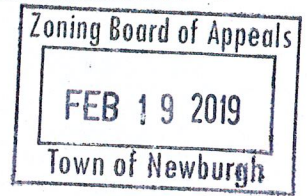


TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION



OFFICE OF ZONING BOARD
(845) 566-4901

DATED: February 19, 2019

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

I (WE) BRENNAN GASPARINI/ 1064 ROUTE 32, LLC PRESENTLY

RESIDING AT NUMBER _____

TELEPHONE NUMBER (929) 297-2007

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

- X A USE VARIANCE
- X AN AREA VARIANCE
- X INTERPRETATION OF THE ORDINANCE
- X SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

 2-2-3 (TAX MAP DESIGNATION)

 1064 Route 32 (STREET ADDRESS)

 RR (Reservoir Residence) (ZONING DISTRICT)

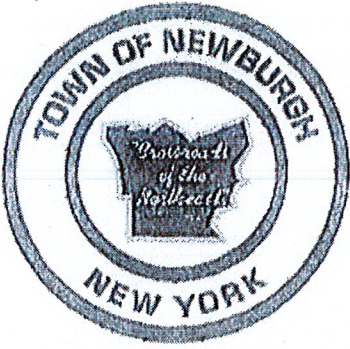
2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

 §185-3: Definition of "use" and 185-19: Nonconforming uses

 §185-54 (B): Variances

 185-38 (B)(4): Accessory Apartments - Special Permit Needed

 Use/bulk table for RR District (side yard requirements)



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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: 12/21/2018
- 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: _____ *See Addendum

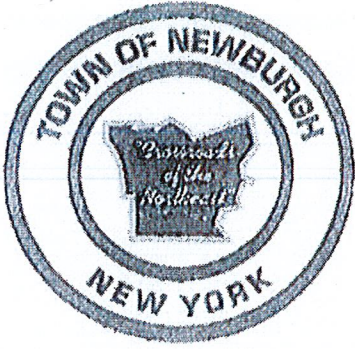
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



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NEWBURGH, NEW YORK 12550

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

6. IF AN AREA VARIANCE IS REQUESTED: ***See Addendum**

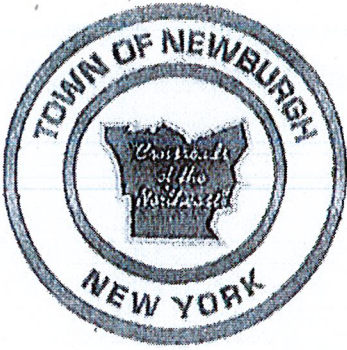
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Marissa Weir

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF February 2019

Michelle Yvonne Sparks

NOTARY PUBLIC
Michelle Yvonne Sparks
Notary Public, State of New York
No. 01SP6142352
Qualified in Orange County
Commission Expires August 27, 2021

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

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

PROXY

1064 Route 32, LLC
Brennan Gasparini

, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 701 Hewitt Lane #1, New Windsor NY

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 1064 Route 32

Tax Parcel 2-2-3

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Jacobowitz & Gubits, LLP

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/15/19 Brennan Gasparini

OWNER'S SIGNATURE

Morgan Feuerbach

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15th DAY OF February 2019

DIANE M. GROSS
Notary Public, State of New York
No. 01GR6060515
Residing in Orange County
My Commission Expires June 25, 2019

Diane M. Gross
NOTARY PUBLIC

**ADDENDUM TO ZBA APPLICATION
FOR
BRENNAN GASPARINI
1064 ROUTE 32 (SBL 2-2-3)
APPLICATION**

- 1) **Request for Interpretation of definition of “use” to permit the continuation of a nonconforming two-residential use.**

Relevant Facts.

The existing property, located within the RR zone, contains two single-family dwellings that existed and have been maintained on the property prior to zoning as a lawful nonconforming two-family use. The applicant purchased this property in August 2018, with the intent of continuing the nonconforming use. The available property tax assessment denotes that the property has been assessed with two residences since at least 2011. Both the applicant and his predecessor have dutifully paid these property taxes.

