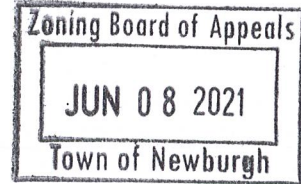




TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAXLINE 845-564-7802

APPLICATION

DATED: 6/7/21

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

I (WE) Georgia L Brown PRESENTLY

RESIDING AT NUMBER 1326 Union Ave

TELEPHONE NUMBER (914) 213-1481

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

111-1-3.2 (TAX MAP DESIGNATION)

1326 Union Ave (STREET ADDRESS)

R1 (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
185-81-D-3-C-[3]

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:
5/17/2021
- 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: Seeking area variance

to reconsider the back of the parcel fronting Interstate 87 as not a front yard.

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:

- 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 proposed project would not be visible to nearby properties or the portion of the parcel facing Interstate 87 due to natural screening already present on the property

- 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:

The roof is not adequate to meet the homeowners energy needs.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

According to zoning laws in Town of Newburgh, this property does not have a designated back yard. Additionally, the property is well screened

- 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 proposed project would not be visible to nearby properties or the portion of the parcel facing~~

Interstate 87 due to natural screening already present on the property

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

According to zoning laws in Town of Newburgh, this property does not have a designated back yard. Additionally, the property is well

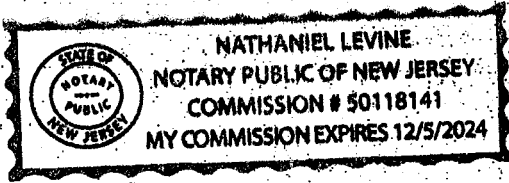
7. ADDITIONAL REASONS (IF PERTINENT):

Aside from this project not being visible from Interstate 87, this proposed project will not be visible to neighboring parcels.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF June 20 21



NOTARY PUBLIC

NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be read prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed action to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

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 PROPERTY AT THE MEETING.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Georgia L. Brown

, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 1326 Union Ave.

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF

1326 Union Ave, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Empire Solar Solutions
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

