

MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW



August 7, 2023

Robert R. Butts
Robert B. Dietz
Joshua E. Mackey
Ian S. MacDonald
Cara A. Whalen
Brooke D. Youngwirth

Christina A. Mazzarella
Pedro Medina, Jr.

Emily Abrahams
Tyron Brown
Roderick J. MacLeod
R. Keith Salisbury

Via Email and Regular Mail
Chairman Darren J. Scalzo
Town of Newburgh
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

**Re: Application for Area Variances
TH Developments, LLC
669 Gardnertown Road, Newburgh, New York 12550
Tax Map No.: 4600-53-4-12 in the R-1 Zone
Our File No.: 1324.0001**

Dear Chairman Scalzo:

This firm represents the applicant, TH Developments, LLC, in the above-referenced matter. Please find enclosed as Exhibit "A" our client's application for the following area variances to be heard for the August 24, 2023 meeting of the Zoning Board of Appeals:

- Requesting a one side yard setback variance of 17.4' where there is a 30' minimum in order to keep a rear deck that is 12' by 16'
- Requesting a combined side yard setback variance of 27.4', where there is a 80' minimum, for a rear deck that is 12' by 16'.

Our client purchased by Bargain and Sale Deed on May 2, 2022 the property located at 669 Gardnertown Road, in the Town of Newburgh. (See annexed hereto Exhibit "B".) The property was purchased from U.S. Bank Trust, who acquired by foreclosure on November 3, 2019. The lot contains a single house on a 0.371-acre lot. (See annexed hereto Exhibit "C" Survey dated June 9, 2023. From 2019 through the May of 2023, when our client purchased the property, the property had been vacant, and falling in disrepair for over five years. In fact, the neighboring property owners complained to the Town that the existing rear deck was rotting. Once our client purchased the property, they tried to repair the deck but the rotting was so bad, the deck had to be rebuilt. (See Exhibit "D" Picture of Old Deck). The new deck is within the same dimensions as the old deck. (See Exhibit "E" Plot Plan). Once our client became aware that it needed a permit in order to maintain the deck, they applied for a permit. (See Exhibit "F").

Reply to:

3208 Franklin Avenue
Millbrook, NY 12545
P 845.677.6700
F 845.677.2202

319 Mill Street
Poughkeepsie, NY 12601
P 845.452.4000
F 845.454.4966

81 Main Street
P.O. Box 308
Sharon, CT 06069
P 860.364.6232
F 860.364.6429

www.mbwlawyers.com

Our client received a Notice of Disapproval of Building Permit Application for the 12' by 16' rear deck attached to the premises on July 17, 2023. (See Exhibit "G"). Based on said denial along with the enclosed Code Compliance (Exhibit "G"), our client seeks 2 area variances for the newly improved built 12' by 16' deck.

As the ZBA is of course aware, an area variance application requires the ZBA to take into consideration the certain factors in making its determination which we address in turn below. While all of the factors do not need to be met, but rather only considered, the facts of this case result in every factor being met in making a determination to allow for the necessary area variances as follows:

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

There are other rear decks in the neighborhood on similar acreage lots. (See attached at Exhibit "H"). Indeed, see annexed hereto for Parcel Access Map showing the existence of a deck at 667 Gardnertown Road, as well as a pool and patio, which is right next door. See, also the existence of a deck and patio located at 659 Gardnertown Road, and a third deck and pool located at 667 Gardnertown Road. These are the neighbors directly next door and/or on the same side of the street as the subject property. The newly built deck is an improvement of what existed before, which was a hazard and nuisance. There is now a beautiful deck and the details of the deck are located at Exhibit "I", Plot Plan and Pictures of the Deck. These photographs clearly demonstrate the quality of artisanship practiced by the contractor. Accordingly, there will be no detriment to the character of the neighborhood by the installation of the rear deck.

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;

The site plan and survey show that there is not another area where a deck can be located without the need for an area variance. There was already an existing deck in the same location and there is no size deck that would be able to be built without the need for an area variance.

(3) whether the requested area variance is substantial;

The area variances are not substantial. The setbacks are minimal and the deck is a standard size of 12' by 16' in a lot that is 16,153 square feet (0.371 acres).

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The physical and environmental conditions have been considered and are of no consequence and no adverse impact as has been previously determined.

(5) whether an alleged difficulty is self-created.

There was already an existing deck. The deck was rotting and dilapidated and our client tried to repair the said deck but it was beyond repair so the entire deck had to be replaced. The ZBA previously granted variances for neighbors that also have decks.

