

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: 8-13-19

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

I (WE) Yasser Aly PRESENTLY
RESIDING AT NUMBER 300 Lakeside Road
TELEPHONE NUMBER _____

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

- _____ A USE VARIANCE
- X _____ AN AREA VARIANCE
- _____ INTERPRETATION OF THE ORDINANCE
- _____ SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

50. 1. 48 (TAX MAP DESIGNATION)
300 Lakeside Rd (STREET ADDRESS)
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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Accessory Apartments . 185.38
Accessory Buildings . 185.15



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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: 6. 3. 19
- 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: Lot size, lot width, surface coverage

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:



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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:

The design of the apartment matches the other residences in the neighborhood

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:

No adjacent properties are available to make the current lot comply.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

the variances sought are pre-existing for this small project

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 design and materials to be used match the surrounding neighborhood.

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

the lot has been existing since 1934



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF August 2019

Sandra Vanterpool

NOTARY PUBLIC

**SANDRA VANTERPOOL
NOTARY PUBLIC STATE OF NEW YORK
LIC. #01VA6187854
COMM. EXP. 06/02/2020**

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 10 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)



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ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Yasser Aly, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 300 Lakeside Road
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 300 Lakeside
Road

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Michael J Hennessy Architects
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/9/19 Yasser Aly

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9th DAY OF August 2019

Sandra Vanterpool
NOTARY PUBLIC

SANDRA VANTERPOOL
NOTARY PUBLIC STATE OF NEW YORK
LIC. #01VA6187854
COMM. EXP. 06/02/2020

Short Environmental Assessment Form
Part 1 - Project Information

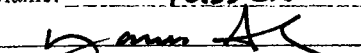
Instructions for Completing

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: <i>Accessory Apartment</i>			
Project Location (describe, and attach a location map): <i>300 Lakeside Road Newburgh NY 12550</i>			
Brief Description of Proposed Action: <i>The existing garage is being converted into a one bedroom apartment (accessory)</i>			
Name of Applicant or Sponsor: <i>Yasser Aly</i>		Telephone:	
		E-Mail:	
Address: <i>300 Lakeside Road</i>			
City/PO: <i>Newburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
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 checked="" type="checkbox"/>	YES <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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.491</i> acres	
b. Total acreage to be physically disturbed?		<i>.003</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.491</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?		<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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<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: _____		<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: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		<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, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input type="checkbox"/> NO <input type="checkbox"/> YES	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Yasser Aly</u></p> <p>Signature: <u></u></p>		<p>Date: <u>8-13-19</u></p>

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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.

- 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.
- 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)



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

*orig seen
8/13/19*

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



BOOK/PAGE: 13936 / 1932
INSTRUMENT #: 20150055014

Receipt#: 1998101
Clerk: MG
Rec Date: 08/25/2015 03:48:25 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: ROYAL T TITLE AGENCY INC (72)

Party1: MONTI KATHERINE
Party2: ALY YASSER
Town: NEWBURGH (TN)
50-1-48

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

Sub Total: 190.00

Transfer Tax	
Transfer Tax - State	520.00

Sub Total: 520.00

Total: 710.00

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

***** Transfer Tax *****
Transfer Tax #: 656
Transfer Tax
Consideration: 130000.00

Transfer Tax - State 520.00

Total: 520.00

Payment Type: Check
Cash
Charge
No Fee

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, 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
ON 8/25/15 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY 8/13/19

Record and Return To:

ALY YASSER
POB 382
LIBERTY, NY 12754

TITLE NO: RT34379
AMENDED: 8/12/15



SCHEDULE "A"
(description)

All that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, and State of New York and being Lot 27 and part of Lot 26 as shown on a map entitled "Map of the Lakeside Lots Owned by the Orange Lake Realty Co.", said map filed in the Orange County Clerk's office the on 6th August 1909 as map number 974 and being more particularly bounded and described as follows;

