

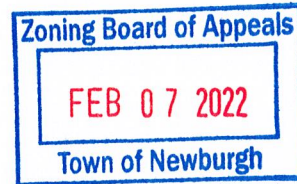
l, lb.



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

APPLICATION

DATED: February 3, 2022

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

I (WE) Nicolas DiBrizzi PRESENTLY

RESIDING AT NUMBER 13 Anchor Drive

TELEPHONE NUMBER 845-564-5571

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:

121-1-15 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk Table Schedule 3

Section 185-15-A-1

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:

- b) OR DENIAL (REFERRAL) BY THE ^{ZONING BOARD OF APPEALS}~~PLANNING BOARD~~ OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
January 11, 2022

4. DESCRIPTION OF VARIANCE SOUGHT: Variance for height of accessory structure

at street side (view from 13 Anchor Drive) is 24ft where 15ft is permitted.

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:
N/A

(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:
N/A

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
N/A

- 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:

See attached

- 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:

See attached

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

See attached

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

See attached

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

See attached

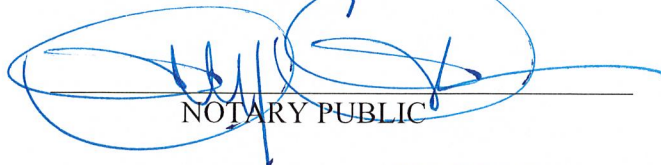
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3rd DAY OF February 2022



NOTARY PUBLIC

AMY ARGYRAKIS
Notary Public, State of New York
No. 01AR6103402
Qualified in Dutchess County
My Commission Expires Dec. 29, 2023

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)

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Nicolas DiBrizzi, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 13 Anchor Drive

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 13 Anchor Drive

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED KARC Planning Consultants, Inc. TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/2/22 [Signature]

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 2nd DAY OF February 2022

[Signature]
NOTARY PUBLIC

AMY ARGYRAKIS
Notary Public, State of New York
No. 01AR6103402
Qualified in Dutchess County
My Commission Expires Dec. 29, 2023

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: DiBrizzi Pool and Accessory Structure			
Project Location (describe, and attach a location map): 13 Anchor Drive, Town of Newburgh, Orange County - SBL #121-1-5			
Brief Description of Proposed Action: Construction of Pool and Accessory Structure			
Name of Applicant or Sponsor: KARC Planning Consultants, Inc.		Telephone: 845-594-1055 E-Mail: kelly@karcpc.com	
Address: PO Box 924			
City/PO: Poughkeepsie		State: NY	Zip Code: 12602
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	YES
		<input checked="" type="checkbox"/>	<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:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.00 acres			
b. Total acreage to be physically disturbed? _____ .20 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.00 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<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 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 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: _____ Project will connect to existing well. _____	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: _____ Project will connect to existing SDS. _____	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 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Hudson River _____ _____			

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

O'DONNELL & SONS, INC.

TO

NICOLAS DIBRIZZI

SECTION 121 BLOCK 1 LOT 15



RECORD AND RETURN TO:
(name and address)

Finkelstein & Partners, LLP
THE INJURY ATTORNEYS
1279 ROUTE 300
PO BOX 1111
NEWBURGH, NEW YORK 12551