The applicant proposes to refurbish the two dwellings. The applicant previously applied for a building permit in the fall of 2018. The Code Enforcement Officer (“CEO”) told the applicant that the nonconforming two-family use had been discontinued and therefore had lost its nonconforming use status. At that time, the CEO and the applicant did not discuss the Town’s definition of “use” and whether that definition could be used to reinstate the prior nonconforming two-family use on the property.

The applicant is hereby requesting the authorization to proceed with the refurbishment of the two dwelling units as a valid nonconforming use, subject to CEO review and issuance of a building permit and associated certificate of occupancy, based upon the definition of “use” under the Town’s Zoning Code.

If the ZBA determines that the definition of “use” includes the specific purpose for which a building is maintained, the ZBA can issue an interpretation declaring that such use can be continued by the ZBA, pursuant to Town of Newburgh Zoning Code Sections 185-3 and 185-19.

Discussion

The Town of Newburgh Zoning Code § 185-3 defines use as:

“USE. The specific purpose for which land or a building is used or occupied **or maintained**” (emphasis added).

The property is currently maintained as a two-family use. Section 185-3 does not require actual use or occupancy. Instead, the definition of “use” was drafted to specifically include “maintained” as a way to continue a valid property use and property

right under the Town Zoning Code. Merriam-Webster's dictionary defines "maintain" as "to keep in an existing state."¹ Although the buildings are in disrepair, the two single-family dwellings were never demolished. Instead, they were kept in their respective existing states as single-family dwellings, while the property owners continued to pay taxes at an amount that corresponded to an assessment amount for two single-family dwellings. Therefore, under the Town's definition of "use," which includes "maintaining" a property for its specific use, the ZBA should determine that the use of said property as a two-family use never ceased pursuant to § 185-3.

Therefore, if the ZBA determines that the definition of "use" includes the specific purpose for which a building is maintained as noted above, the ZBA can issue an interpretation declaring that such use can be approved by the ZBA as a continuation of a valid nonconforming use, pursuant to § 185-19.

Furthermore, the Town of Newburgh Zoning Code § 185-19(D) states that:

"Normal maintenance. Nothing in this chapter shall be deemed to prevent normal maintenance and repair of any building or the carrying out, upon the issuance of a building permit, of major structural alteration or demolition in the interest of public safety. In granting such a permit the Building and Code Enforcement Officer shall state the precise reason why such alteration or demolition was deemed necessary."

If the ZBA issues an interpretation of the term "use" to include "maintain" as discussed above, the property will remain a valid nonconforming two-family use under § 185-19. Pursuant to the quoted section above, "normal maintenance and repair of any building" or the "carrying out of major structural alteration or demolition in the interest of public safety" is permitted, subject to the issuance of a building permit. The applicant proposes to refurbish said dwellings and make them suitable for habitability, which will require structural alterations and/or demolitions to portions of the building in the interest of improving public safety both on the property and in the surrounding neighborhood. It is therefore applicant's position that his proposed rehabilitation of the two dwellings will conform to the normal maintenance requirements of all nonconforming uses under the Town's Zoning Code, as well as to continue to "maintain" the property pursuant to the definition of "use" under § 185-3.

Therefore, this Board should issue an interpretation declaring that such two-family use may be continued, pursuant to Town of Newburgh Zoning Code Sections 185-3 and 185-19.

¹ See <https://www.merriam-webster.com/dictionary/maintain>.

2a) **If ZBA interprets the definition of “use” unfavorably to applicant, request for use variance to permit the reinstated use of two residential buildings in a RR zone.**

Relevant Facts.

Please see request (1) above.

Discussion

The applicant hereby requests that the Board grant a use variance to permit the reinstated use of the second single-family dwelling for the following reasons:

1. The applicant cannot realize a reasonable return on the use of the existing building for any other use permitted in the RR Zoning District - Due to the applicant's already incurred and substantial costs towards renovating the second building, it would be cost-prohibitive and create a hardship to demolish the second building to comply with the one-family zoning restriction. Additionally, it would be cost-prohibitive to subdivide the portion of land containing the building to use it for any other uses permitted in the RR Zoning District Code, all of which are not permitted to occur without a principal residential or municipal building. Finally, it would be costly to demolish a building that has a useful purpose that could provide a meaningful addition to the residential community of the Town. Note: Receipts will be submitted to this Board in time for discussion of the application at the scheduled Board meeting.
2. The alleged hardship related to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. The variance requested is not substantial. The dwellings have always existed on the lot. Residential use is permitted in the zoning district.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood - The building that will be used the second single-family dwelling, if this use variance application is successful, has existed on the site for decades. The use of the existing second dwelling for residential use will allow the applicant to avoid substantial disturbance to the site and surrounding neighborhood via demolition. Also, the use of this building will provide an additional residential dwelling on an existing lot, without the need for additional construction, clearing, or other development activities on a virgin lot. Residential properties such as these are needed in the Town in order to support the increased levels of development in Orange County. The essential character of the neighborhood is residential. Two dwellings on this lot, both of which have existed for decades, is consistent with the neighborhood. Therefore, the use variance, if granted, will enhance the character of the neighborhood

rather than deter from it.

4. The alleged hardship has not been self-created - The hardship is that, under the current zoning, the applicant is prevented from continuing a nonconforming two-family use on the property, which was in existence for decades prior to the applicant's purchase of the property. The applicant did not cease this use and therefore did not create such hardship. At the time of purchase, the applicant had every intention of continuing the nonconforming use and remains committed to that goal, if permitted by the ZBA.

Based upon the above, we request that Board grant the use variance to allow this beneficial and useful continuance of use of an existing building and avoid the waste of demolishing a perfectly usable building which merely requires normal maintenance and repair.

- 2b) Area variance. An area variance varies the "dimensional or physical requirements" of the zoning code. The single-family residence requirement is a physical requirement; therefore, permitting two residences on one lot is a variance of a physical requirement. For the reasons set forth above, the ZBA should grant an area variance to allow the two existing dwellings to remain and be occupied.
- 3) Request for area variance of 5-year principal dwelling requirement in order to permit accessory apartment under § 185-38(B)(4), with request for associated special permit.

Relevant Facts

Please see request (1) above. If the Board does not grant the relief to allow the applicant to maintain both existing dwellings pursuant to requests (1) and (2), the applicant proposes to demolish one dwelling, construct a new single-family dwelling just behind the location of that demolished dwelling, and use the still-existing dwelling as an accessory apartment. Section 185-38(B)(4) states that in order to have a valid accessory apartment, the principal dwelling must be five (5) years old. Since the principal dwelling would be newly constructed, the applicant needs an area variance from the five-year requirement to move forward with this plan. Moreover, accessory apartments within the RR zone require a special use permit pursuant to the RR Use and Bulk Table.

Discussion

The applicant hereby requests that the Board grant both an area variance to permit the demolition of the existing second dwelling, construction of an accessory apartment in the remaining building, and construction of a replacement principal single-family dwelling, as well as the associated special use permit necessary for accessory apartments in the RR zone, for the following reasons:

1. The variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because: the variance requested will allow the applicant to move forward with his plans to demolish one of the existing dwellings, build a new residential dwelling in its place, and allow the other existing building to house an accessory apartment prior to the five year principal dwelling requirement. Therefore, the same number of residential dwelling units will exist if this variance is granted. The applicant will merely not have to wait five years after the new dwelling is constructed to convert the remaining building into an accessory apartment. A principal dwelling and accessory apartment are permitted in the zoning district. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because: an accessory apartment is not allowed within the Town unless the principal dwelling has been in existence for five years.
3. The requested variance is not substantial because: the Town has previously determined, through the adoption of its zoning code, that accessory apartments are permitted within the RR zone as an accessory use to a principal residential dwelling (with a special permit from the Board). All standards listed within § 185-38 will be adhered to by the applicant.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: the Town has determined, through the adoption of its zoning code, that accessory apartments are a beneficial supplemental use within the Town, which provide additional, affordable housing stock to needy populations, such as senior citizens, while improving the feasibility of maintaining large existing homes.
5. The hardship has not been self-created because: the applicant is merely asking for a variance from the five-year requirement. The new dwelling will simply replace an existing dwelling which has been on the lot for many more years than five years. All other standards listed within § 185-38 will be adhered to by the applicant.

