

December 13, 2022

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

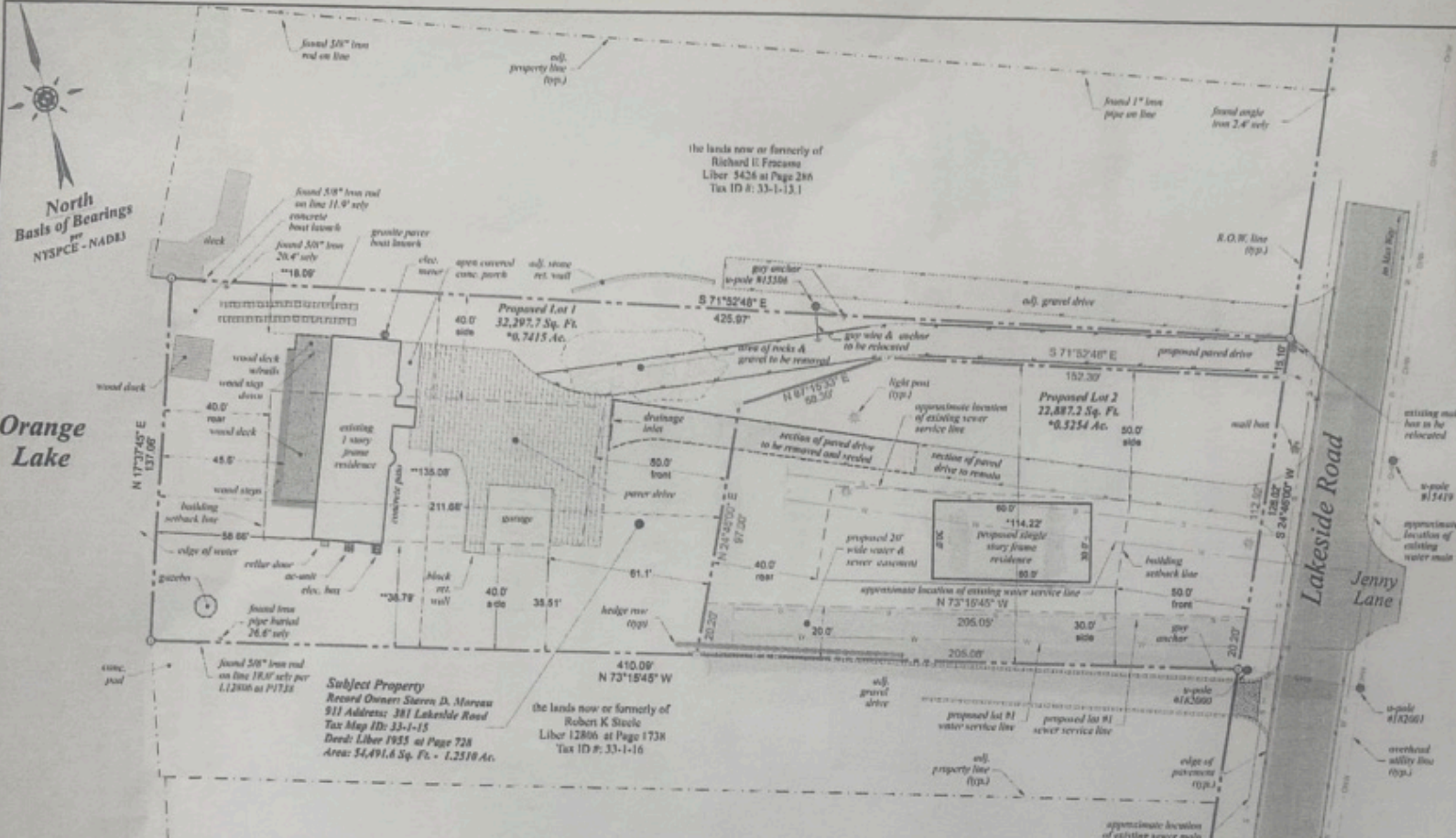
To Whom this concerns and Town of Newburgh Zoning Board of Appeals Members:

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:

- a) 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.
- b) 7 variances are requested which is significant and would require others when item a) considered. No viable solution for a)
- c) 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.
- d) 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.
- e) Further environmental and drainage runoff to lake (rooftop, plantings, chemicals)
- f) 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



North Basis of Bearings per NYS PCE - NAD83

Orange Lake

ZONING SCHEDULE

ZONE: R-1

	REQUIRED	EXISTING	PROPOSED LOT 1	PROPOSED LOT 2
MINIMUM LOT AREA	40,000 s.f.	55,184.6 s.f.	32,297.7 s.f.	22,654 s.f.
MINIMUM YARDS (feet)				
FRONT	50'	31 1/2'	116'	62'
REAR	40'	45'	45'	86'
SIDE				
ONE	30'	**18'	**18'	30'
BOTH	80'	**53'	**53'	80'
MINIMUM LOT WIDTH (feet)	150'	**135'	**135'	**114'
MINIMUM LOT DEPTH (feet)	150'	410'	211'	203'
MAXIMUM IMPERVIOUS COVERAGE (%)	20%	17.5%	*31%	15%
MAXIMUM BUILDING HEIGHT	35'	20'	20'	20'
MAXIMUM BUILDING COVERAGE (%)	10%	5.1%	8.9%	7.9%

**EXISTING NON-COMFORMING
*NON-COMFORMING

Note: The parcel is in an area of minimal flood hazard (Zone X), and contains no wetlands, nor steep slopes.

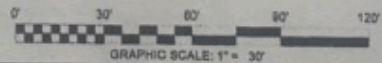
NOTE:
Basis of Bearings:
The horizontal Datum is the North American Datum of 1983 (NAD83). The project baseline bearing reference for Grid North was established by GPS observation performed on 04/28/2022. The subject property lines are as per the latest record Deed and aligned to this datum.

SURVEYORS' CERTIFICATION:
I hereby certify that the herein listed parties that this survey was performed in accordance with the NYS Minimum Technical Standards Section 6 Suburban class and represents the results of an actual on the ground field survey, per record description, of the land shown hereon, located at Town of Newburgh, County of Orange, State of New York. Completed on October 22, 2022, performed in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc., and is to the best of my knowledge, belief and information, accurate and correct. Except as shown hereon: "there are no encroachments either way across property lines; life lines and lines of actual possession are the same".

Signature _____ Date _____
Jonathan N. Millen, LLS
1229 Route 300 - Suite 3
Newburgh, NY 12550

OWNER INFORMATION

Name	Address	Tax ID
Steven D. Moreau	116 Bethlehem Road New Windsor, NY 12533	33-1-15



Jonathan N. Millen, LLS
PROFESSIONAL LAND SURVEYOR
CERTIFIED TO BE CORRECT AND ACCURATE N.Y. LIC. No. 050748



OWNERS ENDORSEMENT

The undersigned owner of the property hereon states that they are familiar with this plan, and its contents, and hereby consent to all said terms and conditions as stated hereon and to the filing of this plan in the office of the Orange County Clerk.

Steven D. Moreau _____ Date _____

TOWN OF NEWBURGH PLANNING BOARD ENDORSEMENT

Approved by resolution of the Planning Board subject to the conditions and requirements of said resolution.

Any change, erasure, modification or revision of this plan as approved shall void this approval.