The Applicant will suffer a hardship that was not self-created if it has to tear down yet another deck. We look forward to presenting to the ZBA at your August 24, 2023 meeting. In the interim, if there are any questions or concerns regarding this application, please do not hesitate to contact the undersigned.

Thank you.

Very truly yours,

MACKEY BUTTS & WHALEN, LLP

JOSHUA E. MACKEY

JEM/lmw
Enclosures

cc. David A. Donovan, Esq., Town Attorney (*via email only*
David.Donovan@dddllplaw.com)



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: August 7, 2023

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

I (WE) Mackey Butts & Whalen, LLP on behalf of
TH Development - c/o Thang Vuong PRESENTLY

RESIDING AT NUMBER 3208 Franklin Avenue, Millbrook, New York 12545

TELEPHONE NUMBER 845-677-6700

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:

4600-53-4-12 (TAX MAP DESIGNATION)
669 Gardnertown Road (STREET ADDRESS)
Newburgh, NY 12550
R1 - Residential (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).

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 3: - Requesting a one side yard setback variance of 17.4' where there is a 30' minimum in order to keep a rear deck that is 12' by 16'
- 2) Bulk table schedule 3: - Requesting a combined side yard setback variance of 27.4', where there is a 80' minimum, for a rear deck that is 12' by 16'.

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:

At least 3 other neighbors in the immediate vicinity have similar rear decks, the deck is not visible from the front of the house, and the existing deck was in a hazardous condition.

- 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:

There are no alternative deck options that would suffice the setback requirement. The absence of a deck would pose a safety and fire safety concern with the elevation of the sliding back door.

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

The deck is a standard sized deck similar to the size of the surrounding neighbors' decks.

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

If anything the new deck has a positive impact on the physical and environmental conditions as the old deck was rotting and hazardous to the community and environment.

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

The Applicant will suffer a hardship that was not self-created because there was already an attached rear deck for many years. This existing deck had been left in hazardous disrepair as the property was vacant for at least 5 years prior to applicant's purchase. Due to the hazardous conditions, the applicant needed to immediate repair.

7. ADDITIONAL REASONS (IF PERTINENT):

The applicant had no choice other than to safely secure the exiting deck. Initially, he started to replace individual rotting boards but due to the severity of the disrepair he was forced to completely renovate the deck which was done in a similar foot print. The deck also provides safe means from existing the home.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF August 20 23

NOTARY PUBLIC

MARIA SIMMONS
Notary Public, State of New York
Registration No. 01SI6385924
Qualified in Dutchess County
My Commission Expires 1/14/20 27

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Thang Vuong of TH Development, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 296 Garden Street, Walden, NY
IN THE COUNTY OF Orange AND STATE OF New York

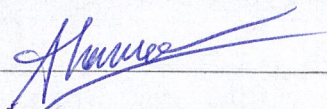
AND THAT HE/SHE IS THE OWNER IN FEE OF 669 Gardenerstown
Road, Newburg, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

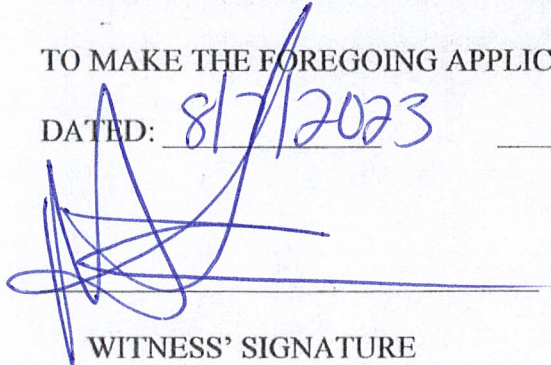
TION AND THAT HE/SHE HAS AUTHORIZED Mackey Butts & Whalen, LLP

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/7/2023



OWNER'S SIGNATURE

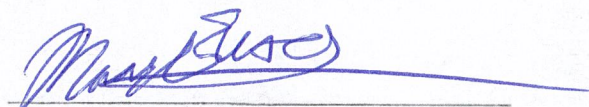


WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF August 2023

MARIA SIMMONS
Notary Public, State of New York
Registration No. 01SI6385924
Qualified in Dutchess County
My Commission Expires 1/14/2027


NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

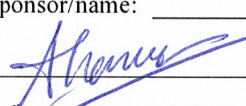
Instructions for Completing

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			
TH Development - c/o Thang Vuong			
Name of Action or Project: Deck			
Project Location (describe, and attach a location map): 669 Gardnertown Road, Newburgh, NY 12550			
Brief Description of Proposed Action: Deck			
Name of Applicant or Sponsor: TH Development - c/o Thang Vuong		Telephone: 845-282-2976	
		E-Mail: thangvuong.ny@yahoo.com	
Address: 296 Garden Street			
City/PO: New Windsor		State: New York	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: ZBA			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.3711 acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.3711 acres	
4. Check all land uses that occur on, are adjoining or 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?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input 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? 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: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature:  Title: _____		



ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15234 / 602
 INSTRUMENT #: 20220037996

Receipt#: 3035393
 Clerk: KOD
 Rec Date: 05/19/2022 03:04:35 PM
 Doc Grp: D
 Descrp: DEED
 Num Pgs: 4
 Rec'd Frm: Closing USA, LLC

Party1: US BANK TRUST TR
 Party2: TH DEVELOPMENTS LLC
 Town: NEWBURGH (TN)
 53-4-12

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 Notice of Transfer of sal 10.00
 RP5217 Residential/Agricu 116.00
 RP5217 - County 9.00

Sub Total: 200.00

Transfer Tax
 Transfer Tax - State 984.00

Sub Total: 984.00

Total: 1184.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 10177
 Transfer Tax
 Consideration: 246000.00

Transfer Tax - State 984.00

Total: 984.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
 Orange County Clerk

STATE OF NEW YORK, COUNTY OF ORANGE ss:
 I, Kelly A. Eskew, County Clerk and Clerk of the Supreme and County Courts, Orange County, do hereby certify that I have compared this copy with the original thereof filed or recorded in my office 5/19/2022 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 08/07/2023.

Kelly A. Eskew
 County Clerk & Clerk of the Supreme County Courts
 Orange County

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

BARGAIN AND SALE DEED

THIS INDENTURE, made this 2nd day of May, 2022, between

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, with a mailing address and principal place of business at c/o Hudson Homes Management, LLC, 2711 North Haskell Avenue, Suite 2100, Irving, TX 75204

Party of the First Part, and

TH Developments LLC with an address of 296 Garden St, New Windsor, NY 12553

Party of the Second Part

WITNESSETH, that the Party of the First Part, in consideration of **Two Hundred Forty-Six Thousand Dollars and No Cents (\$246,000.00)**, lawful money of the United States of America, paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, and to the heirs, distributes and assigns of the Party of the Second Part, forever

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

SEE ATTACHED LEGAL DESCRIPTION

TAX ACCOUNT NO.: 4600-53-4-12
PROPERTY ADDRESS: 669 Gardnertown Rd, Newburgh, NY 12550

Being the same premises described in the deed to the party of the First Part herein dated November 13, 2019 and recorded December 17, 2019 in the Orange County Clerk's Office in Book 14673 at Page 19.

And

The person executing the closing instruments is the same person as the grantee in Book 14673 at Page 19, the certified owner herein.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part. This conveyance does not consist of all or substantially all of the assets of said party of the First Part.

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto Grantee, the heirs, successors and assigns to Grantee forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 improvements 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, Grantor has duly executed this deed the day and year first above written.

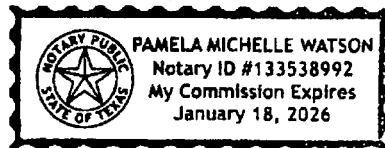
U.S. Bank Trust, N.A., as Trustee for LSF9 Master
Participation Trust by Hudson Homes Management, LLC.
as attorney-in-fact POA REC 5/28/2020, B14757 P.121

BY: Evelyn Waitthaka
Evelyn Waitthaka
authorized signatory

State of Texas)
County of Dallas) ss.:

On the 2nd day of May, in the year 2022, before me, the undersigned, personally appeared Evelyn Waitthaka, 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 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 upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in the State of Texas, County of Dallas, City, Town or Village of Dallas.

Pamela Michelle Watson
Notary Public / Pamela Michelle Watson



Schedule A

The land referred to in the Commitment is described as follows:

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

BEGINNING at a point in the Southwesterly line of Gardnertown Road, said point being the Northwesterly most corner of lands now or formerly Tsuganook Corp., Liber 2459, Page 267, and

RUNS THENCE along said lands now or formerly Tsuganook Corp., South 46 degrees 02 minutes 25 seconds West 163.42;

THENCE along lands now or formerly Fowler, Liber 583, Page 103, North 49 degrees 23 minutes 50 seconds West 101.06;

THENCE along lands now or formerly Kessel, Liber 2222, Page 1077, North 46 degrees 29 minutes 50 seconds East 159.95;

East 100.15 along the southwesterly line of Gardnertown Road, south 51 degrees 26 minutes 50 seconds East 100.15 to the point or place of BEGINNING.















