



# TOWN OF NEWBURGH

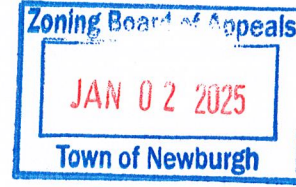
*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901

FAX LINE 845-564-7802 **APPLICATION**



DATED: \_\_\_\_\_

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

I (WE) ELIJIO CRUZ PRESENTLY

RESIDING AT NUMBER 389 QUAKER STREET

TELEPHONE NUMBER 845-863-7514

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:

4-1-19 (TAX MAP DESIGNATION)

389 QUAKER STREET (STREET ADDRESS)

AR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1  
\_\_\_\_\_  
\_\_\_\_\_

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWNBUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

\_\_24-1257 11/18/2024\_\_

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: \_\_\_\_\_ AREA VARIANCE SOUGHT FOR THE ENCLOSED DECK TO DEVIATE FROM SIDE YARD AND COMBINED SIDE YARD SETBACK\_

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 SET BACK ARE EXISTING SET BACK  
\_\_\_\_\_

- 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 REQUEST IS BASE ON EXISTING SET BACKS \_\_\_\_\_  
NO EXTENSION TO THE EXISTING STRUCTURE \_\_\_\_\_

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

IT IS NEEDED TO MEET THE EXISTING ZONING SET BACKS ON THE ZONING TABLE TO DATE  
\_\_\_\_\_

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

ON PHYSICAL OR ENVIRONMENTAL CHANGE TO THE SITE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



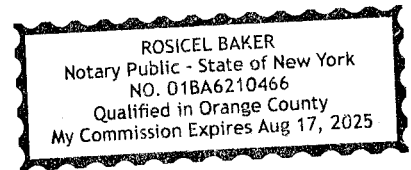
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2<sup>nd</sup> DAY OF January 20 25



\_\_\_\_\_  
NOTARY PUBLIC



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 13 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)



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

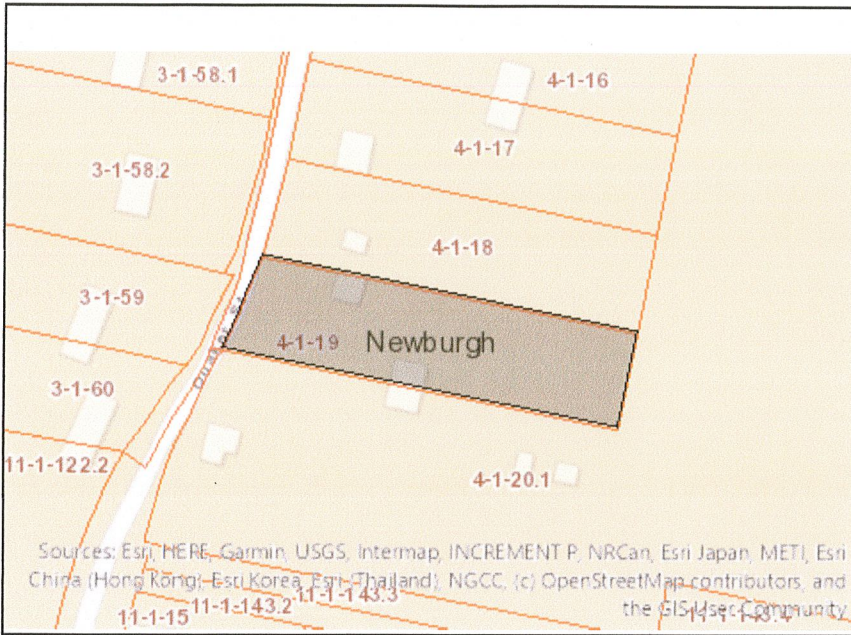
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

