

TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

N/A

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 PROPOSED TWO(2) LOT MINOR SUBDIVISION IS THE SITE OF TWO(2) EXISTING SINGLE-FAMILY DWELLINGS. THE REQUESTED AREA VARIANCES WOULD NOT BE INCONSISTENT WITH THE CHARACTER OF THE NEIGHBORHOOD. THE EXISTING STRUCTURES ARE CIRCA 1900 AND NO PHYSICAL CHANGES ARE PROPOSED. NEIGHBORING RESIDENTIAL PROPERTIES HAVE LOT AREAS RANGING FROM 18,000 SF TO 36,000 SF, THEREFORE THE PROPOSED SUBDIVISION PRODUCING TWO(2) ±28,000 S.F. LOTS IS NOT ATYPICAL FROM NEIGHBORING RESIDENTIAL LOTS.

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:

ALL CONDITIONS ARE EXISTING, NO PHYSICAL CHANGES ARE PROPOSED WITHIN THIS APPLICATION. IT IS NOT FEASIBLE TO ALTER THE EXISTING PLACEMENT OR SIZE OF THE EXISTING DWELLINGS TO CONFORM TO THE ZONING BULK REQUIREMENTS.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

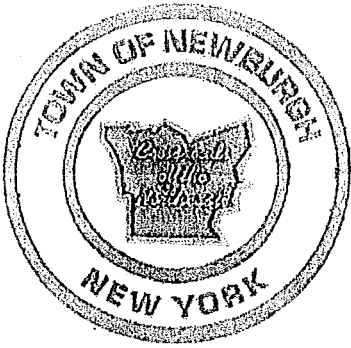
THERE IS NO CHANGE TO THE EXISTING CONDITIONS AT THE SITE. THE REQUESTED VARIANCES ARE CONSISTENT WITH NEIGHBORING RESIDENTIAL PROPERTIES AND WILL NOT BE NEGATIVELY IMPACTED. SEE ATTACHED ZONING CHART.

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

NO PHYSICAL CHANGES ARE PROPOSED UNDER THIS APPLICATION. THE APPLICANT IS PROPOSING LEGAL BOUNDARY CHANGES TO RECTIFY A CURRENTLY NON-CONFORMING SITUATION (2 DWELLINGS ON 1 LOT). THESE PROPOSED VARIANCES WOULD ALSO NOT IMPACT THE ADJACENT INDUSTRIAL USE (CENTRAL HUDSON) TO THE EAST SINCE EXISTING CONDITIONS ARE TO REMAIN.

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

ALL CONDITIONS ARE PREVIOUSLY EXISTING. THE ZONING CODE WAS ADOPTED BY THE TOWN OF NEWBURGH IN 1956. THE DWELLINGS WERE CONSTRUCTED CIRCA 1900 PRIOR TO THE ADOPTION OF THE ZONING CODE.



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PRIOR TO SEEKING THE ABOVE DESCRIBED VARIANCES, THE APPLICANT DID SEEK TO PURCHASE ADDITIONAL PROPERTY FROM THE NEIGHBORING PARCEL TO THE EAST, HOWEVER THAT OWNER WAS NOT INTERESTED IN SELLING.

Jo Ann E. Beretta
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24 DAY OF August 2017

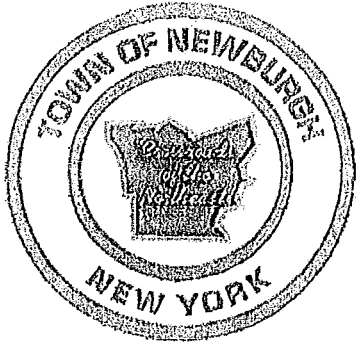
Joanne Munkelt
NOTARY PUBLIC

JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2018

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)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

JOANN E. BERETTA, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 60 OLD POST ROAD, NEWBURGH, NY 12550
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
SECTION 8, BLOCK 1, LOT 38.2