669 Gardnertown Rd

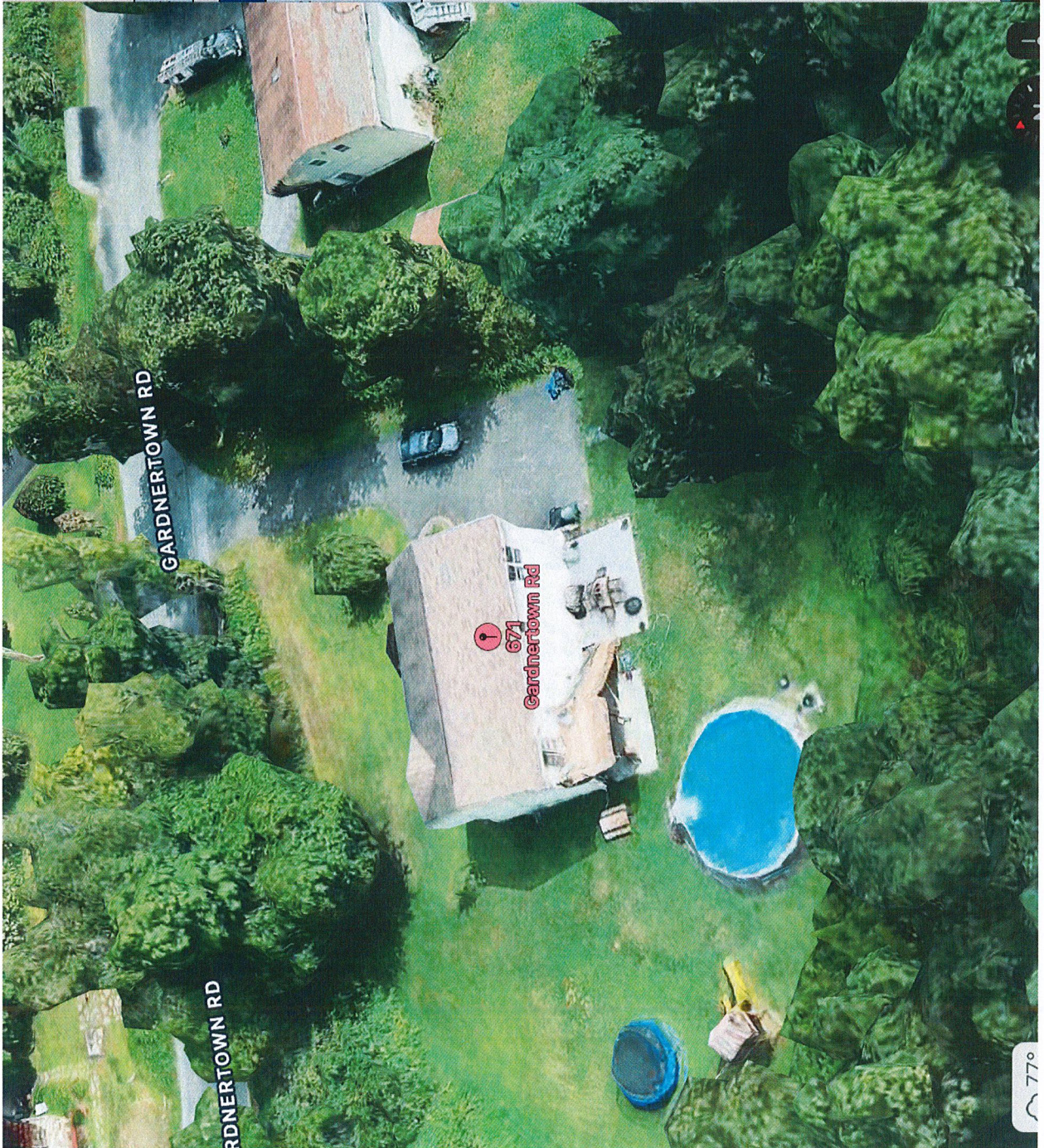


77° 29

Inbox - MBW 12:51 PM



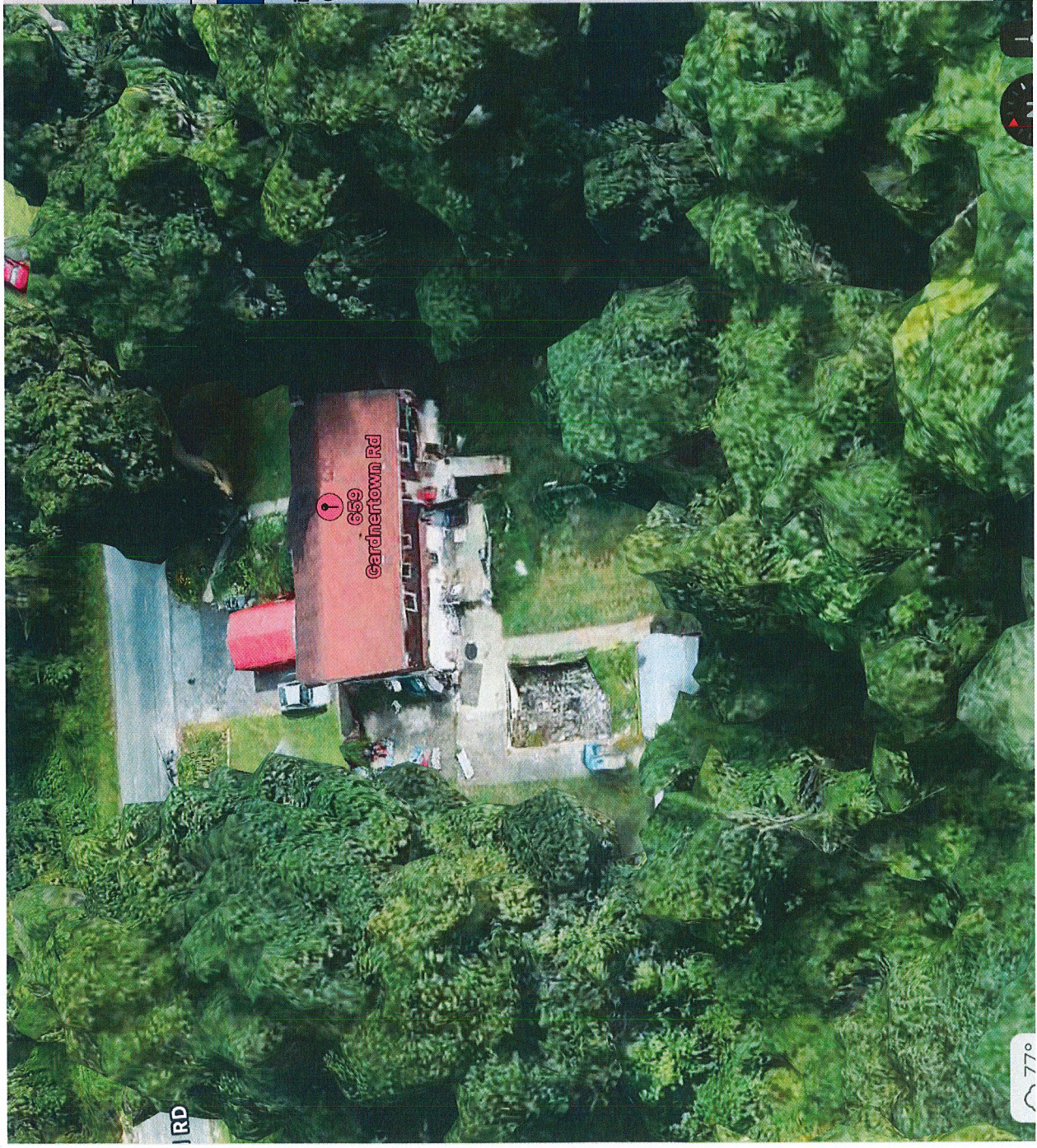
