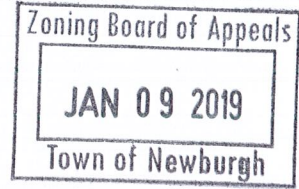




TOWN OF NEWBURGH

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: 1/7/20

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

I (WE) Dean Gottschalk ^{For Daniel Gasperini} PRESENTLY
RESIDING AT NUMBER 362 Fostertown Rd Newburgh NY 12550
TELEPHONE NUMBER 845-522-2307

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

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

1. LOCATION OF THE PROPERTY:

17-4-7 (TAX MAP DESIGNATION)
362 Fostertown rd (STREET ADDRESS)
Newburgh NY 12550
Town of Newburgh (ZONING DISTRICT)
R2

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-81-D-3(d), 185-81-D-4, 185-81-D5
185-15-A-4, 185-15-A-4, 185-15-A



TOWN OF NEWBURGH

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ZONING BOARD OF APPEALS

OLD TOWN HALL

308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK 12550

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: 1/7/20
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 1/7/20

4. DESCRIPTION OF VARIANCE SOUGHT: Ground mount not permitted in front yard (will be in Backyard)

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:

Currently Have no Garage or Shed. This will allow them a carport and to take advantage of NYS & Federal Energy credits. (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:

THE Mount will be in the back of Home. THERE is a Side Street neighboring Home causing the Backyard to legally be the front yard

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

THERE will be Screening. Also There are no Homes that will be able to see the Solar Array.



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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

TECHNICALLY, THE DISTANCE THEY HAVE TWO FRONT YARDS. THE BACK OF HOME STRUCTURE WILL BE VISIBLE TO HOMEOWNERS ONLY

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:

IT'S SERVING AS A CAR GARAGE MADE OUT OF WOOD TO BLEND WITH AN EVERY DAY SHED/GARAGE

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 PROPERTY HAS BEEN TRENCHED MANY YEARS AGO PREVENTING US FROM HAVING TO DIG UP THE DRIVEWAY MADE FOR A FUTURE STRUCTURE

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

SOLAR IS FUNDED BY NYS INCENTIVES AND FEDERAL INCENTIVES. THE ROOF OF RESIDENCE IS FLAT WHICH WILL BE DANGEROUS TO MOUNT ON.

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

SOLAR IS RENEWABLE ENERGY VERY GOOD FOR THE ENVIRONMENT

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

LOCATION OF HOME ON A CORNER LOT



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

This Home was built in the 1800's. THERE HAS been no additions since.

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7 DAY OF January 2020

STEVEN A. KOCH
NOTARY PUBLIC, STATE OF NY
NO. 01K03171095
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES 08/06/2023

[Handwritten Signature]

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 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

Crossroads of the Northeast

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

PROXY

Emily Lucas, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 362 Foster town Road Newburgh
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 362 Foster town rd
Newburgh NY 12550

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

DATED: 1/7/20 Emily Lucas
OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7 DAY OF January 2020

JENNIFER LOFGREN
Notary Public - State of New York
NO. 01L06191154
Qualified in Orange County
My Commission Expires 8/14/20

[Signature]
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

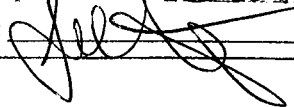
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Ground mount Solar Dan & Emily Gasperini</i>			
Project Location (describe, and attach a location map): <i>362 Fosterctown rd Newburgh NY 12550</i>			
Brief Description of Proposed Action: <i>THE Ground mount is located in the BACK of Home. It is designed for SOLAR and Vehicle PARKING. (CARPORT mount) THIS project is intended to Energize the Household w/ State incentives</i>			
Name of Applicant or Sponsor: <i>Sean Gottschalk (Solar Image)</i>		Telephone: <i>845-522-2307</i>	
Address: <i>36 Tamarack Hill dr</i>		E-Mail: <i>SolarImage@aol.com</i>	
City/PO: <i>Roughkepsie</i>		State: <i>NY</i>	Zip Code: <i>12603</i>
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"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>1.52</i> acres	
b. Total acreage to be physically disturbed?		<i>0.008</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.008</i> acres	
4. Check all land uses that occur on, adjoining and 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): <i>County Road</i>			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" 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	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) 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 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	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: <u>Dr N/A</u>	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: <u>N/A</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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 type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 plain?	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, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Sean Gottschalk Date: 1/7/20

Signature: 

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Town of Newburgh – Sec. 17, Bl. 4, Lot 7

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

S17
B4
L7

orig
fich
11/9/20

THIS INDENTURE, made the 21st day of August, 2018

BETWEEN ANDREW S. MORRISON and JANE J. SONG, both with an address at 362 Fostertown Road, Newburgh, New York 12550,

party of the first part, and

DANIEL GASPERINI and EMILY G. LUCAS, both with an address at 7 Dutchess Terrace, Beacon, New York 12508, *AS HUSBAND AND WIFE,*

party of the second part,

WITNESSETH, that the party of the first part, in consideration of the sum 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, with buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, which property is more fully described in Schedule "A," annexed hereto and made a part hereof.

BEING and intended to be the same premises conveyed to Andrew S. Morrison and Jane J. Song from Kathleen Petrillo by Deed dated September 24, 2013 and recorded in the Orange County Clerk's Office on September 30, 2013 in Liber 13656 of Deeds at page 5.

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.