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED MASER CONSULTING, P.A.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: AUGUST 24, 2017 Joann E. Beretta
OWNER'S SIGNATURE

Frencia M. Beretta
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24 DAY OF August 20 17

Joanne Munkelt
NOTARY PUBLIC

JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2018

Short Environmental Assessment Form

Part 1 - Project Information

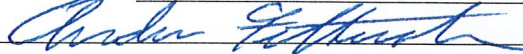
Instructions for Completing

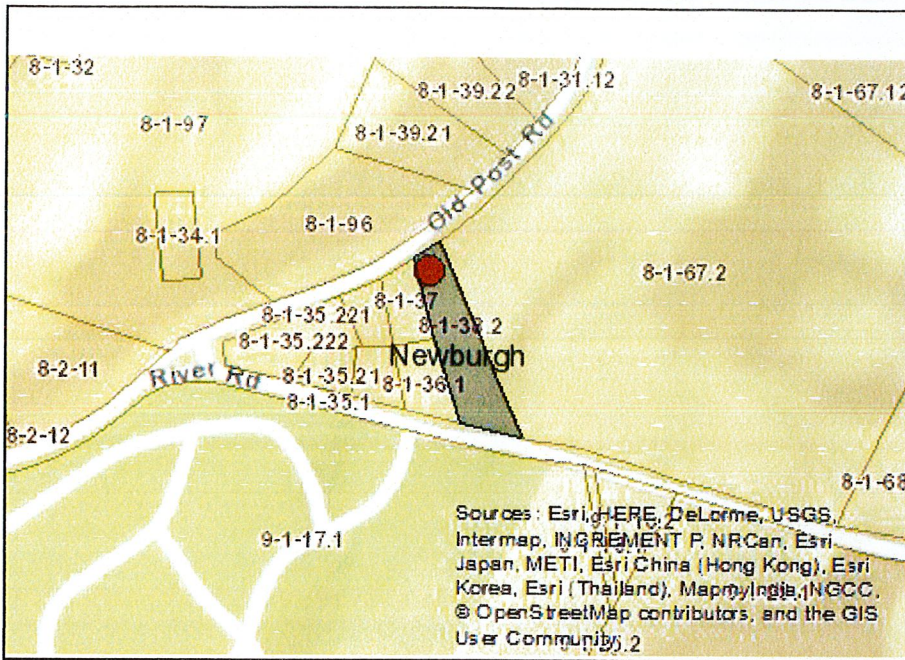
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: BERETTA SUBDIVISION			
Project Location (describe, and attach a location map): 60 OLD POST RD, NEWBURGH, NY 12550 S8-B1-L38.2 , 725 FEET EAST OF THE INTERSECTION OF OLD POST ROAD & RIVER ROAD			
Brief Description of Proposed Action: SEE ATTACHED NARRATIVE.			
Name of Applicant or Sponsor: JOANN E. BERETTA		Telephone: 732-761-9559	
		E-Mail:	
Address: 60 OLD POST ROAD			
City/PO: NEWBURGH		State: NY	Zip Code: 12550
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: TOWN OF NEWBURGH: PLANNING BOARD (MINOR SUBDIVISION), ZONING BOARD OF APPEALS (NUMEROUS AREA VARIANCES, SEE ATTACHED NARRATIVE), & ROADWAY R.O.W. DEDICATION			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.4 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input 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			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	N/A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
NO	YES	N/A									
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>									
<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?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
NO	YES										
<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: _____ _____	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<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: NO CONSTRUCTION IS PROPOSED FOR THIS PROJECT,	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: EXISTING WATER SERVICE FOR THE DWELLINGS SHALL REMAIN IN USE.	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: EXISTING SANITARY FACILITIES FOR THE DWELLINGS SHALL REMAIN IN USE.	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input type="checkbox"/>	<input checked="" 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? 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: _____ _____	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
NO	YES										
<input type="checkbox"/>	<input checked="" type="checkbox"/>										
<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?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
NO	YES										
<input type="checkbox"/>	<input checked="" type="checkbox"/>										
16. Is the project site located in the 100 year flood plain?	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<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 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	<table border="1"> <thead> <tr> <th>NO</th> <th>YES</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
NO	YES										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										