Beginning at a point on the Easterly side of Lakeside Road, said point being the Southwesterly most corner of the lands reputedly of LaCopola and also being South 16 degrees 40 minutes 00 seconds West a distance of 75.00 feet from an iron pipe found; thence from said point or place of beginning and along the lands reputedly of said LaCopola, South 73 degrees 20 minutes 00 seconds East a distance of 322.22 feet to an iron pipe found; thence along the lands reputedly of Roessel, and being along the general line of an old stone wall, South 04 degrees 45 minutes 00 seconds West a distance of 66.43 feet to an iron pipe found; thence along the lands reputedly of Bruton, North 73 degrees 20 minutes 00 seconds West a distance of 335.94 feet; thence along the Easterly side of said Lakeside Road, North 16 degrees 40 minutes 00 seconds East a distance of 65.00 feet to the point or place of beginning.

Royal T. Title Agency, Inc.
14 Oakland Avenue
Warwick, NY 10990

RT34379

Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual
Title no.: RT34379 (Royal T. Title Agency, Inc.)

DEED made this 14 day of AUGUST 2015 between

KATHERINE COHEN MONTI a/k/a Katherine Yetta Cohen, residing at 300
Lakeside Road, Newburgh, NY 12550

party of the first part, and

YASSER ALY, residing at P.O. Box 382, Liberty NY 12754

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar lawful money of the United States and other valuable consideration 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 land with the buildings and improvements thereon situate in the Town of Newburgh, County of Orange, State of New York, commonly known as 300 Lakeside Road, Newburgh, NY 12550, identified on the Orange County Town of Newburgh tax map as section 50 block 1 lot 48 and being more particularly described in an attachment marked "SCHEDULE A".

SUBJECT to all agreements, covenants, restrictions, conditions, and easements of record.

BEING and intended to be part of the same premises inherited by the grantor as devisee under the Last Will and Testament of Louis Cohen, admitted to probate on 3/01/66, under Orange County Surrogate's File #166-66.

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 parties of the second part, the heirs or successors and assigns of the parties 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 New York 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

50-1-48

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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

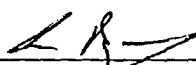
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Katherine Cohen Monti
KATHERINE COHEN MONTI
a/k/a Katherine Yetta Cohen

STATE OF NEW YORK)
COUNTY OF ORANGE)

ss.:

On the 14 day of AUGUST 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared **KATHERINE COHEN MONTI** a/k/a Katherine Yetta Cohen, 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, and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.



Carl Darrigo, Esq.
Notary Public, State of New York
Qualified in Orange County
Reg. No.: 02DA5069651
My Commission Expires 11/25/2018

R & R
Amy Yasser
PO Box 382
Liberty NY 12754



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

2756-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/03/2019

Application No. 19-0445

To: Yasser Aly
300 Lakeside Road
Newburgh, NY 12550

SBL: 50-1-48
ADDRESS: 300 Lakeside Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 05/10/2019 for permit to construct a detached 700 square foot accessory apartment on the premises located at 300 Lakeside Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-55-D: Construction must commence within 6 month of the approval or becomes null and void.
- 2) 185-38-C-2: An accessory apartment shall meet the minimum requirements for a single family dwelling
- 3) Bulk table schedule 3: Requires a 40,000 sf minimum sized lot.
- 4) Bulk table schedule 3: Requires a lot width of 150' minimum
- 5) Bulk table schedule 3: Requires a 30' side yard setback
- 6) Bulk table schedule 3: Requires a 80' combined side yard setback
- 7) Bulk table schedule 3: Allows a maximum lot surface coverage of 20%.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / **NO**

NAME: Yasser Aly Building Application # 19-0445

ADDRESS: 300 Lakeside Rd. Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: Detached accessory apartment

SBL: 50-1-48 ZONE: R-1 ZBA Application # _____

TOWN WATER: YES / **NO**

TOWN SEWER: YES / **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA	40000 SF	21390 SF		18610 SF	46.52%
LOT WIDTH	150 LF	65 LF		85 LF	56.66
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	11'		19'	63.00%
COMBINED SIDE YARD	80'	37'		43'	46.25%
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE	20.0%	23%		3%	15.00%