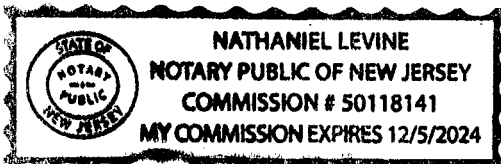
DATED: 6/7/2021

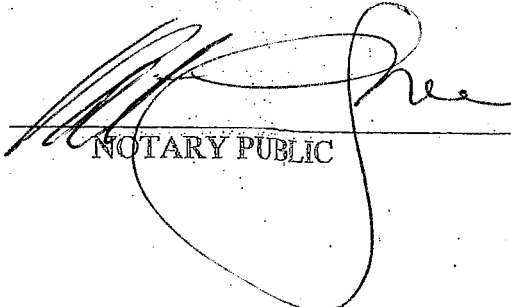

OWNER'S SIGNATURE


WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF June 2021




NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

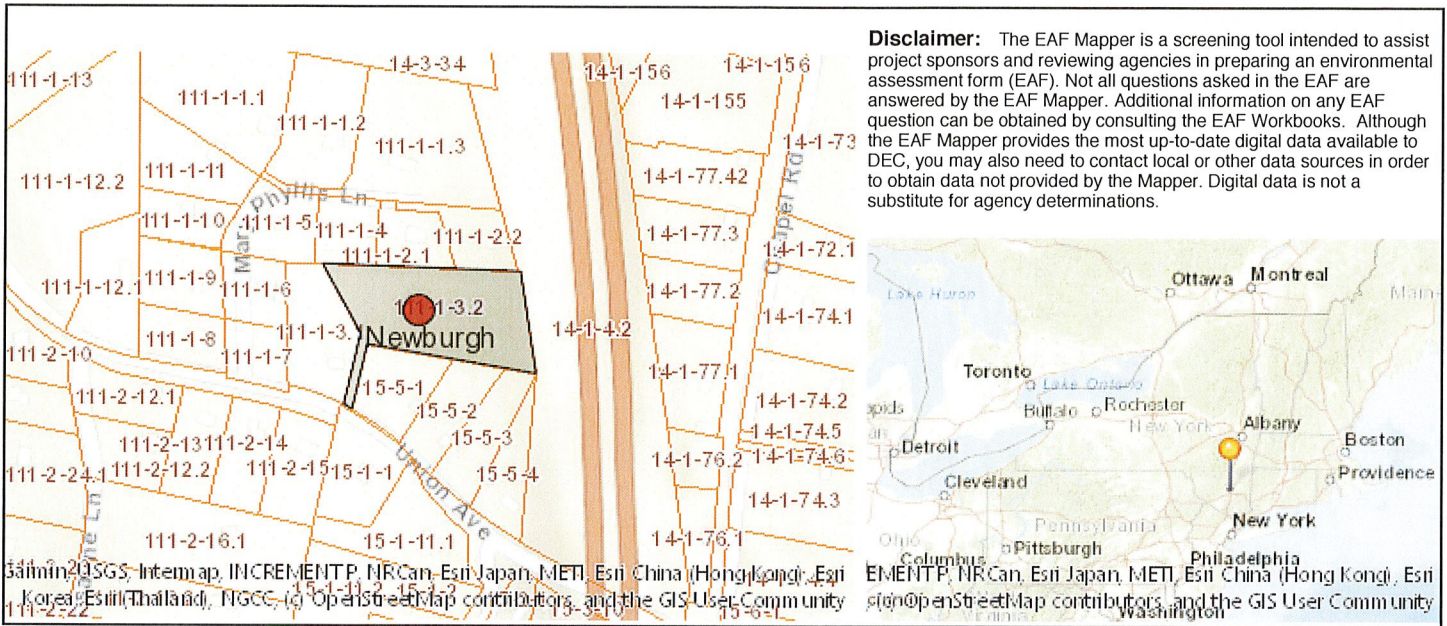
Instructions for Completing

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: Georgia Brown (Lippi-Burbridge)- Ground-Mounted Solar			
Project Location (describe, and attach a location map): 1326 Union Ave Newburgh NY 12550			
Brief Description of Proposed Action: 14.6 kW ground-mounted solar array. 40 LG 365W panels.			
Name of Applicant or Sponsor: Empire Solar Solutions		Telephone: 845-728-2165 E-Mail: erin@empiresolarny.com	
Address: 2-8 Johnes St			
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.80 acres b. Total acreage to be physically disturbed? _____ 760 sq ft acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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: _____	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 services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	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	YES	
	<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: _____ _____	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: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
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]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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

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



BOOK/PAGE: 14228 / 1574
 INSTRUMENT #: 20170032863

Receipt#: 2315238
 Clerk: MLS
 Rec Date: 05/08/2017 12:00:56 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: CLOSING USA LLC

Party1: FANNIE MAE
 Party2: BROWN GEORGIA L
 Town: NEWBURGH (TN)
 111-1-3.2

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 1332.00

Sub Total: 1332.00

Total: 1522.00

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

***** Transfer Tax *****
 Transfer Tax #: 9052
 Transfer Tax
 Consideration: 332900.00

Transfer Tax - State 1332.00

Total: 1332.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

CLOSING USA LLC
 903 ELMGROVE ROAD
 ROCHESTER NY 14624

BARGAIN AND SALE DEED

THIS INDENTURE, made this 25th day of April, 2017, between

Fannie Mae a/k/a Federal National Mortgage Association, with a mailing address and principal place of business at 14221 Dallas Parkway, Suite 1000, Dallas, TX 75254

Party of the First Part, and

Georgia L. Brown, with an address of 30 Banbury Way, Newburgh, NY 12550

Party of the Second Part

S: 111
B: 1
L: 3.2

WITNESSETH, that the Party of the First Part, in consideration of **Three Hundred Thirty-Two Thousand Nine Hundred Dollars and No Cents (\$332,900.00)**, lawful money of the United States of America, paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, and to the heirs, distributes and assigns of the Party of the Second Part, forever

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Newburgh, County of Orange and State of New York as follows:

SEE ATTACHED LEGAL DESCRIPTION

TAX ACCOUNT NO.: Section: 111 Block: 1 Lot: 3.2
PROPERTY ADDRESS: 1326 Union Avenue, Newburgh, NY 12550

Being the same premises described in the deed to the party of the First Part herein dated August 12, 2016 and recorded August 23, 2016 in the Orange County Clerk's Office in Book 14096 at page 1227.

And

The person executing the closing instruments is the same person as the grantee in Book 14096 at page 1227, the certified owner herein.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part. This conveyance does not consist of all or substantially all of the assets of said party of the First Part.

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto Grantee, the heirs, successors and assigns to Grantee forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 improvements and will apply the 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.

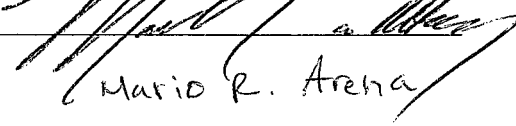
IN WITNESS WHEREOF, Grantor has duly executed this deed the day and year first above written.