Planning Board Chairman _____ Date _____

Applicant:
Lakeroad RD LLC & Steven D. Moreau
116 Bethlehem RD
New Windsor NY 12553

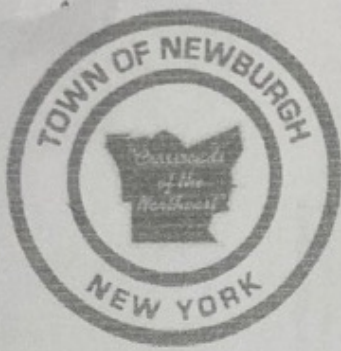
REFERENCES:
1. The Official Tax Assessor's Maps for the Town of Orange County, New York.
2. Various Deeds of Record - Liber and Page or Document ID as shown:

Proposed 2 Lot Subdivision
of the lands of
Steven D. Moreau

Automated Construction Enhanced Solutions, Inc.
Professional Land Surveying
1229 Route 300 - Suite 4 - Newburgh, NY 12550
Office: 845-943-7198 Fax: 914-906-8830 Web: accssurveying.com
Prepared For Tax Map Parcel

33-1-15 aka 381 Lakeside Road
situated in the
Town of Newburgh
County of Orange, New York 12550

DATE: 10/01/2022 SCALE: 1"=30' JOB No. 22052DEC DRAWN BY: jmm



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 22nd day of December, 2022 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

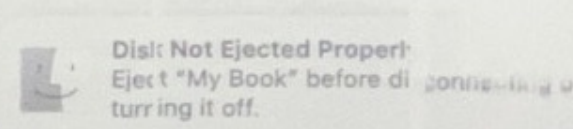
APPLICATION of Lakeside Rd LLC/Steven Moreau (Planning Board Referral) for area variances of the minimum lot area, one side yard, the combined side yards, minimum lot width and maximum impervious surface for lot 1. And area variances of minimum lot area and lot width for lot 2 for a proposed 2 lot subdivision.

PREMISES LOCATED at 381 Lakeside Rd 33-1-15 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 8th day of December, 2022.

Steven Moreau
(APPLICANT)



Previous; Town of Newburgh, NY / Part II, General Legislation / Zoning
Result Article VI Supplementary Regulations Applicable to Certain Uses
Result 5 of 167 flag lot (Return to Results) (Clear Search)

Next Result

- § 185-48.2 Two-family dwellings.

§ 185-48.3 Lakefront access lots.
[Added 12-30-2002 by L.L. No. 11-2002]

- A. The following minimum requirements are hereby established for all lakefront access lots which have lakefront frontage on Orange Lake in any zoning district; provided, however, that if the applicable Table of Use and Bulk Requirements for the zoning district in which the lakefront access lot is located establishes stricter requirements, those stricter requirements shall apply:
- (1) Where two to four lots or dwelling units are being provided lakefront access by means of a lakefront access lot, at least 20 feet of usable lakefront frontage for each lot or dwelling unit provided access to the lake, whichever is greater, with a minimum lot width of 80 feet and a minimum lot area of 12,500 square feet.
 - (2) Where five to seven lots or dwelling units are being provided lakefront access by means of a lakefront access lot, at least 150 feet of usable lakefront frontage, with a minimum lot width of 150 feet and a minimum lot area of 40,000 square feet.
 - (3) Where more than seven lots or dwelling units are being provided lakefront access by means of a lakefront access lot, at least 150 feet of usable shoreline frontage and at least 20 feet of additional usable lakefront frontage for each lot or dwelling unit exceeding seven, whichever is greater, with a minimum lot width of 170 feet and a minimum lot area of 40,000 square feet.