<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>ANDREW B. FETHERSTON, P.E.</u></p> <p>Signature: <u></u></p>	<p>Date: <u>8/24/17</u></p>	



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

August 4, 2017

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

RE: Beretta Subdivision
8-1-38.2 (Zone AR)
60 Old Post Road (17.21)

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicants appeared before the planning board during its meeting of August 3, 2017. The applicant proposes to subdivide her land so that the two existing single-family dwellings each sit on their own lot. The proposed subdivision will result in some bulk area deficiencies for the AR zoning district. Therefore, the planning board refers these matters to you for consideration of the following variances:

Proposed Lot #1:

- Area variance allowing a lot size of 28,495 square feet where 40,000 square feet is required;
- Area variance allowing a lot width of 95.79 feet where 150 feet is required;
- Area variance allowing a side yard setback of 3.68 feet where 30 feet is required; and
- Area variance allowing a combined side yard setback of 40.35 feet where

80 feet is required.

Proposed Lot #2:

- Area variance allowing a lot area of 27,954 square feet where 40,000 square feet is required;
- Area variance allowing a front yard setback of 2.05 feet where 50 feet is required; and
- Area variance allowing a side yard setback for an accessory use of 0.84 feet where 5 feet is required.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act is a Type II action. If not, the planning board suggests that uncoordinated review may be in order.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Maser Consulting, P.A.
David A. Donovan, Esq.



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

**NARRATIVE SUMMARY
AUGUST 24, 2017
BERETTA SUBDIVISION
TAX LOT 8-1-38.2
TOWN OF NEWBURGH, ORANGE COUNTY
MC PROJECT NO. 17001138A
PB 2017-21**

Maser Consulting, P.A. (MC) has developed the attached Subdivision Plat for the above referenced tax lot.

The existing parcel is approximately 1.43 acres with frontage on Old Post Road along its northern boundary, River Road along its southern boundary, a Central Hudson Substation on an industrial lot to the east, and single-family dwellings to the west. The existing Lot is developed, with one (1) existing 1,223 square foot home and one (1) existing 1,338 square foot home. Each dwelling is serviced by an individual septic system. The house fronting on Old Post Road has a well and the house fronting on River Road has a water service connected to a Town Water Main. The site is located within the AR (Agricultural Residence) Zoning District. Single-family dwellings, among others, are a permitted use within the district. A small portion of the Lot is also located in the I (Industrial Business) Zoning District. No current or proposed uses are within the I District. The parcel is not located within a one-hundred-year flood plain, nor are there any ACOE, or NYSDEC wetlands.

The Subdivision Plat proposes a two (2) lot subdivision of the existing 62,494 square foot lot. The proposed legal boundary change will rectify a currently non-conforming situation of two (2) dwellings on a single lot. This application will require multiple variances for minimum lot area, lot width, front yard setback, side yard setbacks, habitable floor area, and accessory structure setbacks. The existing dwellings were constructed circa 1900, prior to the adoption of the zoning code by the Town of Newburgh in 1956. The existing porch on proposed lot 1 that requires a side yard setback variance was permitted to be enclosed with no modifications under Building Permit #13721-98 in 1998 (see attached). A proposed 25' Right Of Way dedication along River Road amplifies the deviance of the front yard setback variance for proposed lot 2. Neighboring lots along Old Post Road vary in size from 18,000 - 36,000 sq. ft., therefore the requested lot size variance for each proposed lot of $\pm 28,000$ sq. ft. will match the existing neighborhood appropriately. A detailed description of the variances can be found on the Site Plan and in *Table 1* below. Prior to the submission the applicant did approach the adjacent land owner to the east (Central Hudson Gas & Electric) to purchase property to help reduce the variances the project would need. Central Hudson is not interested in selling any portion of their property (see attached letter for Central Hudson's response).