* FEA recorded

Inst#
20160068093

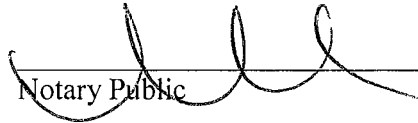
Bk. 14123
Pg. 1548

Fannie Mae aka Federal National Mortgage Association
BY: Shapiro, DiCaro & Barak, LLC
Its Attorneys in Fact

BY: 
Mario R. Arena

State of New York)
County of Monroe) SS:

On the 25th day of April, 2017, before me, the undersigned Notary Public in and for said state, personally appeared Mario R. Arena 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/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual or the person on behalf of whom the individual acted, executed the instrument.


Notary Public

RACHAEL E. ENES
Notary Public in the State of New York
MONROE COUNTY
Reg. No. 01EN6113683
Commission Expires August 2, 2020

LEGAL 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, being known and designated as Lot 2 on a certain map entitled "Subdivision Lands of Luis and Zulmira Beato" filed in the Orange County Clerk's Office on June 1, 2001 as Map No. 109-01 bounded and described as follows:

BEGINNING at a point on the northerly side of Union Avenue at the dividing line of Lots 1 and 2 as shown on the above mentioned filed map;

THENCE North 19 degrees 52 minutes 40 seconds East a distance of 195.04 feet and North 21 degrees 45 minutes 50 seconds West a distance of 213.29 feet along the lands now or formerly Beato (Liber 3821 Page 240, Lot 1 Map No. 109-01) to a ½ inch iron rod in a stone wall;

THENCE South 81 degrees 09 minutes 40 seconds East passing through a ½ inch rod at a distance of 134.1 feet for a total distance of 528.87 feet along the lands now or formerly Dayton, Tansey and Brissing to a ¾ inch iron rod;

THENCE South 02 degrees 01 minutes 01 seconds East a distance of 276.59 feet along the westerly side of the New York State Thruway to a point 0.6 feet East of a ¾ inch iron rod in concrete in a stonewall;

THENCE North 73 degrees 35 minutes 00 seconds West a distance of 456.33 feet along the lands now or formerly McGielag, Babcock and Richardson to a ½ inch iron pipe in side of a culvert pipe;

THENCE South 19 degrees 52 minutes 40 seconds West a distance of 178.82 feet along the lands now or formerly Richardson (Liber 5158 Page 95, Lot 1 Map No. 7749) to a ¾ inch iron rod;

THENCE North 53 degrees 49 minutes 35 seconds West a distance of 26.05 feet along the northerly side of Union Avenue to the point or place of **BEGINNING**.

AFTER RECORDING RETURN TO:

Closing USA, LLC
ATTN: Recording Dept.
903 Elmgrove Road
Rochester, NY 14624
585-454-1732 CL 100029675



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

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

2924-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/17/2021

Application No. 21-0461

To: Georgia Brown
1326 Union Avenue
Newburgh, NY 12550

SBL: 111-1-3.2
ADDRESS: 1326 Union Ave

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/29/2021 for permit to install a ground mounted solar array in a front yard. on the premises located at 1326 Union Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh municipal code:
185-81-D-3-C-[3]


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

115.1

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

STATE OF NEW YORK: COUNTY OF ORANGE:

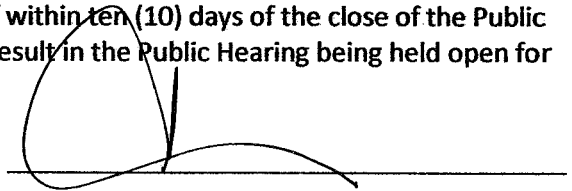
I, Erin McConnell, being duly sworn, depose and say that I did on or before

June 10, 2021, post and will thereafter maintain at

1326 Union Ave 111-1-3.2 R1 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.



Sworn to before me this 10th

day of June, 2021.



NATHANIEL F. LEVINE
Notary Public, State of New York
No. 01DE6111724
Qualified in Rockland County
Commission Expires June 25th, 2022



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

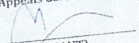
NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 24th day of June, 2021 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 Georgia L. Brown for an area variance of the front yard to install a ground mounted solar array.

PREMISES LOCATED at 1326 Union Ave. 111-1-3.2 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 10th day of June, 2021.


(APPLICANT)

*Any members of the public that plan on attending the meeting are required to wear a mask.



1326

NOTICE
This sign is placed here to inform you of the location of the mailbox. The mailbox is located at the end of the driveway. The mailbox is white and has the number 1326 on it. The mailbox is located at the end of the driveway. The mailbox is white and has the number 1326 on it.

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



Aerial View

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



Street View

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



Proposed Location

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



View toward house from ground-mount.

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



Surrounding Property

Georgia Lippi-Burbridge
1326 Union Ave
Newburgh NY 12550



Surrounding Property