December 13, 2022

Re: Notice of Hearing Zoning Board of Appeals for 381 Lakeside Rd Lot 33-1-15 on 12/22/2022

To Whom this concerns and Town of Newburgh Zoning Board of Appeals Members:

We as concerned homeowners and landowners in and around Orange Lake and said property would like the Zoning Board of Appeals members to reject the application for variance of said property for on many grounds to include but not limited to the following:

1. Under statute 185-48-3 A 1 attached, Flag lots have strict restrictions for Orange Lake – Proposed subdivision causes one flag lot (Lot1) and an “implied” flag lot (Lot 2). No access rights proposed, yet there will be NO control to use of lake (for current or future residents) which was reason 185-48-3 A was enacted in Nov 2002. Zoning prior to this time has no relevance. Zoning board should consider many problems that arise.
2. 7 variances are requested which is significant and would require others when item a) considered. No viable solution for a)
3. Seeking an area variance when in fact this should be viewed as a use variance -Multiple dwellings when current zoning is single family…currently – sole structure on property is used for rent or AirBnB – adding another property enriches applicant but degrades other properties (cutting property in two decreases lot sales value of each property to impact neighboring properties yet may increase return to only to applicant). Applicant nor other referenced parties do not live here- this should currently be viewed as an investment property and considered to be 2 rental properties by apparently two partners. Applicant and other parties maintain other viable residence’s so hardship noted in item 7) of application is invalid. Requesting Zoning board to strictly review the “purported” hardship. Hardship is “self-created”. Concerning item 6) b. Other remedies do exist – if there is a partnership, one buys other out. Lot being subdivided to accommodate two partners does not justify the variances. Secondly, Lot 2 if even approved should adhere to side yard zoning regulations (min 40 ft), sewer easement moved, driveways completely reconsidered, protection of hardwoods and privacy.
4. Regarding item 6) a. and 6) c. in application. Area has already been cleared significantly changing character of the lot and neighborhood (significant number of trees felled on lake front, proposed lot will have further hardwood trees destroyed) further degrading what was already there. Also new driveway will literally be “right on top”of another driveway at the road degrading current environment. Privacy will also be impacted. No buffer in plans. Current zoning laws should be enforced regardless of “past”. Zoning prior to this time has no relevance.
5. Further environmental and drainage runoff to lake (rooftop, plantings, chemicals)
6. Potential Deeded Right of Way dispute, never settled on north side of property could likely impact variances further.

Sincerely,

Concerned Homeowners and Landowners of Orange Lake

On Short environmental form

Did not accurately reflect impacted area (states .2 acres – should be evaluated, this will be larger given driveways impact, felling of trees etc.)

5…does not seem accurate…. 5 a) not permitted, why need variances. 5 b) NA

Did not answer 13 b nor question 14

17 not correct