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY _____ YES / NO
 CORNER LOT - 185-17-A _____ YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

NOTES:

Previous varinace was approved 12-28-2017

VARIANCE(S) REQUIRED:

- 1 185-55-D: Construction must be commenced within 6 month of approval or becomes null and void
- 2 185-38-C-2: For an accessory apartment the lot must meet minimum requirements for a single family
- 3 Bulk table schedule 3: Requires a minimum lot area of 40,000 SF.
- 4 Bulk table schedule 3: Requires a lot width of 150' minimum.

REVIEWED BY: Joseph Mattina

DATE: 3-Jun-19

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES / **NO**

NAME: Yasser Aly **Building Application #** 19-0445

ADDRESS: 300 Lakeside Rd. Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE **USE VARIANCE**

TYPE OF STRUCTURE: Detached accessory apartment

SBL: 50-1-48 **ZONE:** R-1 **ZBA Application #** _____

TOWN WATER: YES / **NO** **TOWN SEWER:** YES / **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA	40000 SF	21390 SF		18610 SF	46.52%
LOT WIDTH	150 LF	65 LF		85 LF	56.66
LOT DEPTH					
FRONT YARD					
ONE SIDE YARD	30'	11'		19'	63.00%
COMBINED SIDE YARD	80'	37'		43'	46.25%
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE	20.0%	23%		3%	15.00%

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

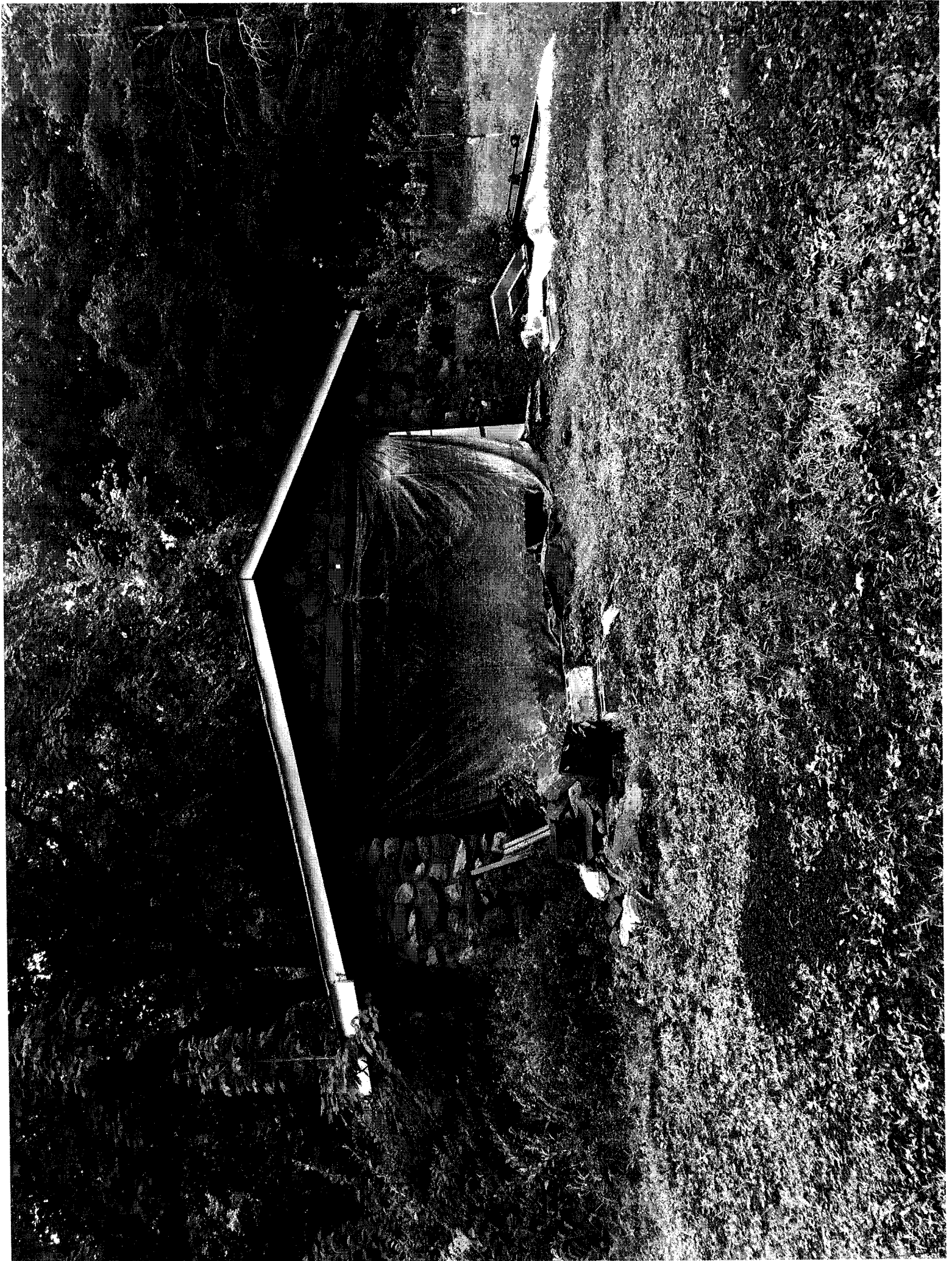
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Previous varinace was approved 12-28-2017