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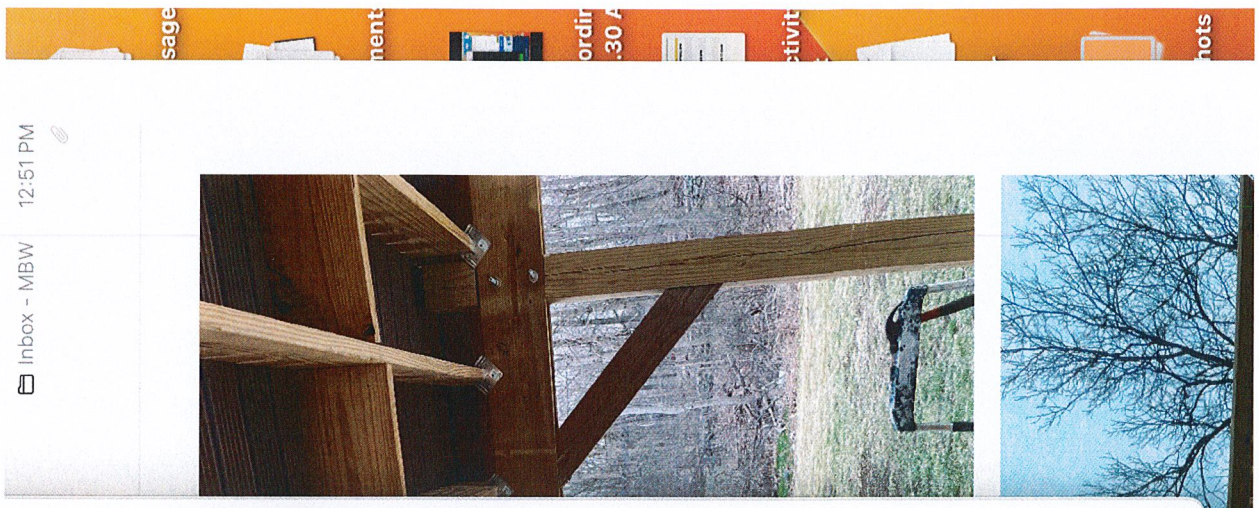




