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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

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In the Matter of

BERETTA SUBDIVISION
(2017-21)

Section 8; Block 1; Lot 38.2
AR & I Zones

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INITIAL APPEARANCE

Date: August 3, 2017
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

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MICHELLE L. CONERO
2 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIR EWASUTYN: The last item on the agenda is the Beretta Subdivision. It's an initial appearance as a two lot subdivision, located in the in AR and I zone. And presented by Maser Engineering.

MR. BATES: Good evening. Justin Bates from Maser Consulting. We are presenting the project on behalf of the applicant, who is present tonight.

So we have an existing 1.43 acre lot. On the north side it fronts on Old Post Road. On the south it fronts on River Road. So it does have two existing dwellings on it, one up on the north and one on the south. So we have an existing nonconforming situation with two principle dwellings on one lot.

The one fronting on River Road has a municipal water service and a septic system. Up on Old Post this dwelling has a well and a septic system.

It falls within the Town's AR zoning district. And also there's a corner of the property that is in the I district. There's no structures existing or proposed on that corner

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of the lot. So the applicant is looking to subdivide this into two parcels, so each dwelling would be on its own individual lot.

Before coming to the Board, their neighbor here is Central Hudson. Their substation is down in this area. They did approach Central Hudson to see if they could purchase some property from them to add acreage to the existing lot, and also help some of the variances, which are over with you. We provided a letter, Central Hudson's response, and they're not looking to sell any of that property at this point. We have a few variances that we are going to need to facilitate this two lot subdivision.

So lot one on the top north side, we are going to need a variance from the lot area. The AR zoned district has a 40,000 square foot minimum lot area. We are at 28,495. We are also, because of the narrowness of the existing parcel, we need a variance from the lot width. Within the zone it's 150 feet required. We are at 95, just over 95 feet.

Then we will need a single side yard

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variance and also a combined side yard variance.

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So within this zone, a single side yard is 30

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feet. On this parcel on the, let's see, the

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east side of the house there's a porch and a

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deck that come off to the east. And it's

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within 3.68 feet of the property line in that

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situation. So 30 is required. We have an

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existing condition of 3.68 feet.

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Both side yards are to be 80 feet. So

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combined on this lot we have 40.35. So we're

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about half of what the requirement is in that

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situation.

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Then on lot two -- go back one step.

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The current property leads to essentially the

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center lines of the road. So what we've done,

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and typical of other projects we have brought

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before this Board, we have sought to dedicate 25

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feet of that for right-of-way for these existing

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roads. So that, you know, that takes away some

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lot area that we could potentially have for the

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overall, but it's really what's needed for, you

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know, this situation.

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Lot two. So when you take that

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property width right-of-way, lot two has a front

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yard variance that we need. The front yard in this zone is 50 feet. We have just over two feet.

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This lot two also requires a variance from the overall lot area. Again, 40,000 is required. We are at 27,954.

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And then for the last variance for lot two there's an accessory building over on the west side of the property here. We are at 0.8 feet from the property line, we are just off the property line. Five feet is required, so we would need a variance from that as well.

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That summarizes the project, if there's any questions.

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CHAIR EWASUTYN: Mike Donnelly, I guess at this point the motion before the Board would be for you to prepare a referral letter to the ZBA.

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MR. DONNELLY: Correct. I'll recite quickly what Justin just outlined, and that's what will be in the letter. The following variances will be required for lot one.

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First, area variance, allowing a lot size of 28,000 and change, where 40,000 is

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required.

Next, an area variance allowing a lot width of 95 plus, where 150 feet is required.

Next, an area variance allowing the side yard of 3.68 feet, where 30 is required.

And lastly, for lot one, an area variance allowing a combined side yard of 40.35 feet where 80 feet is required.

For proposed lot two the following variances will be required.

First, an area variance allowing a lot area of just shy of 28,000 feet, where 40,000 is required.

Next, an area variance allowing a front yard setback of 2.05 feet where 50 feet is required.

And lastly, an area variance allowing the side yard for an accessory use of 0.84 feet where five feet is required.

CHAIR EWASUTYN: Are you in agreement with that?

MR. BATES: Yeah.

CHAIR EWASUTYN: Jerry Canfield, Pat Hines, anything you want to add?

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MR. HINES: No, nothing further. We concur with those variances.