THIS IS PAGE ONE OF THE RECORDING

SR/PK

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

DO NOT WRITE BELOW THIS LINE KID114

INSTRUMENT TYPE: R DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | |
|-----------------------------------|----------------------------------|
| <u>2089</u> BLOOMING GROVE (TN) | <u>4289</u> MONTGOMERY (TN) |
| <u>2001</u> WASHINGTONVILLE (VLG) | <u>4201</u> MAYBROOK (VLG) |
| <u>2289</u> CHESTER (TN) | <u>4203</u> MONTGOMERY (VLG) |
| <u>2201</u> CHESTER (VLG) | <u>4205</u> WALDEN (VLG) |
| <u>2489</u> CORNWALL (TN) | <u>4489</u> MOUNT HOPE (TN) |
| <u>2401</u> CORNWALL (VLG) | <u>4401</u> OTISVILLE (VLG) |
| <u>2600</u> CRAWFORD (TN) | <u>4600</u> NEWBURGH (TN) |
| <u>2800</u> DEERPARK (TN) | <u>4800</u> NEW WINDSOR (TN) |
| <u>3089</u> GOSHEN (TN) | <u>5089</u> TUXEDO (TN) |
| <u>3001</u> GOSHEN (VLG) | <u>5001</u> TUXEDO PARK (VLG) |
| <u>3003</u> FLORIDA (VLG) | <u>5200</u> WALKKILL (TN) |
| <u>3005</u> CHESTER (VLG) | <u>5489</u> WARWICK (TN) |
| <u>3200</u> GREENVILLE (TN) | <u>5401</u> FLORIDA (VLG) |
| <u>3489</u> HAMPTONBURGH (TN) | <u>5403</u> GREENWOOD LAKE (VLG) |
| <u>3401</u> MAYBROOK (VLG) | <u>5405</u> WARWICK (VLG) |
| <u>3689</u> HIGHLANDS (TN) | <u>5600</u> WAWAYANDA (TN) |
| <u>3601</u> HIGHLAND FALLS (VLG) | <u>5889</u> WOODBURY (TN) |
| <u>3889</u> MINISINK (TN) | <u>5801</u> HARRIMAN (VLG) |
| <u>3801</u> UNIONVILLE (VLG) | |
| <u>4089</u> MONROE (TN) | |
| <u>4001</u> MONROE (VLG) | |
| <u>4003</u> HARRIMAN (VLG) | |
| <u>4005</u> KIRYAS JOEL (VLG) | |

NO PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE
NO FEE _____

Taxable
CONSIDERATION \$ 1,175,000
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____
DATE _____

MORTGAGE TAX TYPE:
____ (A) COMMERCIAL/FULL 1%
____ (B) 1 OR 2 FAMILY
____ (C) UNDER \$10,000
____ (E) EXEMPT
____ (F) 3 TO 6 UNITS
____ (I) NAT.PERSON/CR. UNION
____ (J) NAT.PER-CR.UN/1 OR 2
____ (K) CONDO

CITIES

- | |
|-------------------------|
| <u>0900</u> MIDDLETOWN |
| <u>1100</u> NEWBURGH |
| <u>1300</u> PORT JERVIS |
| <u>9999</u> HOLD |

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Ker Vin

RECORDED/FILED
05/04/2011 / 11:06:19
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#E0110242701
DEED R / BK 13171PG 0969
RECORDING FEES 190.00
TTX# 005036 T TAX 4,700.00
MANSSION TAX 11,750.00
Receipt#1309618 maryo



THIS INDENTURE, made the 18th day of March , 2011.

BETWEEN

O'DONNELL & SONS, Inc., 1022 Main Street Rear, Fishkill, New York 12524

party of the first part, and

NICOLAS DiBRIZZI, 1089 Little Britain Road, New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten dollars and other valuable consideration 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, situate, lying and being in the Town of Newburgh, County of Orange and State of New York being designated as Lot No. 15, on a subdivision map entitled "Anchorage on the Hudson" prepared by Dennis Walden, being dated December 17, 1999 and last revised October 3, 2001 which map was filed in the Office of the Orange County Clerk on October 17, 2002 as Map No. 216-02..

BEING the same premises conveyed to grantor herein from Hudson Landings Corporation by deed dated January 25, 2006, and recorded in the Office of the Orange County Clerk on January 27, 2006 in Liber 12067 of Deeds at page 479.

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 line 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 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 or the improvements and will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose.

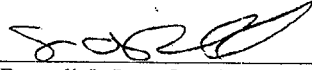
The intended use of the property conveyed herein is that of a single family residence.

The conveyance herein is made in the usual course of business of the grantor and does not constitute all, or substantially all, of grantor's assets.

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:



O'Donnell & Sons, Inc., by Sean O'Donnell,
President

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

On the 18th day of March, in the year 2011 before me, the undersigned, a Notary Public in and for said State, personally appeared Sean O'Donnell, 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.