- 12:12:25 PM
- E. Adequate space shall be provided on the site plan for the maneuvering of all vehicles. To the extent practicable, the site plan shall separate on-site movements of vehicles and pedestrians and heavy trucks and passenger vehicles.
 - F. Consistent with data submitted by the applicant regarding anticipated fuel service operations, an adequate number of stacking spaces shall be provided at each gasoline or diesel fuel pump island so as not to interfere with other vehicular movements involving on-site circulation, parking or entry to or exit from the travel center.
 - G. Adequate landscaping shall be provided and maintained along all property boundaries through either retention of suitable existing vegetation and/or the introduction of new plantings. Natural planting and, where necessary, earthen berms shall be employed to buffer adjacent properties from truck parking areas and service zones within the travel center.
 - H. Adequate lighting and appropriate signage shall be provided based upon convenience and safety considerations and applicable Town standards as set forth in this Zoning Chapter. No lighting shall cast objectionable glare upon adjacent properties or roadways.
 - I. Truck storage lanes and spaces shall be provided for all truck lube and wash bays to accommodate 10 trucks (tractor-trailers) or five trucks (tractor-trailers) per service bay, whichever is greater. All truck and car wash and lube services shall be conducted inside a building, and repair and tire services are specifically prohibited.
 - J. Buildings housing lube and wash facilities for either trucks and automobiles, or both, shall be located at least 500 feet back from the front lot line and at least 75 feet back from any other property line bordering a public road. For the purposes of this section, the front lot line shall be deemed to be the lot line over which the property derives access from a state road.
 - K. All storage shall take place within a fully enclosed building or behind a solid fence so that it is not visible from adjacent properties or by site visitors.
 - L. All uses must be served by municipal water and sewer service and such service must be approved by the Town Engineer and the Town Board.
 - M. To assure that the standards of Subsections C through L above are met, the applicant for site development plan approval for a travel center shall submit:
 - (1) The above cited data, including projection of the number and distribution by vehicle type (i.e., automobiles and light trucks, buses, heavy/commercial trucks, including tractor-trailers) of consumers using intended facilities.
 - (2) Appropriate engineering studies or other documentation to analyze infrastructure requirements and related impacts of the travel center, including consideration of the following:
 - (a) Traffic, access and parking factors and related documentation as to the adequacy of intended on-site or off-site improvements.
 - (b) Proposed arrangements for accommodating sanitary sewage and other wastewater requirements.
 - (c) Proposed arrangements for accommodating water supply requirements under both routine and emergency conditions.
 - (d) Proposed arrangements for managing stormwater either generated on or otherwise traversing the travel center site.
 - (e) Proposed arrangements for managing garbage disposal and control of litter throughout the site.
 - N. All travel center uses shall be housed in a single building with the exception of the fuel islands, lodging accommodations and truck and car wash and lubrication facilities.

§ 185-48.2 Two-family dwellings.

[Added 4-8-2000 by L.L. No. 2-2000]

The following apply to two-family dwellings:

- A. Adequate off-street parking, water supply and sanitary disposal must be required to be demonstrated for the proposed use.
- B. The architecture and entrance details of the units shall provide the appearance of a single-family residence.
- C. The Planning Board shall review the building plans under its Architectural Review Board powers and described for uses under site plan approval in § 185-59 of this chapter.

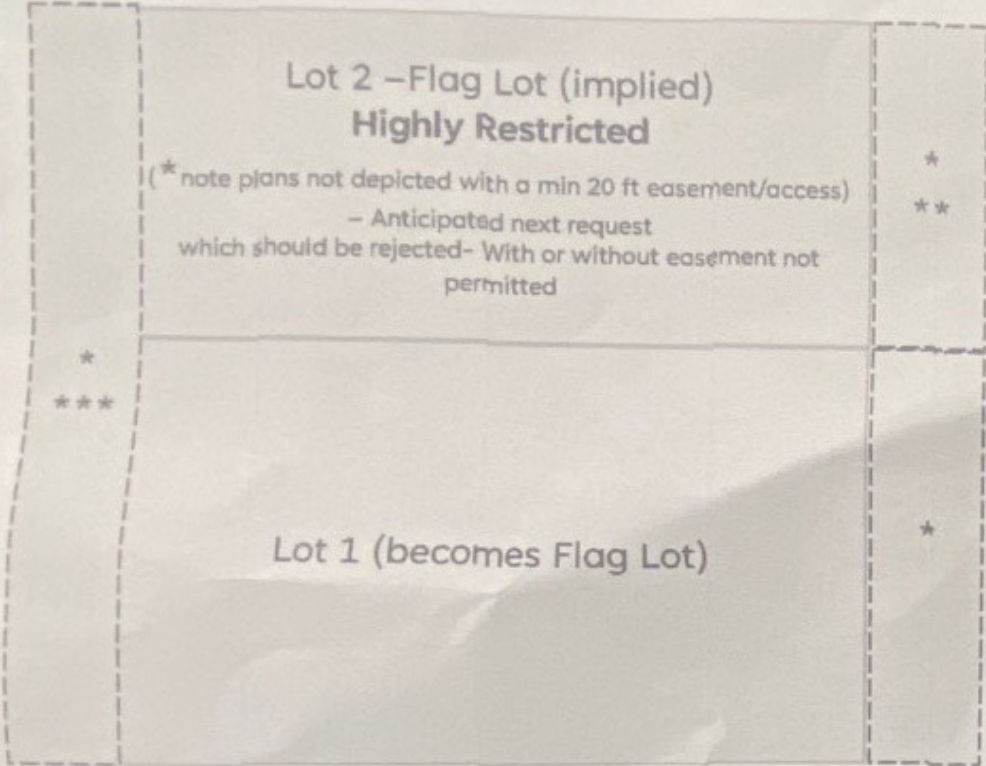
§ 185-48.3 Lakefront access lots.

