard setback variance for lot 47-1-8.3 (80 feet required; 68 provided).

The planning board has no particular information to bring to your attention regarding this application. The planning board suggests that you conduct your SEQRA review of this

application on an uncoordinated review basis.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

David A. Donovan, Esq.
Dickover, Donnelly, Donovan & Biagi, LLP
P.O. Box 610
Goshen, NY 10924

Mercurio-Norton-Tarolli-Marshall
Engineering and Land Surveying
P.O. Box 166
Pine Bush, NY 12566

617.20
Appendix B
Short Environmental Assessment Form

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: MACKAY LOT LINE CHANGE			
Project Location (describe, and attach a location map): 70 & 72 COLDENHILL ROAD, TOWN OF NEWBURGH, ORANGE COUNTY, N.Y.			
Brief Description of Proposed Action: LOT LINE CHANGE			
Name of Applicant or Sponsor: GILL & SANDRA L. MACKAY		Telephone: 845-564-5415	
		E-Mail: gill.mackay@verizon.net	
Address: 72 COLDENHILL ROAD			
City/PO: NEWBURGH		State: N.Y.	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 YES
			✓
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 YES
			✓
3.a. Total acreage of the site of the proposed action?		<u>3.154</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>3.154</u> 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>GILL MACKAY</u>		Date: <u>10-17-2013</u>
Signature: <u>Gill Mackay</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
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)

