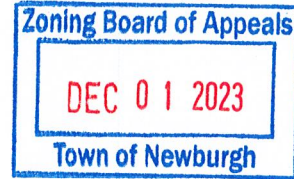




# TOWN OF NEWBURGH

*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: 12/01/2023

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

I (WE) DR. RICHARD SOLOMONS PRESENTLY

RESIDING AT NUMBER 5349 Route 9W, Newburgh NY 12550

TELEPHONE NUMBER (845) 562-7861

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

- USE VARIANCE (FRONT YARD SETBACK)
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

SECT. 9 BLOCK 3 LOTS 22, 23 (TAX MAP DESIGNATION)

5349 US ROUTE 9W (STREET ADDRESS) NEWBURGH

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

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

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:

\_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: FRONT YARD SETBACK

\_\_\_\_\_

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

~~a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:~~

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)~~

~~b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:~~

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:~~

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

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

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

IT CONFORMS TO NEIGHBORING PROPERTIES

- 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:

WILL LIMIT THE BUILDING SUCH THAT CONSTRUCTION WOULD NOT BE FEASIBLE

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

WILL BE WITHIN 7 FT OF THE ROAD  
60 FT (FRONT YARD)

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

OTHER BUILDINGS NEARBY OR ADJACENT  
ARE PHYSICALLY CLOSER TO ROAD

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

NO CONSTRUCTION HAS OCCURRED TO DATE

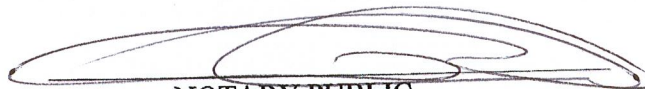
7. ADDITIONAL REASONS (IF PERTINENT):

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

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1<sup>st</sup> DAY OF December 2023



NOTARY PUBLIC

ADAM H PITCHER  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS COUNTY  
LIC. #01PI6318649  
COMM. EXP. FEB. 28, 2027

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

RICHARD SOLOMONS, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 5349 Route 9W, Newburgh  
IN THE COUNTY OF ORANGE AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

Middlehope Veterinary Hospital, P.C. - -  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED MARTIN PASSANTE RA  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12/01/2023 And Schummo  
OWNER'S SIGNATURE

Jay Jamb  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1<sup>st</sup> DAY OF December, 2023

  
NOTARY PUBLIC

ADAM H PITCHER  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS COUNTY  
LIC. #01PI6318649  
COMM. EXP. FEB. 28, 2027

## 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: <span style="font-size: 1.2em; font-family: cursive;">MIDDLEHOPE VETERINARY CLINIC</span>																		
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; font-family: cursive;">5399 RTB 9W, NEWBURGH, NEW YORK</span>																		
Brief Description of Proposed Action: <span style="font-size: 1.2em; font-family: cursive;">2,572 ± GROUND &amp; SECOND FLOOR ADDITION TO FRONT OF STRUCTURE</span>																		
Name of Applicant or Sponsor: <span style="font-size: 1.2em; font-family: cursive;">MARTIN A. PASSANTO</span>		Telephone: <span style="font-size: 1.2em; font-family: cursive;">631-747-1114</span>																
Address: <span style="font-size: 1.2em; font-family: cursive;">178 BARVIEW AVE.</span>		E-Mail: <span style="font-size: 1.2em; font-family: cursive;">MARTYP@JMPARONPROJECTS.COM</span>																
City/PO: <span style="font-size: 1.2em; font-family: cursive;">NORTHPORT</span>		State: <span style="font-size: 1.2em; font-family: cursive;">N.Y.</span>	Zip Code: <span style="font-size: 1.2em; font-family: cursive;">11768</span>															
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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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: <span style="font-size: 1.2em; font-family: cursive;">BUILDING DEPARTMENT</span>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		<span style="font-size: 1.2em; font-family: cursive;">1.147</span> acres																
b. Total acreage to be physically disturbed?		<span style="font-size: 1.2em; font-family: cursive;">0.125</span> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em; font-family: cursive;">1.046</span> acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input checked="" type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input checked="" 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				
<input type="checkbox"/> Urban	<input checked="" 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																		



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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>MARTIN A. PASSANTE</u>	Date: <u>10/21/2023</u>	
Signature: _____		





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.

<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)

James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley\*\*  
Aaron C. Fitch

Judith A. Waye  
Sarah N. Wilson  
Michael J. Barfield\*\*  
Meghan R. LoCicero

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

\*\*Member NJ & NY Bar

November 6, 2023

BY EMAIL ONLY

Darrin J. Scalzo, Chairman  
Zoning Board of Appeals  
Town of Newburgh Town Hall  
1496 Route 300  
Newburgh, New York 12550

Re: Middlehope Veterinary // ZBA referral  
Planning Board Project No. 2023-20

Dear Chairman Scalzo and Zoning Board Members:

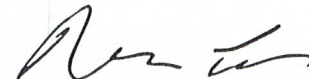
At the Planning Board's November 2, 2023 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variance required for this proposed addition to the Middlehope Veterinary facility located at 5349 Route 9W.

The applicant's proposal is to construct a 2,342 square foot addition to the existing 2,653 sf veterinary facility building. The front yard setback is proposed to be 53 feet and 3.5 inches from Route 9W, where the code requires a 60-foot setback from state highways.

It appears that this is a likely Type II Action under SEQRA as it proposes construction less than 4,000 square feet of gross floor area. 6 NYCRR § 617.5(c)(9).

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco





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

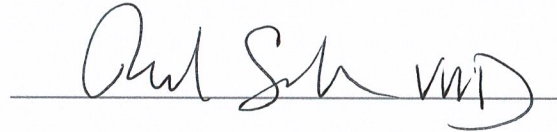
STATE OF NEW YORK: COUNTY OF ORANGE:

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

December 14, 2023, post and will thereafter maintain at

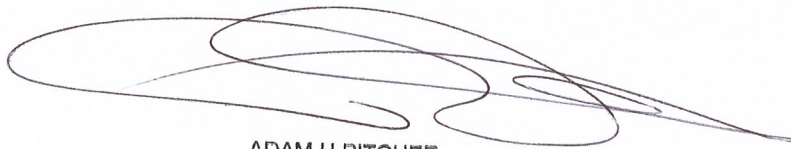
5349 Route 9w 9-3-22.1 & 22.2 B Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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 1<sup>st</sup>

day of December, 2023.



ADAM H PITCHER  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS COUNTY  
LIC. #01PI6318649  
COMM. EXP. FEB. 28, 2027