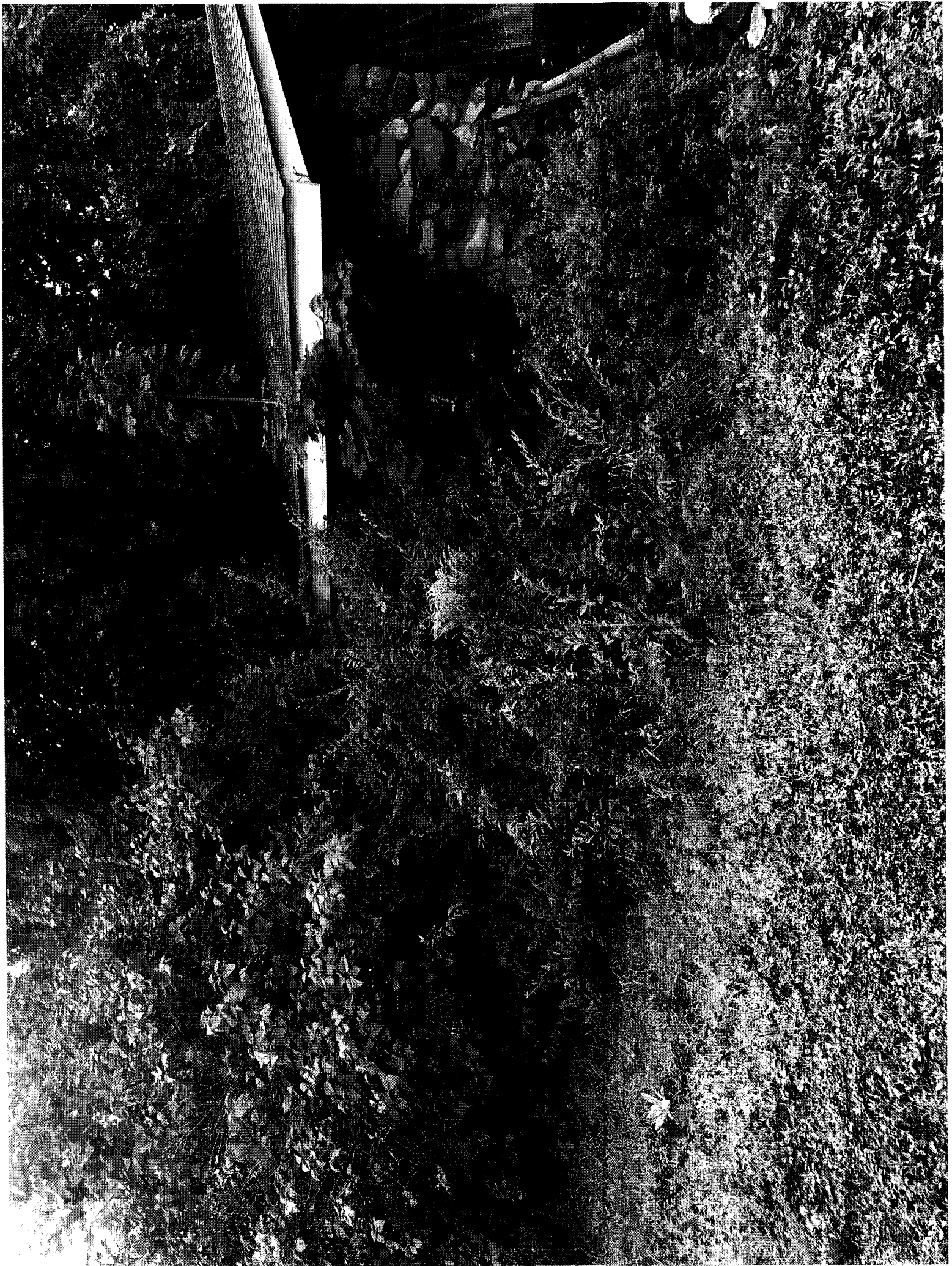
VARIANCE(S) REQUIRED:

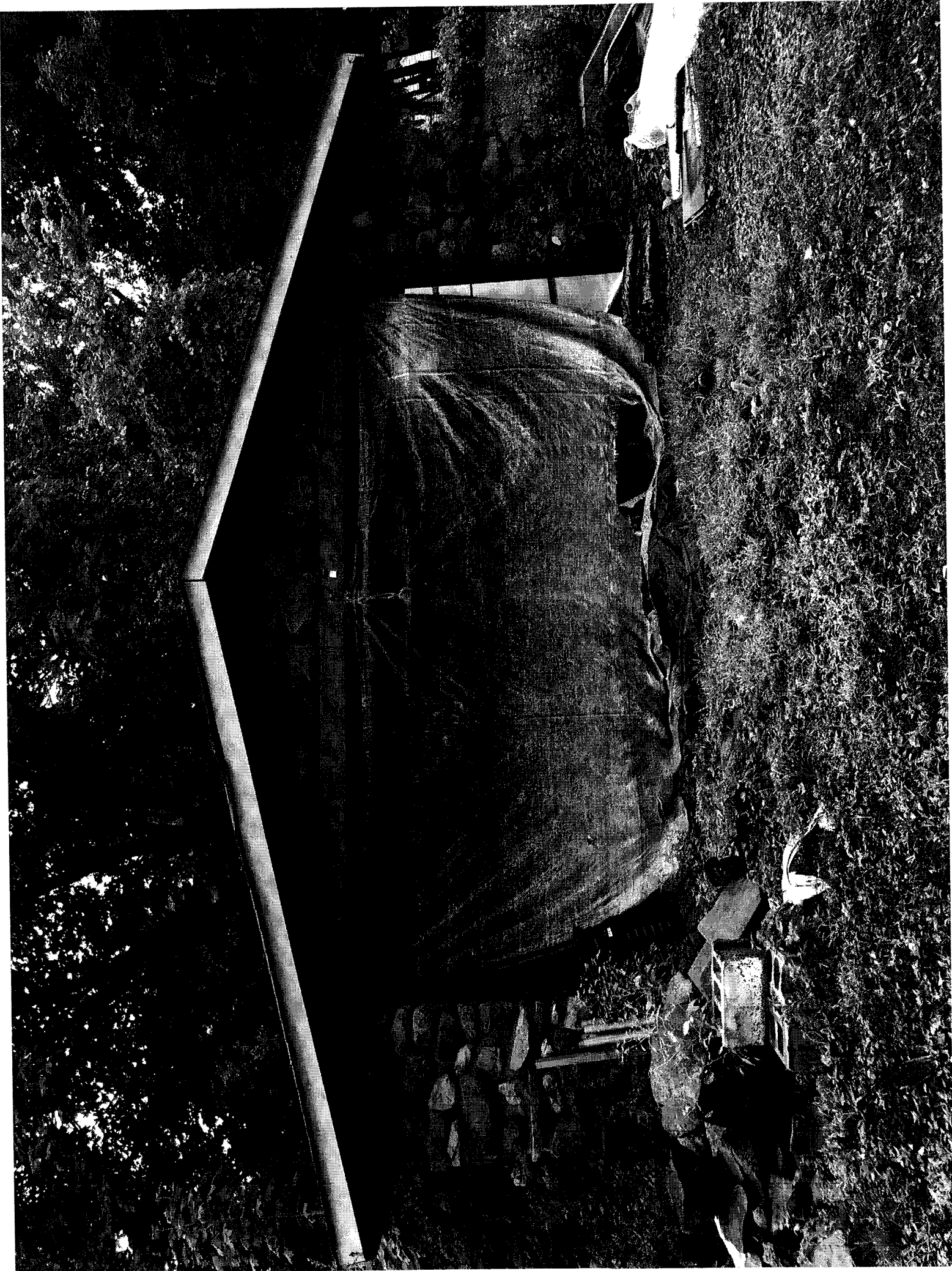
- 1 Bulk table schedule 3: Requires a 30' minimum side yard setback
- 2 Bulk table schedule 3: Requires a 80' combined side yard setback.
- 3 Bulk table schedule 3: Allows a maximum lot surface coverage of 20%.
- 4 _____