Robert Boolukos
Notary Public, State of New York
No. 4711036
Qualified in Dutchess County
Commission Expires March 30, 2014

RECORD AND RETURN TO:

Joseph Rones, Esq.
Finkelstein & Partners, LLP
1279 Route 300
PO Box 1111
Newburgh, NY 12551

FIDELITY NATIONAL TITLE INSURANCE COMPANY

Commitment No: 101141

Schedule A Description

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York being designated as Lot No. 15. on a subdivision map entitled "Anchorage on the Hudson" prepared by Dennis E. Walden, being dated December 17, 1999 and last revised October 3, 2001 which map was filed in the Office of the Orange County Clerk on October 17, 2002 as Map No. 216-02 more particularly bound and described as follows:

Beginning at a point along the southerly line of Anchor Drive and said point being the northeasterly corner of Lot no. 14 as shown on a certain map entitled Anchorage-on-Hudson and filed in the Orange County Clerk's Office as filed map no. 216-02, thence in a easterly direction along the southerly line of Anchor Drive the following courses and distances, thence on a curve to the left with a radius of 50.00 feet and a length of 16.30 feet to a point, thence NORTH 00-15-54 EAST 25.00 feet to a point, thence on a curve to the right with a radius of 30.00 feet and a length of 21.78 feet to a point, thence on a curve to the right with a radius of 200.00 feet and a length of 33.13 feet to a point, thence NORTH 51-20-55 EAST 110.14 feet to the northwesterly corner of Lo no. 16, thence in a southerly direction along the westerly line of Lot no.16, SOUTH 38-37-59 EAST 268.70 feet to a point along the northerly line of Amended Lot no. 2, thence in a westerly direction along the northerly line of Lot no. 2, SOUTH 55-11-20 WEST 151.57 feet to the easterly line of the aforesaid Lot no. 14, thence in a northerly direction along the easterly line of lot no. 14 the following courses and distances, NORTH 45-48-52 WEST 194.69 feet to a point, thence NORTH 71-03-18 WEST 25.63 feet to the point of beginning. Containing 1.00 acres of land more or less.

Subject to a drainage easement over and through the northeasterly corner of the above described parcel as shown on filed map no. 216-02

Recorded at the request of
Kar Vin Abstract Corp.
New Windsor NY 12553
TEL: 518-537-1822 FAX 565-8737



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

± 2910-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/10/2022

Application No. 20-1303

To: Nicolas DiBrizzi
13 Anchor Dr
Newburgh, NY 12550

SBL: 121-1-15
ADDRESS: 13 Anchor Dr

ZONE: R1

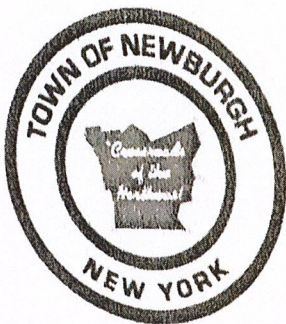
PLEASE TAKE NOTICE that your application dated 12/21/2020 for permit to continue building an accessory building previously approved by the ZBA on 2-26-2020 on the premises located at 13 Anchor Dr is returned herewith and disapproved on the following grounds:

ZBA approved 2-26-2020 for exceeding the amount of permitted accessory square footage, lot surface and lot building coverages, the original submitted plot plan and plans shown height was 13'-6". the applicant did not build what was approved and the actual height is 31' not 13'-6" as previously shown.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

mb.



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

NOTICE OF INSPECTION

DATE: 01/13/2022

TO: Nicolas DiBrizzi
13 Anchor Dr
Newburgh, NY 12550

SEC-BLK-LOT: 121-1-15

COMPLAINT NO: 21-0299

LOCATION: 13 Anchor Dr, Newburgh, NY 12550

PLEASE TAKE NOTICE, an inspection has been made regarding the complaint registered against the location described above, pertaining to:

Excavating & construction being done may be outside scope of permits issued, encroaching on neighboring lot and causing drainage & land disturbances.

YOU ARE HEREBY INFORMED that an inspection was performed as follows:

Complaint Validation conducted on 01/12/22 at 8:40

Inspection Results: In Progress - **INSPECTION:** A resolution on several fronts must be reached before construction can commence. As a result of the complaint and review of previous as well new plan revisions, it was determined that this structure is being built outside the in-place approvals. Therefore, a stop work order is in effect and the revisions must be reviewed by the ZBA. Compromised height requirements were to meet the standard by raising the base grade. Regardless, with the addition of a solid roof canopy over a previously approved open framed pergola, the height is increased by over 7'-0", possibly placing the canopy in the field of view of the adjacent lot. The disturbance of the bank on the common property side yard is the basis for this original and compromising the height will likely add to the disparity. The matter has already been referred to the Zoning Board of Appeals and must proceed through due process.