Based upon the above, we request that the Board grant this area variance from the five-year requirement, as the denial of said variance will prevent the applicant from readapting this existing property into a more productive piece of residential land, using the property as a permitted use, and increasing the stock of affordable housing within the Town.

4) **Request for area variance of side yard requirements for existing dwelling.**

Relevant Facts.

Please see request (1) and (3) above. The second existing building to be converted into an accessory apartment is located, at its closest, 2.3 feet from the northern property boundary, which is the side lot line. The CEO has determined that any construction or alteration to this building requires an area variance from the side lot requirement (which is 50 feet in the RR zone).

Discussion

The applicant hereby requests that the Board grant an area variance to permit the refurbishment and conversion of the existing first dwelling into an accessory apartment, which currently does not meet side lot setback requirements, for the following reasons:

1. The variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties because the building is preexisting. No change to the existing side lot line is proposed. In fact, completing necessary alteration and repair work will be beneficial to nearby properties and the surrounding neighborhood, as the repairs will improve the existing building as well as improve public safety, physical aesthetics, and property values.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because there is no other way for the applicant to maintain the existing building in its current state, other than to complete repair and alteration work. As the applicant does not propose to move the building or otherwise change the side lot lines, an area variance is necessary to complete this repair and alteration work.
3. The requested variance is not substantial because this is an existing building, which has existed 2.3 feet from the side lot line for decades. Although applicant requests an approximately 47.7 foot variance, there will be no impact to the neighboring properties, as this dwelling is preexisting.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the building is preexisting and no changes to the side lot line is proposed. In fact, in granting the variance, the applicant will complete necessary alteration and repair work that will beneficially improve the public safety, welfare, and physical aesthetics of the property and the surrounding neighborhood.
5. The hardship has not been self-created because: the applicant did not construct the existing building at this location and merely wishes to bring the building into compliance with the Town's zoning laws via this variance. In addition, in granting the variance, the Board will allow the applicant to complete necessary alteration and repair work to improve

Gasparini/1064 Route 32 LLC ZBA application addendum
Our File No.: 13795-001

public safety at both the applicant's property and in the surrounding neighborhood.

Based upon the above, we request that the Board grant this area variance for an existing residential building—the denial of which will prevent the applicant from reusing said building and converting it into an accessory apartment.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