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GARDNERTOWN RD

- Drop Pin
- Share
- Send to Device >



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

3056-23

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/14/2023

Application No. 23-0342

To: TH Developments LLC
296 Garden Street
New Windsor, NY 12553

SBL: 53-4-12
ADDRESS: 669 Gardnertown Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/11/2023 for permit to keep a 12' x 16' prior built rear deck on the premises located at 669 Gardnertown Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 3: Requires a 30' minimum side yard setback
- 2) Bulk table schedule 3: Requires a combined side yard setback of 80' minimum.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

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

STATE OF NEW YORK: COUNTY OF ORANGE:

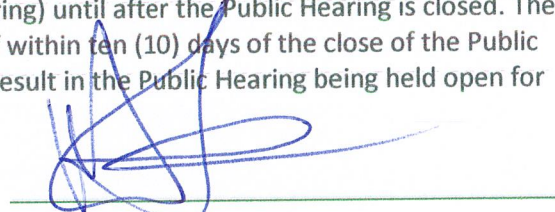
I Maria Simmas, being duly sworn, depose and say that I did on or before

August 10, 2023, post and will thereafter maintain at

669 Gardnertown Rd 53-4-12 R1 Zone in the Town of Newburgh, New York, at or near the front

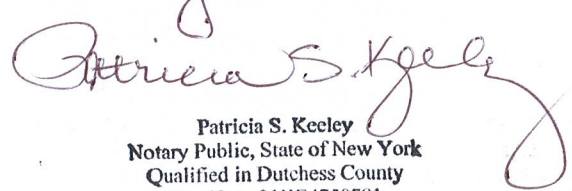
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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



Sworn to before me this 17th

day of August, 2023.



Patricia S. Keeley
Notary Public, State of New York
Qualified in Dutchess County
Reg No.: 01KE4750781
Commission Expires June 30, 2027



TOWN OF NEWBURGH
County of the Platteau
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

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, New York, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 24th day of August, 2023 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of TH Developments LLC for area variances of the one side yard and combined side yards to construct a 12' x 16' picnic built rear deck

PREMISES LOCATED at 669 Gardnertown Rd 53-4-12 R1 Zone in the Town of Newburgh, New York.

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

BY ORDER of the Zoning Board of Appeals dated the 10th day of August, 2023.

APPLICANT



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

NOTICE OF HEARING

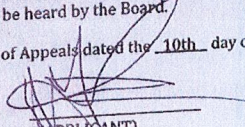
NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 24th day of August, 2023 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of TH Developments LLC for area variances of the one side yard and combined side yards to keep a 12' x 16' prior built rear deck.

PREMISES LOCATED at 669 Gardnertown Rd 53-4-12 R1 Zone in the Town of Newburgh, New York.

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

BY ORDER of the Zoning Board of Appeals dated the 10th day of August, 2023.


(APPLICANT)