[Added 12-30-2003 by L.L. No. 11-2003]

- A. The following minimum requirements are hereby established for all lakefront access lots which have lakefront frontage on Orange Lake in any zoning district; provided, however, that if the applicable Table of Use and Bulk Requirements for the zoning district in which the lakefront access lot is located establishes stricter requirements, those stricter requirements shall apply:

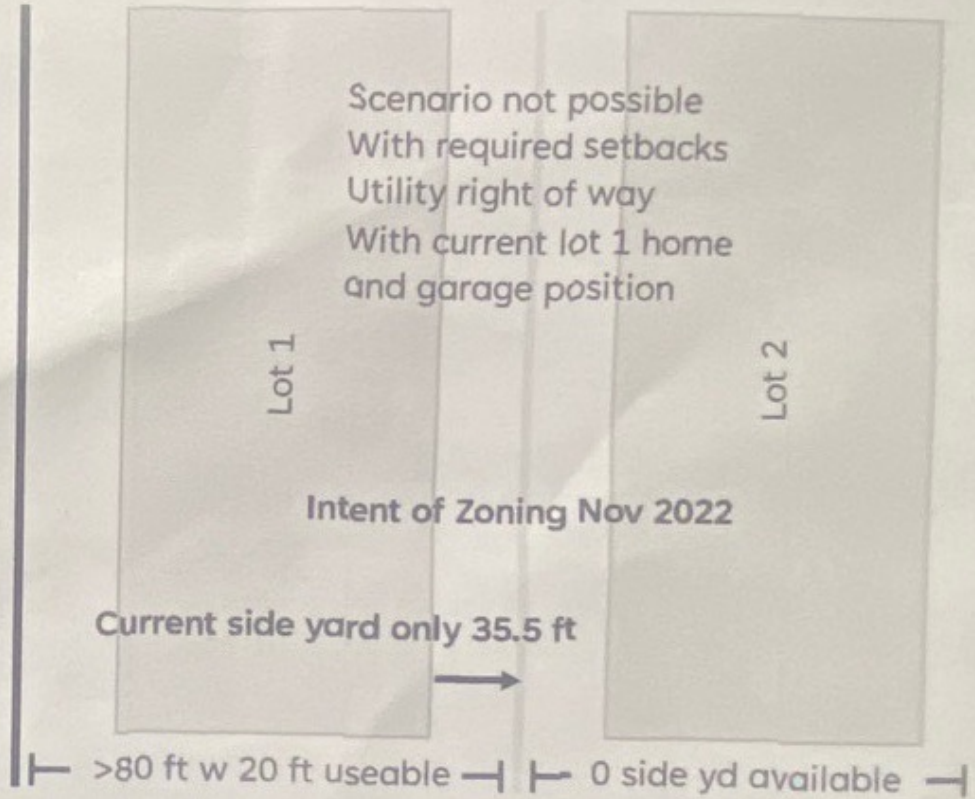
FLAG LOTS on Orange Lake after November 1, 2002 (Exhibit 1)

- * Flag Lot
- ** Utility right of way
- *** suspected deeded right of way (Fine Family)



Lakefront

Rules for 185-48-3 A)1.