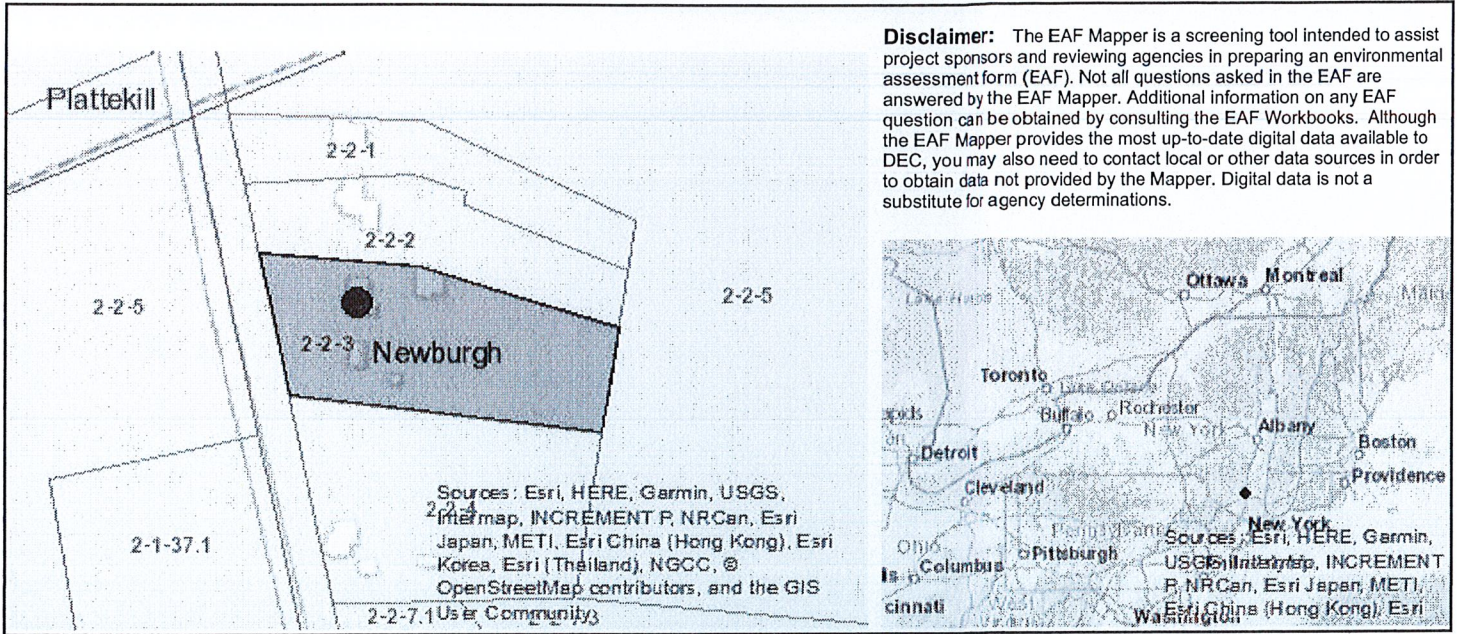
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Brennan Gasparini/1064 Route 32, LLC			
Name of Action or Project: 1064 Route 32, LLC ZBA application			
Project Location (describe, and attach a location map): 1064 Route 32, Newburgh, NY 12550 (SBL 2-2-3)			
Brief Description of Proposed Action: Town of Newburgh Zoning Board of Appeals requests: 1) Request for Interpretation of definition of "use" to permit the continuation of a nonconforming two-residential use; 2) If ZBA interprets the definition of "use" unfavorably to applicant, request for use variance to permit the reinstated use of two residential buildings in a RR zone; 3) Request for area variance of 5-year principal dwelling requirement in order to permit accessory apartment under § 185-38(B)(4), with request for associated special permit; and 4) Request for area variance of side yard requirements for existing dwelling.			
Name of Applicant or Sponsor: Jacobowitz & Gubits, c/o Marissa Weiss		Telephone: (845) 778-5173 E-Mail:	
Address: 158 Orange Avenue PO Box 367			
City/PO: Walden		State: NY	Zip Code: 12586
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"/>
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? _____ 1.8 acres b. Total acreage to be physically disturbed? _____ <0.25 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.8 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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?	<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?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Jacobowitz & Gubits, LLP, c/o Marissa Weiss</u> Date: <u>2/19/2019</u></p> <p>Signature: <u><i>Marissa Weiss</i></u> Title: <u>Attorney for applicant</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]	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



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/20/2018

Application No. 18-1306

To: 1064 Rt. 32 LLC
701 Hewitt Lane
New Windsor, NY 12553

SBL: 2-2-3
ADDRESS: 1064 Route 32

ZONE: RR

PLEASE TAKE NOTICE that your application dated 10/31/2018 for permit to re-instate a non-conforming use of a second single family dwelling unit on a single lot on the premises located at 1064 Route 32 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 1 allows only 1 dwelling unit per lot.
- 2) 185-19-B-2 Non-conforming buildings shall have 1 year to re-establish the use.
- 3) 185-19-A-4 Non-conforming uses shall have 1 year to re-establish the use.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* **YES / NO**

NAME: _____ 1064 Rt. 32 LLC _____ Building Application # _____ 18-1306 _____

ADDRESS: _____ 1064 Rt. 32 Walkkill NY 12589 _____

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: _____ 2nd single family dwelling unit on 1 lot. _____

SBL: _____ 2-2-3 _____ ZONE: _____ RR _____ ZBA Application # _____

TOWN WATER: YES / NO TOWN SEWER: YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	50'	2.3'			
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY _____ YES / NO
 CORNER LOT - 185-17-A _____ YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

NOTES: Alterations and rebuilding of a second dwelling unit. The building has been vacant greater than 1 year.