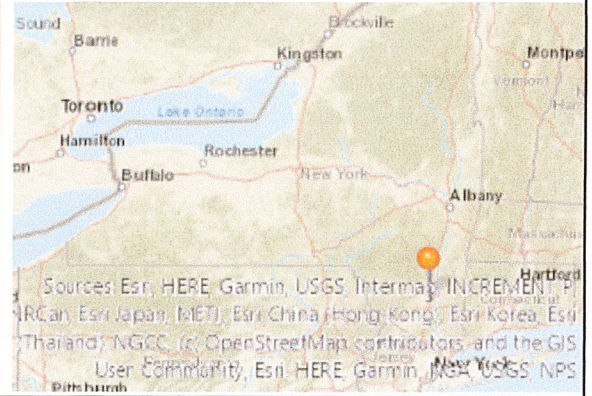
<b>Part 1 – Project and Sponsor Information</b>			
389 QUAKER STREET, ELIJIO CRUZ			
Name of Action or Project: ENCLOSE PORCH			
Project Location (describe, and attach a location map): 389 QUAKER STREET			
Brief Description of Proposed Action: EXISTING DESK CONVERT TO ENCLOSE PORCH			
Name of Applicant or Sponsor: ELIJIO CRUZ		Telephone: 845-863-7514	
		E-Mail:	
Address: 389 QUAKER STREET			
City/PO: NEWBURGH		State: N.Y.	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"/>
			YES <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: TOWN OF NEWBURGH			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ .93 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?		_____ .93 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" 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 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?	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: _____	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 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: _____ _____	NO	YES	
	<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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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"/>	





**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 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  
 KELLY A. ESKEW, COUNTY CLERK  
 255 MAIN STREET  
 GOSHEN, NEW YORK 10924

60748

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



BOOK/PAGE: 15646 / 447  
 INSTRUMENT #: 20240067070

Receipt#: 3333232  
 Clerk: KP  
 Rec Date: 11/07/2024 02:24:09 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: HUDSON UNITED

Party1: LAURIA DOMENICO A  
 Party2: CRUZ ELIJIO  
 Town: NEWBURGH (TN)  
 4-1-19

Recording:  
 Recording Fee 40.00  
 Cultural Ed 14.25  
 Records Management - Coun 1.00  
 Records Management - Stat 4.75  
 TP584 5.00  
 Notice of Transfer of Sal 10.00  
 RP5217 Residential/Agricu 116.00  
 RP5217 - County 9.00

Sub Total: 200.00

Transfer Tax  
 Transfer Tax - State 1756.00

Sub Total: 1756.00

Total: 1956.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 2748  
 Transfer Tax  
 Consideration: 439000.00

Transfer Tax - State 1756.00

Total: 1756.00

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

*Kelly A. Eskew*

Kelly A. Eskew  
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo



HAS-33948

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made this 25<sup>th</sup> day of October, 2024,

**BETWEEN,**

Domenico A. Lauria and Carmela M. Lauria, residing a 389 Quaker Street, Wallkill, New York 12589

party of the first part, and

Elijio Cruz, residing at 121 Wisner Avenue, Newburgh, New York 12550.

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, 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 certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of Newburgh, County of Orange, State of New York, being and intended to be the same premises conveyed to grantor(s) herein by deed dated April 27, 1990, recorded on June 8, 1990, in the Orange County Clerk's Office, by instrument in Liber 3303, Page 53, and more particularly described in "Schedule A" attached hereto.

**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 party of the second part, the heirs or successors and assigns of the party 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 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 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.

Section 4  
Block 1  
Lot 19



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.

**IN PRESENCE OF:**

*Domenico A. Lauria*  
Domenico A. Lauria

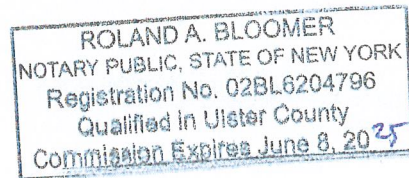
*Carmela M. Lauria*  
Carmela M. Lauria

**ACKNOWLEDGMENT:**

State of New York )  
 ) ss.:  
County of Orange )

On the 25th day of October in the year 2024 before me, the undersigned, personally appeared, Domenico A. Lauria and Carmela M. Lauria, 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(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC



***BARGAIN AND SALES DEED***

Lauria  
**To**  
Cruz

Record & Return to:  
Silvia Fermanian, Esq.  
Sobo & Sobo  
One Dolson Avenue  
Middletown, NY 10940

**Section** 4  
**Block** 1  
**Lot** 19  
  
**County of** Orange  
**Street Address** 389 Quaker Street  
Town of Newburgh

*The Security Title Guarantee Corporation of Baltimore*

Title Number: **HAS-33948**

**SCHEDULE A DESCRIPTION**

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

BEGINNING at a point in the center of Quaker Street, said point being the southwest corner of lands now or formerly of Esposito, thence;