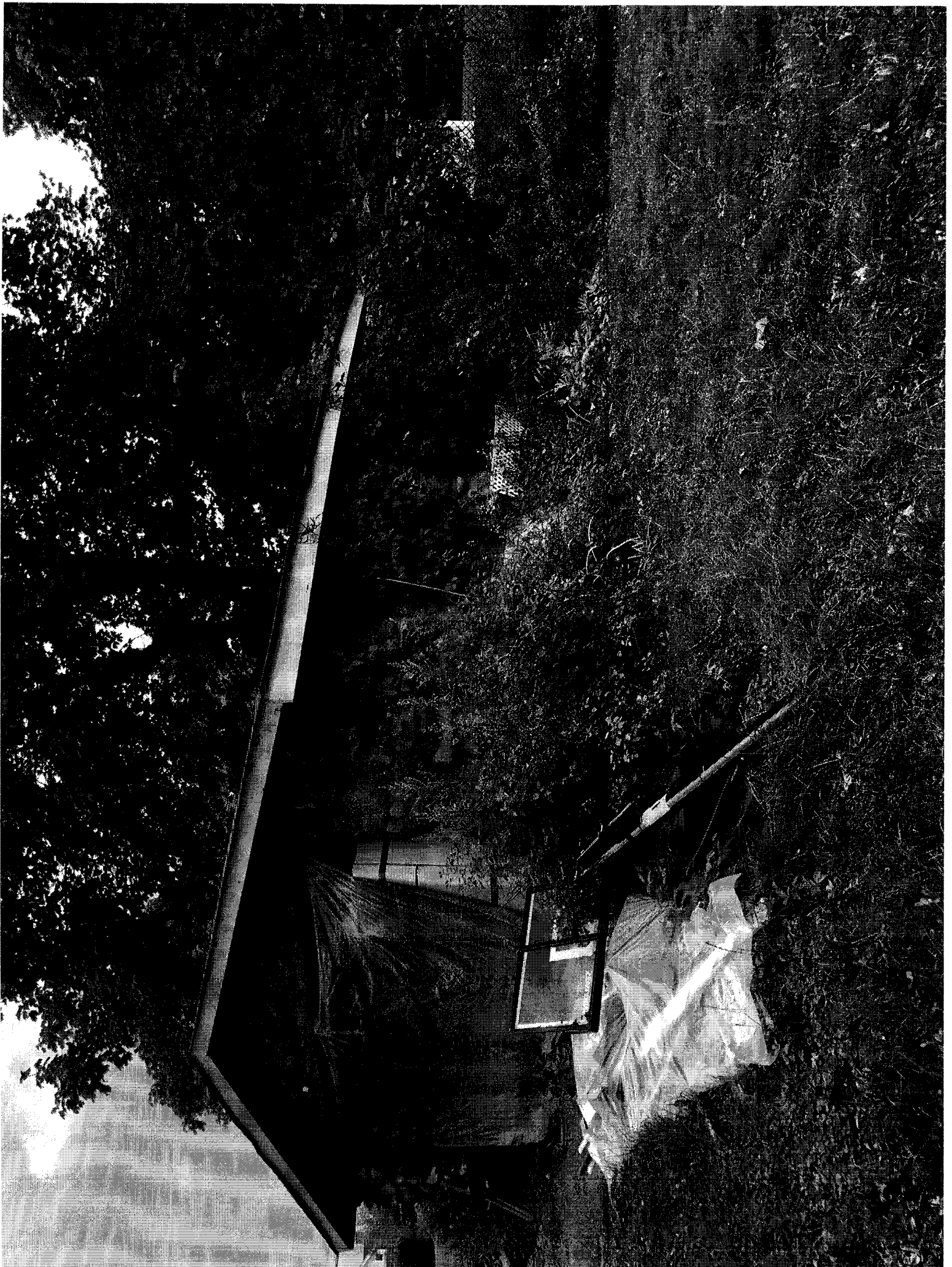
REVIEWED BY: Joseph Mattina **DATE:** 3-Jun-19