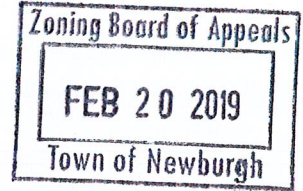
VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 1 Permits only 1 dwelling unit per lot.
- 2 185-19-B-2 / Non conforming buildings shall have 1 year to be restored after damage _____
- 3 185-19-A-4 / Discontinuance: The use shall not be reestablished if discontinued for 1 year or more. _____
- 4 _____

REVIEWED BY: _____ Joseph Mattina _____ DATE: _____ 20-Dec-18 _____



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



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	200.00
Sub Total:	200.00

Total: 390.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 704
 Transfer Tax
 Consideration: 50000.00

Transfer Tax - State	200.00
Total:	200.00

BOOK/PAGE: 14449 / 1494
INSTRUMENT #: 20180061052
Receipt#: 2538419
Clerk: KP
Rec Date: 08/22/2018 09:41:12 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: FRONTIER ABSTRACT & RESEARCH SERVICES

Party1: FEDERAL NATIONAL MTG ASSN
Party2: 1064 ROUTE 32 LLC
Town: NEWBURGH (TN)
2-2-3

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

Comment: _____

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 THE ABOVE DESCRIBED COPY WITH
THE ORIGINAL IF APPLICABLE, FILED IN MY OFFICE
ON 8/22/18
AND THAT THE SAME IS A CORRECT
TRUE AND ACCURATE COPY OF THE ORIGINAL AS I HAVE
FILED IN MY OFFICE I HAVE
HEREBY AFFIXED MY OFFICIAL SEAL.
ANN G. RABBITT
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURT
ORANGE COUNTY

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

FRONTIER ABSTRACT & RESEARCH SERVICES
69 CASCADE DRIVE, SUITE 101
ROCHESTER, NY 14614

BARGAIN AND SALE DEED

THIS INDENTURE, made this 30th day of July, 2018, between

Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America, with a mailing address and principal place of business at 5600 Granite Parkway, Plano, TX 75024

Party of the First Part, and

1064 Route 32 LLC, with an address of 701 Hewitt Lane, New Windsor, NY 12553

Party of the Second Part

WITNESSETH, that the Party of the First Part, in consideration of **Fifty Thousand Dollars and No Cents (\$50,000.00)**, 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.: 2-2-3
PROPERTY ADDRESS: 1064 Rt 32, Newburgh, NY 12550

Being the same premises described in the deed to the party of the First Part herein dated July 15, 2016 and recorded September 6, 2016 in the Orange County Clerk's Office in Liber 14102 of Deeds at page 1321.

And

The person executing the closing instruments is the same person as the grantee in Liber 14102 of Deeds at page 1321, 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.

RTR: FRANKIE ABST
69 GASCHE DR STE 101
ROCHESTER NY 14614

LEGAL DESCRIPTION

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

BEGINNING at a point in the Easterly line of N.Y.S. Route 32 where said road line intersects a stone wall dividing line between the herein described parcel and lands now or formerly Charles & Judith Mocera (liber 2259 page 626) and;

