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

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In the Matter of

CRAWFORD LOT LINE CHANGE
(2014-04)

1836 NYS Route 300
Section 14; Block 1; Lots 17 & 18
AR Zone

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LOT LINE CHANGE

Date: March 6, 2014
Time: 7:08 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL YANOSH

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MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. BROWNE: Our next item of business is Crawford Lot Line, project 2014-04. It's a lot line change, the initial hearing, being presented by Daniel Yanosh.

MR. YANOSH: Good evening. My name is Dan Yanosh, surveyor for Mr. Crawford. These two pieces of property have been in the Crawford family since the 1800s. 1891 was lot 17, the others probably about the same period of time. They probably lost frontage I guess over the years when they built 300 and 87. The two existing tax map parcels which Mr. Crawford owns, he's the executor of the estate.

What we're looking to do is we're asking for property in the backyard of tax lot 18. It would be like one-tenth of an acre from lot 17 to be added to lot 18 which would then add the septic system into the property that's existing to make it more salable in the future.

CHAIRMAN EWASUTYN: Okay. There are some questions as far as the lot line change and the existing property. I'll have Pat Hines begin talking.

Pat.

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MR. HINES: Dan, the Town of Newburgh Zoning Board of Appeals has a policy that once any change in a lot occurs, that you lose the protection of any existing zoning bulk issues. So this will require a Zoning Board of Appeals appearance and approval because the front yard is deficient, the lot width is deficient, the rear yard is deficient on lot 2, and the proposed lot 1 has a rear yard setback issue. Those need ZBA approval. That's a Town of Newburgh Zoning Board determination that was made many years ago, that once you lose your protection by any changes, you have to get all of those approvals.

MR. YANOSH: Even though we're making it better? Even though we're making this one small lot better than it was before? We're making a bad situation --

MR. DONNELLY: Only if you actually decrease the degree of all of those nonconformities. Since three of them are staying the same --

MR. YANOSH: We'll take siding off the buildings and make it smaller.

MR. HINES: Narrow it. Unfortunately

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CRAWFORD LOT LINE

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it needs to go to the ZBA.

The only other issue we had is if there's a common driveway access and maintenance agreement. If not, now would be the appropriate time to formalize that.

MR. YANOSH: Okay.

CHAIRMAN EWASUTYN: Are you Mr. Crawford?

MR. CRAWFORD: Yes, sir.

CHAIRMAN EWASUTYN: Did you kind of understand what is being said?

MR. CRAWFORD: Yeah. I find it to be offensive. It has been in my family almost 200 years. After mom passed away in 2012, we changed deeds over to my name and I wanted to move the one line over 60 feet. Everything has been there. It seems a little cumbersome.

MR. YANOSH: What do you need to do? Deny us the application to go to the ZBA?

CHAIRMAN EWASUTYN: Mike Donnelly will explain to you now what the next step is. He would be preparing a referral letter to the ZBA.

MR. DONNELLY: When the Board authorizes me, I'll send a letter to the ZBA

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listing those four variances. You will need also to apply to the Zoning Board. That letter and your application will get you there without the need to be turned down.

MR. YANOSH: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to the ZBA for the referral.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MR. YANOSH: Thank you.

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MR. HINES: Just for the record, those variances, Jerry and I were just talking, it's lot area -- this is for proposed lot 2. It's lot area, lot width, lot depth, front yard and building coverage. And then for proposed lot 1 it's a rear yard where it's 49.5 and 50 is required.

MR. DONNELLY: Just rear yard for lot 1?

MR. HINES: Yes.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: Pat, do we have to refer this to the County?

MR. HINES: Yes, because of its proximity to 300 and 87.

CHAIRMAN EWASUTYN: Dan, can you make it a point of getting plans to Pat Hines so we can circulate to the Orange County Planning Department?

MR. YANOSH: Sure. How many more do you need?

MR. HINES: Just one.

MR. GALLI: Pat, I just have a quick question. If in the future he decides to sell

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this property, because it's so many acres, he'll lose the zoning that he got?

MR. DONNELLY: The variance travels with the land.

MR. HINES: It will stay.

MR. DONNELLY: It travels with the land.

MR. HINES: If he subdivides in the future, then it would probably be an issue.

MR. YANOSH: If he subdivides the big parcel?

MR. HINES: The big parcel.

MR. YANOSH: I mean it's just an existing house that we're looking to get a variance on on lot number 1.

MR. HINES: The rear lot is the existing one.

MR. YANOSH: Once we get that variance --

MR. HINES: That travels with the property.

MR. DONNELLY: I would think that would travel with the land.

MR. YANOSH: That would be good

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forever. He's looking to subdivide something off
Mountainside Road in the future. We wouldn't
have to go back to the Zoning Board again, having
it taken care of.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:14 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify
that I recorded stenographically the
proceedings herein at the time and place
noted in the heading hereof, and that the
foregoing is an accurate and complete
transcript of same to the best of my
knowledge and belief.

DATED: March 20, 2014