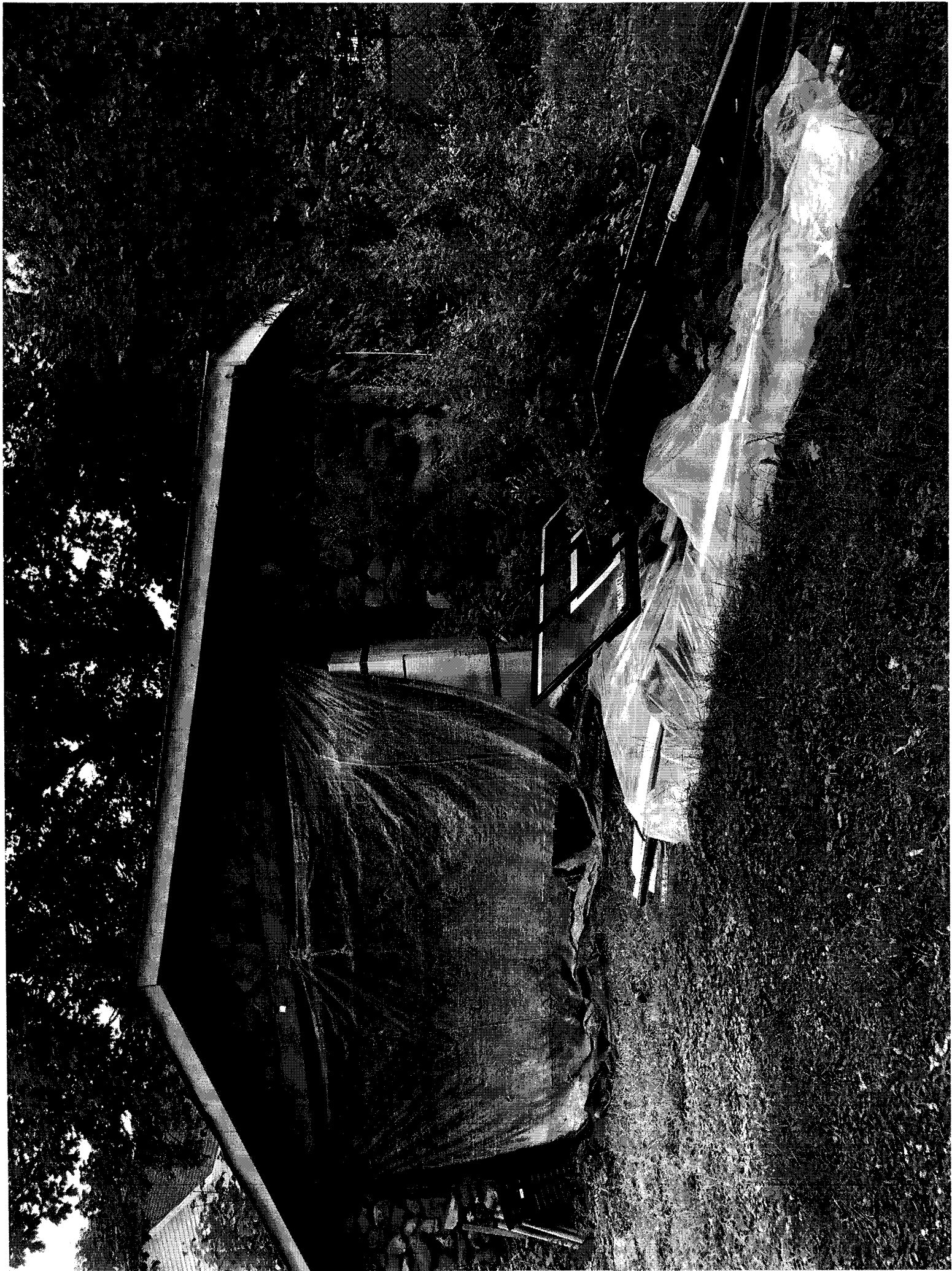


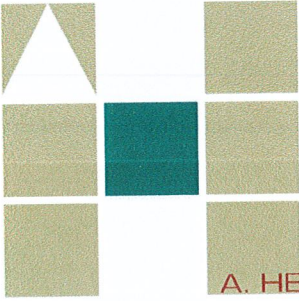












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A. HENNESSY ARCHITECTS, P.C., 1200 Stony Brook Ct, Newburgh, NY 12550
www.hennessyarchitects.com

August 5, 2019

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

RE: 300 Lakeside Road, Newburgh, New York

To whom it may concern,

The proposed project has previously been in front of the Zoning Board on the following dates: October 26, 2017; November 21, 2017; December 28, 2017. On December 28th, the board approved the variances. In this re-submission nothing has changed since the prior approval. The owners were not aware of the 6 month time limit on the variances were recently denied a building permit.

In the disapproval report from the code compliance department, they stated that we need a use variance. When the project was first brought to the board both use and area variances were required. Over the next few meetings the project was revised to meet the requirements of an accessory apartment so the use variance would be no longer required. Accessory apartments are permitted in the R-1 zone and we meet all of the requirements except for 185-38-C(2). Per this section of the zoning code lot area, lot width and surface coverage are the area variances required.

Being a separate building this accessory apartment meets the requirements for an Accessory Building (185-15). Side yard setbacks for an accessory building are 5', compliance with the side yard setbacks for a single family dwelling is not required (30' single yard and 80' combined).

Thank You.

Sincerely,
A. Hennessy Architects, P.C.

Michael Henderson
Project Manager

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Yasser Aly, being duly sworn, depose and say that I did on or before

September 12, 2019, post and will thereafter maintain at

300 Lakeside Rd 50-1-48 R-1 Zone in the Town of Newburgh, New York, at or near
the front

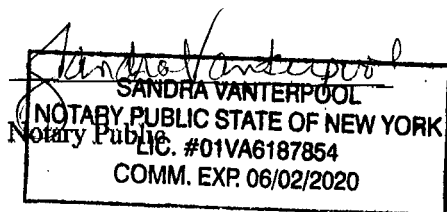
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

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.

Yasser Aly

Sworn to before me this 15th

day of August, 2019.



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this
affidavit.]