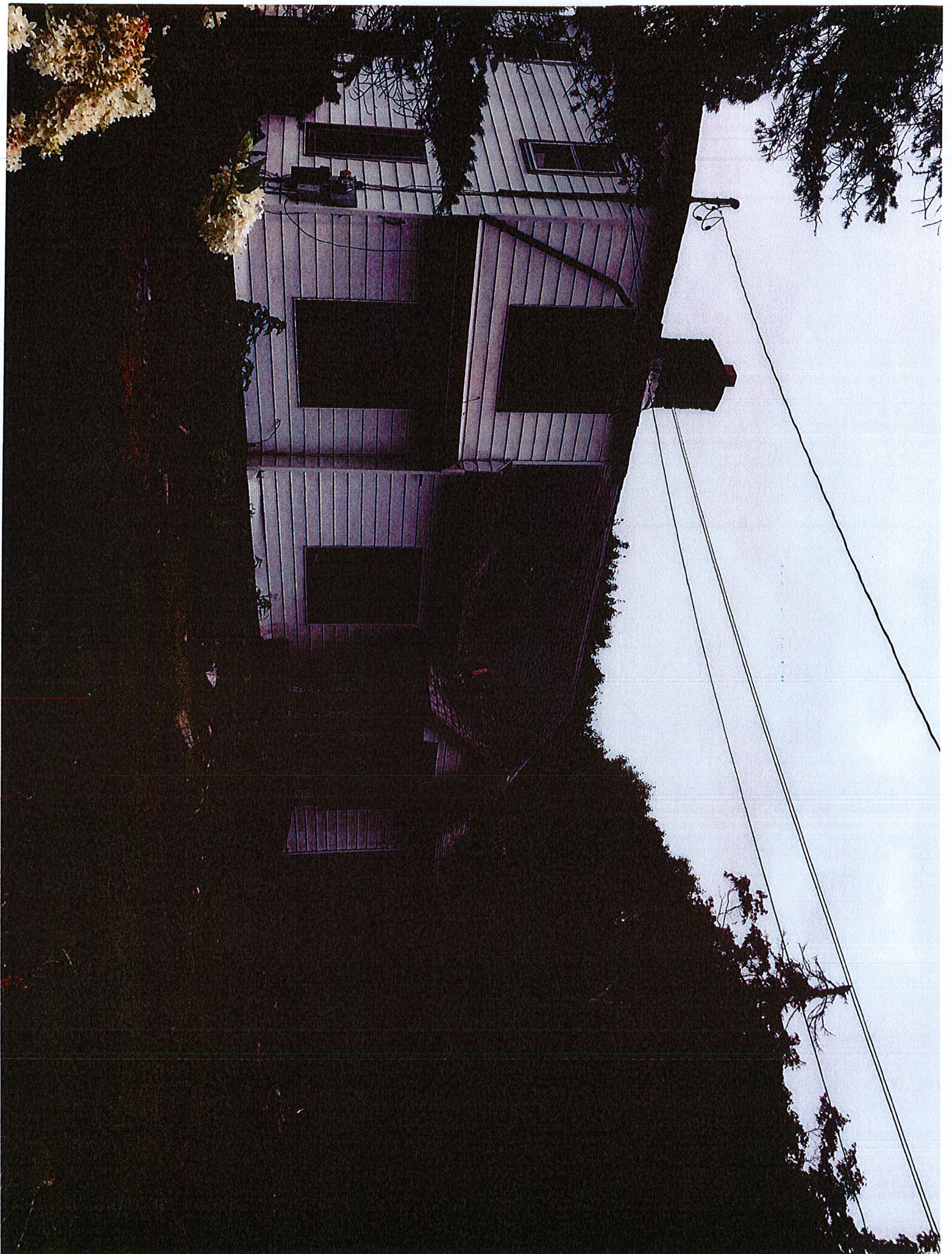
RUNNING THENCE with said line of Route 32 North 14 degrees 59 minutes 05 seconds West 189.10 feet to the Southwesterly corner of lands now or formerly Robert J. & Toshiko S. Alden (liber 1915 page 71);