REINSPECTION FOLLOW UP IS SCHEDULED FOR 02/18/2022


Barry LaPierre, Code Compliance

3c

TOWN OF NEWBURGH

CODE COMPLIANCE DEPARTMENT

OLD TOWN HALL

308 GARDNERTOWN ROAD

NEWBURGH, NY 12550

PHONE (845) 564-7801 FAX (845) 564-7802

STOP WORK ORDER

YOU WILL PLEASE TAKE NOTICE that there exists a violation of Article /
Section ZONING, Page CHAA 185, of the :

- Town of Newburgh Municipal Code
- Building Code of New York State
- Residential Code of New York State
- Property Maintenance Code of New York State
- Fire Code of New York State
- Other _____

At the following location:

13 AVENUE D.A.
NEWBURGH NY 12516

SBL

121-1-15

In that:

BUILT & REVISOR STRUCTURE
OUTSIDE OF PERMIT WORK CODE
AND ZBA APPROVALS

Required for lifting the Stop Work Order: _____

- Obtain proper approvals and permits.

You are hereby

Directed and Ordered to Stop Work,

Comply with the law and remedy the conditions above mentioned.

Failure to remedy the condition aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine, imprisonment or both.

Issue Date: 01/2022

Rescinded Date: _____

Signature: [Signature]

Signature: _____

KARC

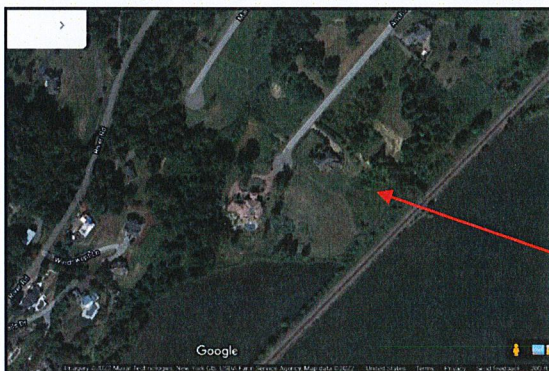
PLANNING CONSULTANTS, INC.

**13 Anchor Drive
Town of Newburgh
Tax ID #121-1-15
Area Variance Application Explanation**

- a. THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

Response: The residential neighborhood consists of Single-Family Residential Structures with Accessory structures predominantly supporting pools. The purpose of the proposed structure is not unlike other structures in the area. Further, the height of the structure, being twenty-four (24') feet where fifteen (15') feet is permitted is lower than the height of the existing residential structure.

The property is located on a cul-de-sac and therefore views of the proposed structure are limited. Further, the structure is proposed to be set within the existing grade of the northerly lot line thereby "imbedding" the structure into the side of the hill/grade. Additionally, the parcel to the immediate north of the subject property is at an elevation that is nearly 15 feet higher than the subject parcel therefore the view of the project will be screened accordingly from this viewshed.



The parcel to the immediate north of the subject property is at an elevation that is nearly 15 feet higher than the subject parcel therefore the view of the project will be screened accordingly from this viewshed.

The parcel to the immediate south of the subject property is owned by the Applicant and therefore the proposed development will have no impact on this parcel.