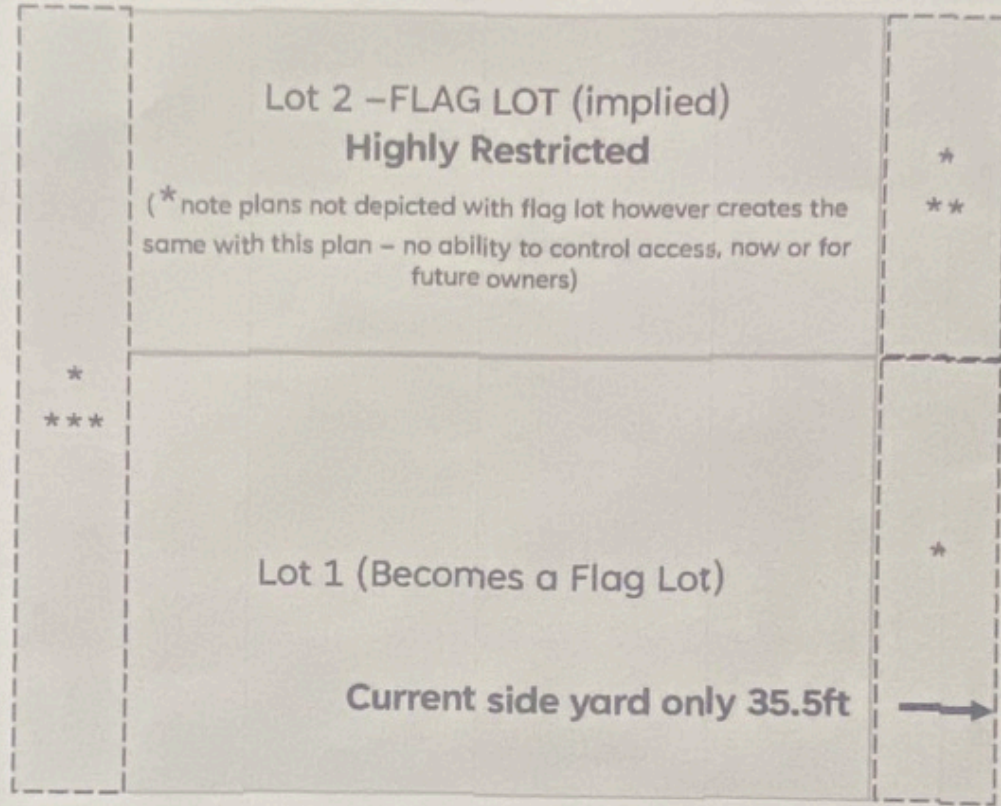


Lakefront (Illustrative only not Request of applicant)

FLAG LOTS on Orange Lake after November 1, 2002 (Exhibit 1)

- *. Flag Lot
- ** Utility right of way
- ***suspected deeded right of way (deeded under Fine - family farm access)

- 1)Current Plan should be rejected simply on number of variances required
- 2)Current Plan put forth to board provides no control over access to lake, hence purpose of new code written Nov 2022. Creates implied flag lot
- 3)If applicant or future owners attempt access rights, will create a 2nd Flag lot which is generally prohibited on Orange Lake, creates hardship to overpopulated lake area. Lot 1 in current plan becomes a flag lot, Lot 2 is implied
- 4)No scenario possible to subdivide per code to create a valid flag lot for lot 2-No ability to meet setbacks required and w/o affecting Utility Right of Way
- 4)If approved, where code can be maintained, it should be required (example side yards of Lot 2)



Lakefront

0' side yd available for Lot 2 , multiple side yd problems

Rules for 185-48-3 A)1.