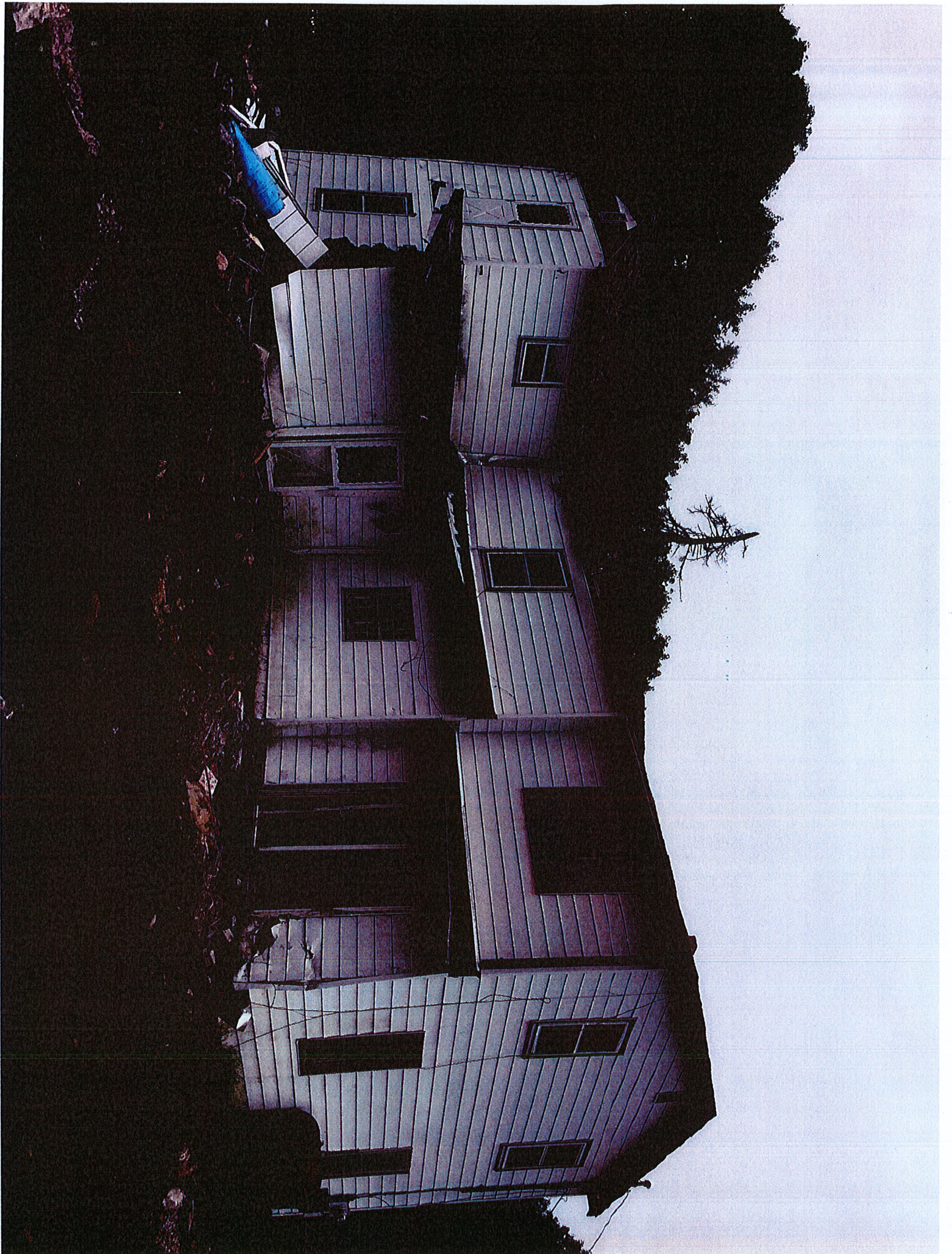
THENCE with Aldens Southerly line South 87 degrees 13 minutes 30 seconds East 220.20 feet and South 74 degrees 41 minutes 40 seconds East 274.86 feet to a point in a stone wall dividing line between lands now or formerly Berbatsuly (liber 1985 page 962) and the herein described parcel;

THENCE with said stone wall South 05 degrees 38 minutes 53 seconds West 139.00 feet to a stone wall corner at the Northeasterly corner of lands of aforementioned Mocera and;

RUNNING THENCE with Mocera Northerly line (a stone wall fence) North 84 degrees 45 minutes 17 seconds West 146.68 feet, North 83 degrees 42 minutes 49 seconds West 125.90 feet and North 85 degrees 50 minutes 11 seconds West 151.80 feet to the point and place of BEGINNING. Containing 1.788 acres of land.









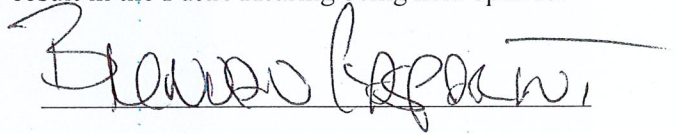


**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Brennan Gasparini, being duly sworn, depose and say that I did on or before
March 14, 2019, post and will thereafter maintain at
1064 Route 32 2-2-3 RR-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 20
day of February, 2019.



Notary Public

STEVEN A. KOCH
NOTARY PUBLIC, STATE OF NY
NO. 01K08171995
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES 08/06/2019

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]



NOTICE
The following information is being provided to the public for their information.
The property described below is being offered for sale by the State of Michigan.
The property is located in the County of _____, State of Michigan.
The property is being offered for sale by the State of Michigan.
The property is being offered for sale by the State of Michigan.
The property is being offered for sale by the State of Michigan.