Proposed Lot 1 contains one (1) one-story single-family dwelling, and is accessible through an existing driveway to Old Post Road. Proposed Lot 2 contains one (1) two-story single-family dwelling along with two (2) small sheds, and is accessible by an existing driveway to River Road. As part of this application, a twenty-five (25) foot wide dedication of the subject parcel of both Old Post Road and River Road will be made to the Town for right-of-way purposes. This dedication will be created from an adjustment of the existing property lines that extend to the centerline of each road.

At this time, we are requesting to be put on the next available Zoning Board agenda to discuss the project to seek the variances described herein.



PRINCIPAL USE BULK TABLE						
MINIMUM	REQUIRED	PROPOSED LOT 1	REMARKS	PERCENT DEVIATION	PROPOSED LOT 2	PERCENT DEVIATION
LOT AREA	40,000 SQ. FT.	28,495 SQ. FT.	NON-CONFORMING, REQUIRES 11,505 SQ. FT. VARIANCE	28.8%	27,954 SQ. FT.	NON-CONFORMING, REQUIRES 12,046 SQ. FT. VARIANCE 30.1%
LOT WIDTH	150'	95.79'	NON-CONFORMING, REQUIRES 54.21' VARIANCE	36.1%	153.31'	OK
LOT DEPTH	150'	282.97'	OK	-	219.59'	OK
FRONT YARD	50'	50.34'	OK	-	2.05'	NON-CONFORMING, REQUIRES 47.95' VARIANCE 95.9%
ONE SIDE YARD	30'	3.68'	NON-CONFORMING, REQUIRES 26.32' VARIANCE	87.8%	38.91'	OK
BOTH SIDE YARDS	80'	3.68' + 36.67' = 40.35'	NON-CONFORMING, REQUIRES 39.65' VARIANCE	49.6%	38.91' + 56.47' = 95.38'	OK
REAR YARD	50'	192.31'	OK	-	171.89'	OK
HABITABLE FLOOR AREA	900 SQ. FT.	±1,223 SQ. FT.	OK	-	±1,338 SQ. FT.	OK
PARKING SPACES	2 PER DWELLING UNIT	DRIVEWAY + GARAGE > 2	OK, EXISTING DRIVEWAY PARKING	-	DRIVEWAY > 2	OK, EXISTING DRIVEWAY PARKING
MAXIMUM						
LOT BUILDING COVERAGE	10%	5.2% (1,481 SQ. FT.)	OK	-	3.2% (893 SQ. FT.)	OK
LOT SURFACE COVERAGE	20%	10.9% (3,102 SQ. FT.)	OK	-	10.4% (2,915 SQ. FT.)	OK
BUILDING HEIGHT	35'	1 STORY < 35'	OK	-	2 STORIES < 35'	OK
ACCESSORY USES						
MINIMUM	REQUIRED	PROPOSED LOT 1	REMARKS	PERCENT DEVIATION	PROPOSED LOT 2	PERCENT DEVIATION
SIDE SETBACK	5'	N/A	N/A	-	0.84'	NON-CONFORMING, REQUIRES 4.16' VARIANCE 83.2%
REAR SETBACK	5'	N/A	N/A	-	98.07'	OK
MAIN BLDG SEPARATION	10'	N/A	N/A	-	55.33'	OK
MAXIMUM						
ACCESSORY HEIGHT	15'	N/A	N/A	-	< 15'	OK
TOTAL ACCESSORY AREA	1000 SQ. FT. OR VALUE "V" FROM FORMULA IN §185-15, WHICHEVER IS LOWER: LOT 1 VALUE "V" = N/A LOT 2 VALUE "V" = 515 SQ. FT.	N/A	N/A	-	197 SQ. FT.	OK

Table 1 – Bulk Table Requirements

JED/cdr

R:\Projects\2017\17001138A-Beretta\Correspondence\OUT\170824_ZBA Narrative Summary.docx