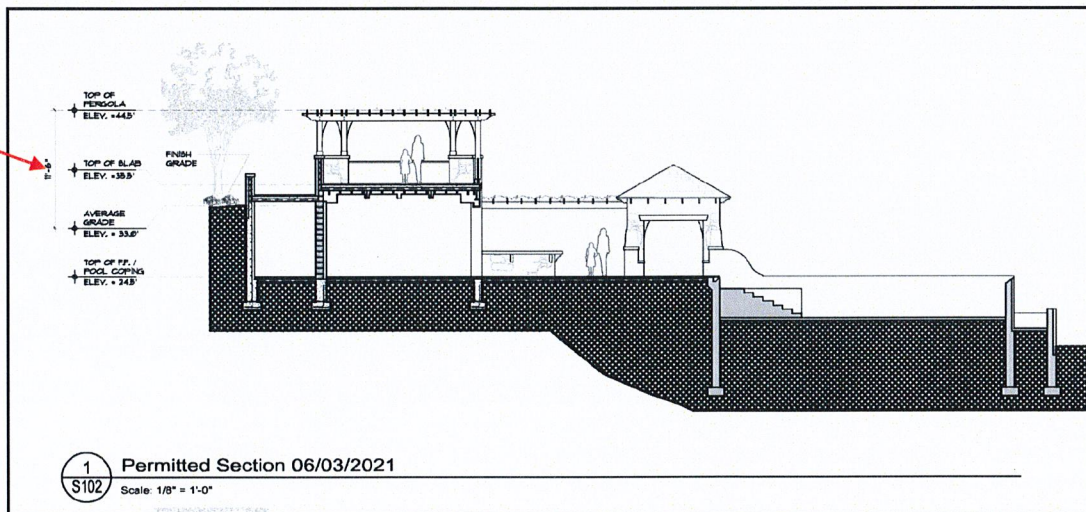
- b. THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

Response: The Applicant has commenced construction under a previously issued Building Permit. As part of that application process and as part of a illustrative submission of the project, the Applicant previously provided sections and elevations of the height of the structure. The Architect interpreted the following section of the Zoning Code:

BUILDING HEIGHT

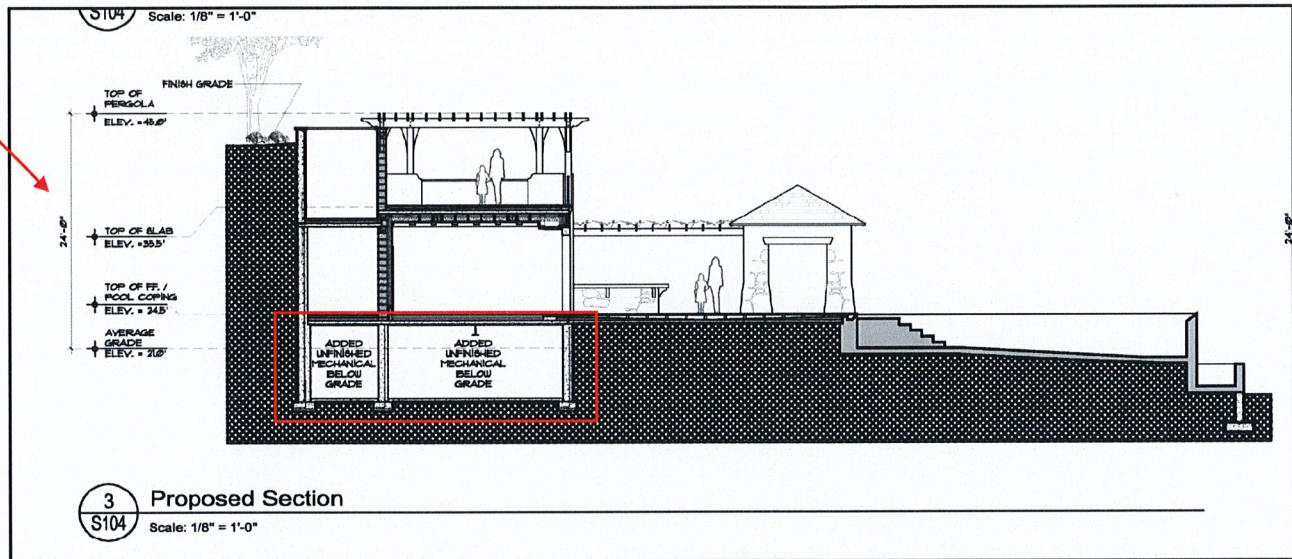
The vertical distance measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of such structure.

The interpretation resulted in the Architect's conclusion that yard to be utilized in calculating the height of the proposed structure was the yard bordering with the northerly parcel as that property line was the nearest to the street. Therefore, using the northerly lot line for the basis of the height of the structure, and applying the above definition, the height of the structure was presented as 11' 6" (see attached).