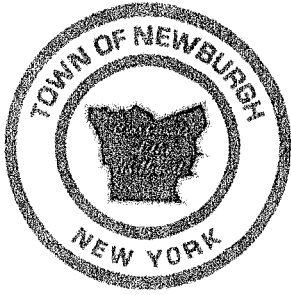
(1) S 67 degrees 30 minutes 00 seconds E, 410.40 feet along lands now or formerly of Esposito, thence the following two courses along lands now or formerly of Barvieto;

(2) S 22 degrees 30 minutes 00 seconds W, 96.70 feet, thence;

(3) N 67 degrees 30 minutes 00 seconds W, 435.40 feet, thence;

(4) N 36 degrees 59 minutes 43 seconds E, 99.88 feet along the center of Quaker Street to the point of BEGINNING.

Being and intended to be the same premises conveyed to the grantor by deed dated 4/27/1990 and recorded on 6/8/1990 in the Orange County Clerk's Office in Liber 3303 Page 53.



# 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

#2024-05

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 11/18/2024**

**Application No. 24-1257**

**To: Elijio Cruz**  
389 quaker Street  
Walkkill, NY 12589

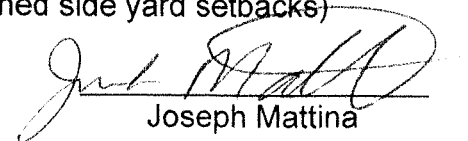
**SBL: 4-1-19**  
**ADDRESS: 389 Quaker St**

**ZONE: AR**

PLEASE TAKE NOTICE that your application dated 11/05/2024 for permit to keep a 12'-2" x 13'-11" non-heated rear enclosed porch built without permits or approvals on the premises located at 389 Quaker St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-C-1: Shall not increase the degree of non-conformity. (one side yard setbacks)
- 2) 185-19-C-1: Shall not increase the degree of non-conformity. (combined side yard setbacks)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



















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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Eligio Cruz, being duly sworn, depose and say that I did on or before

January 9, 2025, post and will thereafter maintain at

389 Quaker St 4-1-19 AR 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 9

day of Jan, 2025.





 **TOWN OF NEWBURGH**  
OFFICE OF THE TOWN ENGINEER  
10000 STATE ROUTE 28  
NEWBURGH, NY 10994

**NOTICE OF DECISION**

THE TOWN ENGINEER HAS REVIEWED THE APPLICATION FOR A ZONING VARIANCE FOR THE PROPOSED CONSTRUCTION OF A 2.5 ACRE TRACT OF LAND LOCATED AT THE CORNER OF STATE ROUTE 28 AND STATE ROUTE 28A, NEWBURGH, NY 10994. THE PROPOSED CONSTRUCTION IS A 2.5 ACRE TRACT OF LAND LOCATED AT THE CORNER OF STATE ROUTE 28 AND STATE ROUTE 28A, NEWBURGH, NY 10994. THE PROPOSED CONSTRUCTION IS A 2.5 ACRE TRACT OF LAND LOCATED AT THE CORNER OF STATE ROUTE 28 AND STATE ROUTE 28A, NEWBURGH, NY 10994.

**PREMISES LOCATED AT 500 QUAKER ST., E.L.I.S., N.Y.**

**PLEASE NOTE:** That the applicant should appear at the hearing and all persons entitled to appear there should be heard by the Board.

BY ORDER OF THE TOWN BOARD OF APPEALS AND THE T.O.E. Board, January 1, 2024.

**T.O.E. COPY 2 (DUPLICATE)**







STATE OF MISSISSIPPI  
DEPARTMENT OF REVENUE  
NOTICE OF LIEN FOR TAXES  
The following is a list of taxpayers who have failed to pay their taxes for the year 2018. The amount of the tax is shown in the amount column. The amount of the tax is shown in the amount column. The amount of the tax is shown in the amount column.







**TOWN OF NEWBURGH**

Commission of the Town of Newburgh  
ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

OFFICE OF ZONING BOARD OF APPEALS  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY  
TELEPHONE 845-564-1901  
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, New York, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 23rd day of January, 2025 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 Elio Cruz for an area variance of increasing the degree of non-conformity of one side yard and the combined side yards to keep a 12'2" x 13'11" non heated rear enclosed porch.

PREMISES LOCATED at 389 Quaker St. 4-1-19 AR 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 9th day of January, 2025.

Elio Cruz  
(APPLICANT)