File

CODE COMPLIANCE DEPT.
TOWN OF NEWBURGH

A 21059

Date 9/15/98

Applicant's Name JOANN BERETTA

Address #60 OLD POST ROAD

Location of Project SAME AS ABOVE

Tax Map Section	<u>8</u>	<u>1</u>	<u>38.2</u>
	Section	Block	Lot

(X) Building Permit # #13721-98---\$40.00 \$ \$7,500.00-----ENCLOSING EXISTING PORCH

Estimated Cost of Project

() Septic Permit # _____

(X) CO or CC # C.O.PENDING \$15.00

FEE RECEIVED

() Certified Letter # _____

Amount \$ \$55.00-----CASH

() Other _____

By: *Joan Penderbush*
Code Compliance

White Copy - APPLICANT

Yellow Copy - CODE COMPLIANCE



April 19, 2017

Mrs. JoAnn Beretta
60 Old Post Road
Newburgh, NY 12550

Re: Request to Purchase Property
River Road, Newburgh
8-1-67.1

Dear Mrs. Beretta:

I am in receipt of the inquiry to purchase .6 acres of property from Central Hudson on River Road in the Town of Newburgh (parcel 8-1-67.1). Central Hudson is not amenable to selling any portion of this property.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Dinkel".

Jackie Dinkel
Real Property Services – Representative

284 South Avenue
Poughkeepsie, NY 12601

Direct: (845) 486-5475
Email: jdinkel@cenhud.com
www.CentralHudson.com

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

ROBERT A. BERETTA
AND
BRENDA M. PERRI
TO
JO ANN E. BERETTA

SECTION 8 BLOCK 1 LOT 38.2

RECORD AND RETURN TO:
(name and address)

RUSK, WADLIN, HEPPNER & MARTUSCELLO, LLP.
1390 ROUTE 9W
P.O. BOX 727
MARLBORO, NY 12542

Original
8/13/17

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | | |
|--------------------------------|-------------------------------|---|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) | NO. PAGES <u>3</u> CROSS REF. ___ |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) | CERT. COPY ___ ADD'L X-REF. ___ |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) | MAP # ___ PGS. ___ |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) | PAYMENT TYPE: CHECK <input checked="" type="checkbox"/> |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) | CASH ___ |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) | CHARGE ___ |
| ___ 2600 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) | NO FEE ___ |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) | CONSIDERATION \$ ___ |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) | TAX EXEMPT ___ |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) | MORTGAGE AMT. \$ ___ |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) | DATE ___ |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) | MORTGAGE TAX TYPE: |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) | ___ (A) COMMERCIAL/FULL 1% |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) | ___ (B) 1 OR 2 FAMILY |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) | ___ (C) UNDER \$ 10,000 |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) | ___ (E) EXEMPT |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) | ___ (F) 3 TO 6 UNITS |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) | ___ (I) NAT.PERSON/CR. UNION |
| ___ 3801 UNIONVILLE (VLG) | | ___ (J) NAT.PER-CR.UN/1 OR 2 |
| ___ 4089 MONROE (TN) | | ___ (K) CONDO |
| ___ 4001 MONROE (VLG) | | |
| ___ 4003 HARRIMAN (VLG) | | |
| ___ 4005 KIRYAS JOEL (VLG) | | |

CITIES

- ___ 0900 MIDDLETOWN
- ___ 1100 NEWBURGH
- ___ 1300 PORT JERVIS
- ___ 9999 HOLD

Donna L. Benson

DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: Rusk

RECORDED/FILED
07/14/2003/ 07:00:00
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030095666
DEED OLD / BK 11116 PG 0431
RECORDING FEES 64.00
TTX# 011539 TRANS TAX 0.00
Receipt#136580 mrl

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 July 14, 2003 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 Aug. 22, 2017

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



Grant of Life Estate Deed

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made this ~~4th~~ day of ~~March~~^{April}, Two Thousand Three