Alternatively, based on information provided by the Town, the correct location to measure the height of the structure is from the street/lot frontage or at 13 Anchor Drive. The only location where this structure is (limited) visible is from the driveway for 13 Anchor Drive.

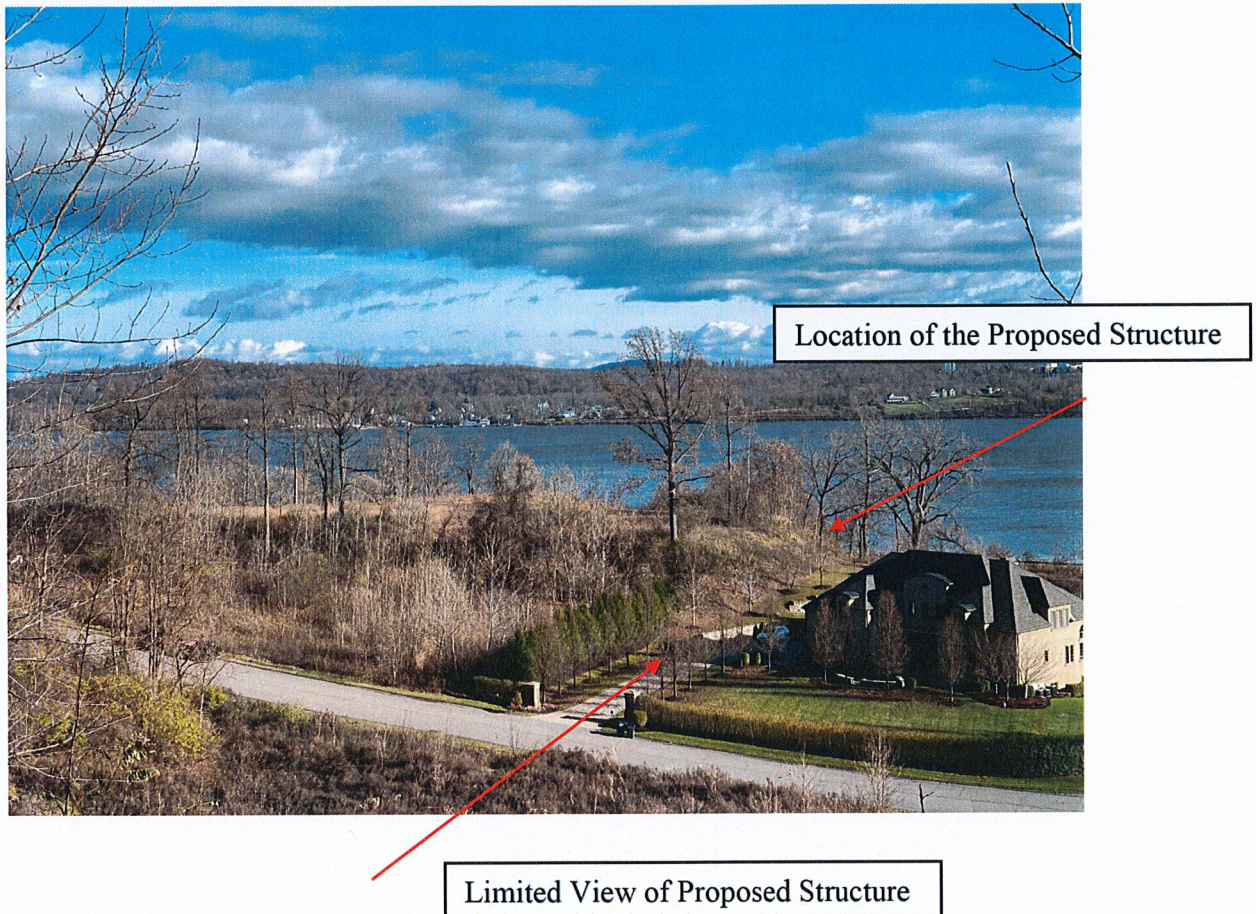
Thus from this location, the height of the structure is 24' feet (see attached).



Note that the perceived visual difference in the floors of the structure between the two illustrations is the addition of the below grade utility room (shown in red rectangle) which does not contribute or add to the overall height of the structure as it is below grade (i.e. basement).

c. THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Response: The project is requesting a variance to permit a structure that is 24 feet where 15 feet is permitted. The variance is not substantial because the area which is statutorily utilized to measure the building height is along the driveway entrance for the residence and is extremely limited to the driveway only.



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

Response: The residential neighborhood consists of Single-Family Residential Structures with Accessory structures predominantly supporting pools. The purpose of the proposed structure is not unlike other structures in the area. The property is located on a cul-de-sac and therefore views of the proposed are limited.

Further, the height of the structure, being twenty-four (24') feet where fifteen (15') feet is permitted is lower than the height of the existing residential structure and is proposed to be set within the existing northerly grade of the lot thereby "imbedding" the structure into the side of the northerly hill. The parcel to the immediate north of the subject property is at an elevation that is over 15 feet higher than the subject parcel therefore the view of the project will be screened accordingly from this vantage point.

The parcel to the immediate south of the subject property is owned by the Applicant and therefore the proposed development will have no impact on this parcel.

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

Response: The Applicant proceed with the understanding that the yard utilized for purposes of measuring the height of the building was the yard closest to the street and therefore was the side (northerly) yard. At this location, the average height of the structure was below the 15 foot permitted height.

While the project was being constructed, it was determined that the correct yard to use for the determination of the height of the structure is from the streetside along Anchor Drive. This determination predicated the requirement for the area variance. It is noted that there are no changes to the overall height of the structure from the permitted drawings to the current plan. The only change was the location that the average height is being measured from resulting in the height determination of 24 feet versus the 11' 6" height originally presented.









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Nicolas DiBrizzi, being duly sworn, depose and say that I did on or before

February 10, 2022, post and will thereafter maintain at

13 Anchor Dr 121-1-15 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 7th

day of February, 2022.

AMY ARGYRAKIS
Notary Public, State of New York
No. 01AR6103402
Qualified in Dutchess County
My Commission Expires Dec. 29, 2022




TOWN OF NEWBURGH
 County of Sullivan
BOARD OF APPEALS
 21 Hudson Valley Professional Plaza
 Newburgh, NY 12550

OFFICE OF ZONING BOARD
 TELEPHONE 845-566-4961
 FACSIMILE 845-566-7823

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a(1) of the Town Law, State of New York and Section 185-5.5A(1) of the Zoning Ordinance 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 28th day of February, 2022 at 7:00 P.M. in the Town Hall, 1476 Route 300 Town of Newburgh, New York to act upon the following appeal:

APPLICATION of Shelton Johnson to construct building an accessory structure previously approved for use. The height of the structure is 31.11, the previously approved, 20.11.


PREMISES LOCATED at 13 Anchor By 1713.15 - 81 Lane 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 28th day of February, 2022.

(APPLICANT)

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

 TOWN OF NEWBURGH
County of Sullivan
Sullivan County, New York
11 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF COMMUNITY DEVELOPMENT
TELEPHONE 845.538.4000
FAX 845.538.4000

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that, pursuant to Section 242.1 (1) of the Town Law, State of New York and Section 175-503 (1) of the Code, Ordinance 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 28th day of February, 2022 at 7:00 P.M. in the Town Hall, 1474 Hudson Blvd., Town of Newburgh, New York to act upon the following report:

APPLICANT: James Edward Johnson is proposing to rezone an existing residentially zoned parcel approved by the ZBA. The height of the new structure is 11.00 feet maximum, per 175-503.

PROPERTY LOCATED at 11.00 ft. x 11.00 ft. x 11.00 ft. in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in or affected by the proposed rezoning should appear at the hearing.

BY ORDER of the Zoning Board of Appeals I, James E. Johnson, do hereby certify that this notice was duly posted and published in accordance with the provisions of the Town Law, State of New York.

2022

James E. Johnson
APPLICANT

*Any member of the public that files an objection to the rezoning should request to speak at a public hearing.



TOWN OF NEWBURGH

County 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 February, 2022 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 Nicolas DiBriozzi to continue building an accessory structure previously approved by the ZBA. The height of the new structure is 31', the previously approved was 13.6'.

PREMISES LOCATED at 13 Anchor Dr. 121-1-15 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 February, 2022.


(APPLICANT)

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