ROBERT A. BERETTA, residing at 36 Seals Drive, Monroe, New York, 10950, and BRENDA M. PERRI, residing at 19 Castle Hill Drive, Marlboro, New Jersey 07746,

and the Grantor,

JO ANN E. BERETTA, residing at 60 Old Post Road, Marlboro, New York 12542, the Grantee:

WITNESSETH, that the Grantor, in consideration of one and 00/100 Dollars (\$1.00) and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee:

ALL that lot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the center of the road leading past Cedar Hill Cemetery to Roseton, said point of beginning being the southeast corner of lands owned by John Fargo and Frances B. Fargo, husband and wife, and runs thence along the center of said road (as the needle now points) south 62 degrees and 32 minutes east 197.84 feet to an angle in said road; thence still along the center of said road south 77 degrees 20 minutes east 111.35 feet; thence through lands of the Roseton Brick Corporation north 10 degrees, 41-1/2 minutes west 592.2 feet to the center of the macadam pavement of the old road leading from Cedar Hill Cemetery to Marlborough; thence along the old Marlborough Road south 67 degrees 35 minutes west 173.45 feet to the northeast corner of lands of Fargo aforesaid; thence along the east line of lands of said Fargo south 2 degrees west 400.35 feet to the place of beginning, containing 2.5426 acres.

Reserving and excepting from the above described premises all that part thereof conveyed by Domenica Beretta to Navaririo Beretta by deed dated February 18, 1956, and recorded in Liber 1377 of deeds at page. 514 and also reserving and excepting therefrom the premises conveyed by said Domenica Beretta to Faustino Beretta by deed dated February 18, 1956, and recorded in Liber 1377 of deeds at page 517 to which said deeds reference is made for descriptions of the premises conveyed.

BEING the same premises conveyed by Domenica Beretta to Robert J. Beretta dated May 12, 1956, and filed in the Orange County Clerk's Office on May 15, 1956, in Liber 1386 of Deeds at page 126 and being the same premises as left to Robert A. Beretta and Brenda M. Perri by the Last Will and Testament of Robert J. Beretta having died on May 24, 1996, a resident of the Town of Newburgh, Orange County, New York, and said Will having been probated in the Orange County Surrogate's Court under File No. 1996-0506.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee for and during the natural life of the Grantee, and upon the death of the Grantee, to revert to the Grantor, his heirs, successors and assigns. The Grantee being responsible for all carrying charges and payment of all taxes on the premises.

This deed is subject to the trust provisions of Section 13 of the New York Lien Law. The words "Grantor" and "Grantee" as used herein shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the Grantor has executed this deed the day and year first above written.

IN PRESENCE OF:

Robert A. Beretta

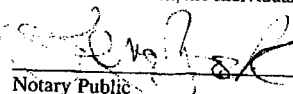
Robert A. Beretta

Brenda M. Perri

Brenda M. Perri

STATE OF NEW YORK)
)
COUNTY OF Orange) SS.:

On the 7 day of April in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert A. Beretta**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

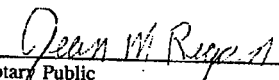


Notary Public

LENA YORK
Notary Public, State of New York
Residing in County of Orange
No. 4836859
Commission Expires May 31, 2006

STATE OF NEW JERSEY)
)
COUNTY OF Monmouth) SS.:

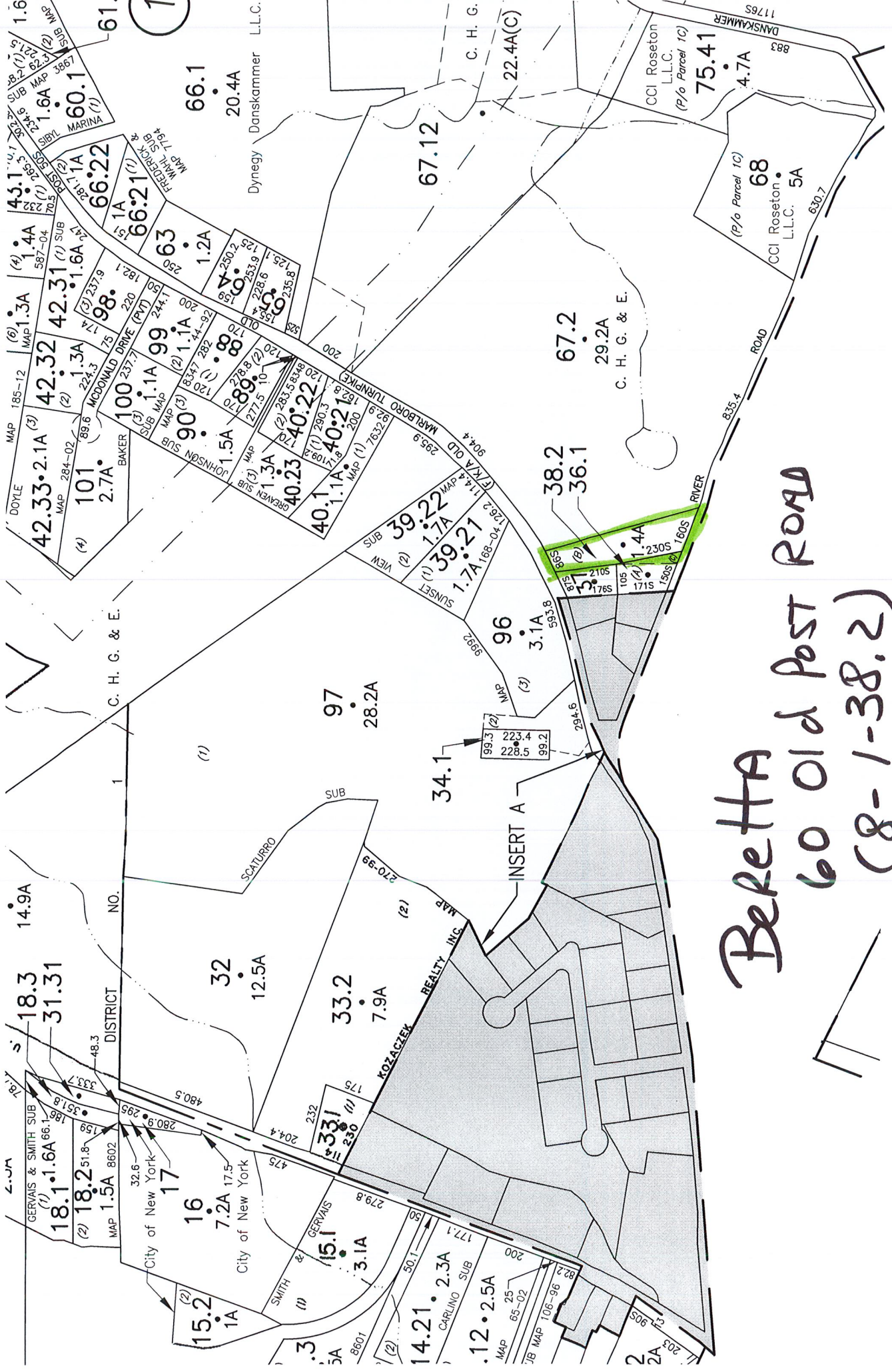
On the 4th day of April in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared **Brenda Perri**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument, and that such individual made such appearance before the undersigned in (insert the city or other political subdivision and the state or country or other place the acknowledgment was taken) Colts Neck, State of New Jersey, County of Monmouth.



Notary Public

Jean M. Regan
Notary Public of New Jersey
My Commission Expires Oct. 10, 2007

R & R to: **Rusk, Wadlin, Heppner & Martuscello, LLP**
1390 Route 9W, P.O. Box 727
Marlboro, New York 12542



Beretta
 60 Old Post Road
 (8-1-38.2)