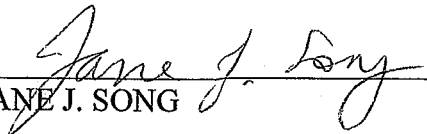
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in anyway whatever, except as aforesaid.

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 before using any part of the total of the same for any other purpose. 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 as of the day and year first above written.



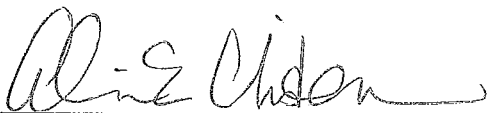
ANDREW S. MORRISON



JANE J. SONG

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the 21st day of August, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared ANDREW S. MORRISON AND JANE J. SONG, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or persons upon behalf of which the individuals acted, executed the instrument.



Notary Public

Alison Christenson
Notary Public, State of New York
Registration # 01CH6305908
Qualified in Dutchess County
Commission Expires 06/16/20 22

Record and Return To:
Donna M. Nebel, Atty.
87 East Market Street
Red Hook, NY 12571

TITLE NO. RCA-WT-56747

REVISED SCHEDULE A

ALL that tract or parcel of land situate in the Town of Newburgh, County of Orange, and the State of New York, known and designated as Lot 2, as shown on a map entitled "Survey of Property for Estate of Peter Petrillo," filed in the Orange County Clerk's Office on June 11, 1982 as Map No. 5936, bounded and described as follows:

BEGINNING at the intersection of the center line of Owen Road with the Northeasterly line of Fostertown Road; thence along the said center line of Owen Road North $23^{\circ}46'15''$ East a distance of 254.57 feet to a point; thence along the Southerly line of lands now or formerly Sarvis (Liber 4450, cp 177), passing through 2 iron rods found, South $66^{\circ}13'45''$ East a distance of 186.53 feet to an iron rod found; thence along the Westerly line of lands now or formerly Crystal Run Village Inc. (Liber 13526, cp 976) South $18^{\circ}14'39''$ West a distance of 405.00 feet to a point in the said Northeasterly line of Fostertown Road; thence along the said Northeasterly line of Fostertown Road North $32^{\circ}51'27''$ West a distance of 270.06 feet to the point or place of **BEGINNING**.

For conveyancing only,
to be conveyed

Together with all right, title if intended and
interest of, in and to any streets and road
abutting the above described premises, to the
center line thereof.

Certificate and Report of Title - New York
FORM 2215-5



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

2817-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/07/2020

Application No. 19-1038

To: Daniel Gasperini
362 Fostertown Road
Newburgh, NY 12550

SBL: 17-4-7
ADDRESS: 362 Fostertown Rd

ZONE: R2

PLEASE TAKE NOTICE that your application dated 09/19/2019 for permit to mount solar panels on an accessory building in the front yard on the premises located at 362 Fostertown Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code sections:

- 1) 185-81-D-3-(d): Ground mounted solar not permitted in a front yard.
- 2) 185-81-D-4: The maximum allowed height for ground mount solar panels is 20'
- 3) 185-81-D-5: Screening is required.
- 4) 185-15-A-4: 15' maximum height permitted for accessory buildings.
- 5) 185-15-A-4: 854 square feet is the maximum allowed per the formula.
- 6) 185-15-A: Accessory building may be located in a side or rear yard.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: Daniel Gasperini Building Application # 19-1038

ADDRESS: 362 Fostertown Rd. Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 35' x 18'-8" x 21'-1" Accessory building / solar array

SBL: 17-4-7 ZONE: R-2 ZBA Application # # 2817-20

TOWN WATER: YES / NO

TOWN SEWER: YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. HEIGHT SOLAR	20'		21.083'	1.08'	5.40%
MAX. BUILDING HEIGHT	15'		21.08'	6.08'	40.50%
SQUARE FOOTAGE	854 sf		985 sf	131 sf	15.30%

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: Building an accessory building in a front yard to mount solar panels and park vehicles below.

VARIANCE(S) REQUIRED:

- 1 185-81-D-3-(d): ground mounted solar not permitted in a front yard
- 2 185-81-D-4: Maximum allowed height is 20'
- 3 185-81-D-5: Screenning is required.
- 4 185-15-A-4: Accessory building maximum height is 15'

REVIEWED BY: Joseph Mattina DATE: 7-Jan-20

Town of Newburgh Code Compliance

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

NAME: Daniel Gasperini Building Application # 19-1038

ADDRESS: 362 Fostertown Rd. Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 35' x 18'-8" x 21'-1" Accessory building / solar array

SBL: 17-4-7 ZONE: R-2 ZBA Application # # 2817 20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. HEIGHT SOLAR	20'		21.083'	1.08'	5.40%
MAX. BUILDING HEIGHT	15'		21.08'	6.08'	40.50%
SQUARE FOOTAGE	854 sf		985 sf	131 sf	15.30%

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: Building an accessory building in a front yard to mount solar panels and park vehicles below.

VARIANCE(S) REQUIRED:

- 1 185-15-A-4: Maximum allowed square footage for accessory buildings is 854, per the formula
- 2 185-15-A: Accessory building may be located in a side or rear yard.
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina DATE: 7-Jan-20

ACCESSORY STRUCTURE SQUARE FOOTAGE BY FORMULA

PER THE TOWN OF NEWBURGH MUNICIPAL CODE SECTION 185-15(4) - ACCESSORY BUILDINGS

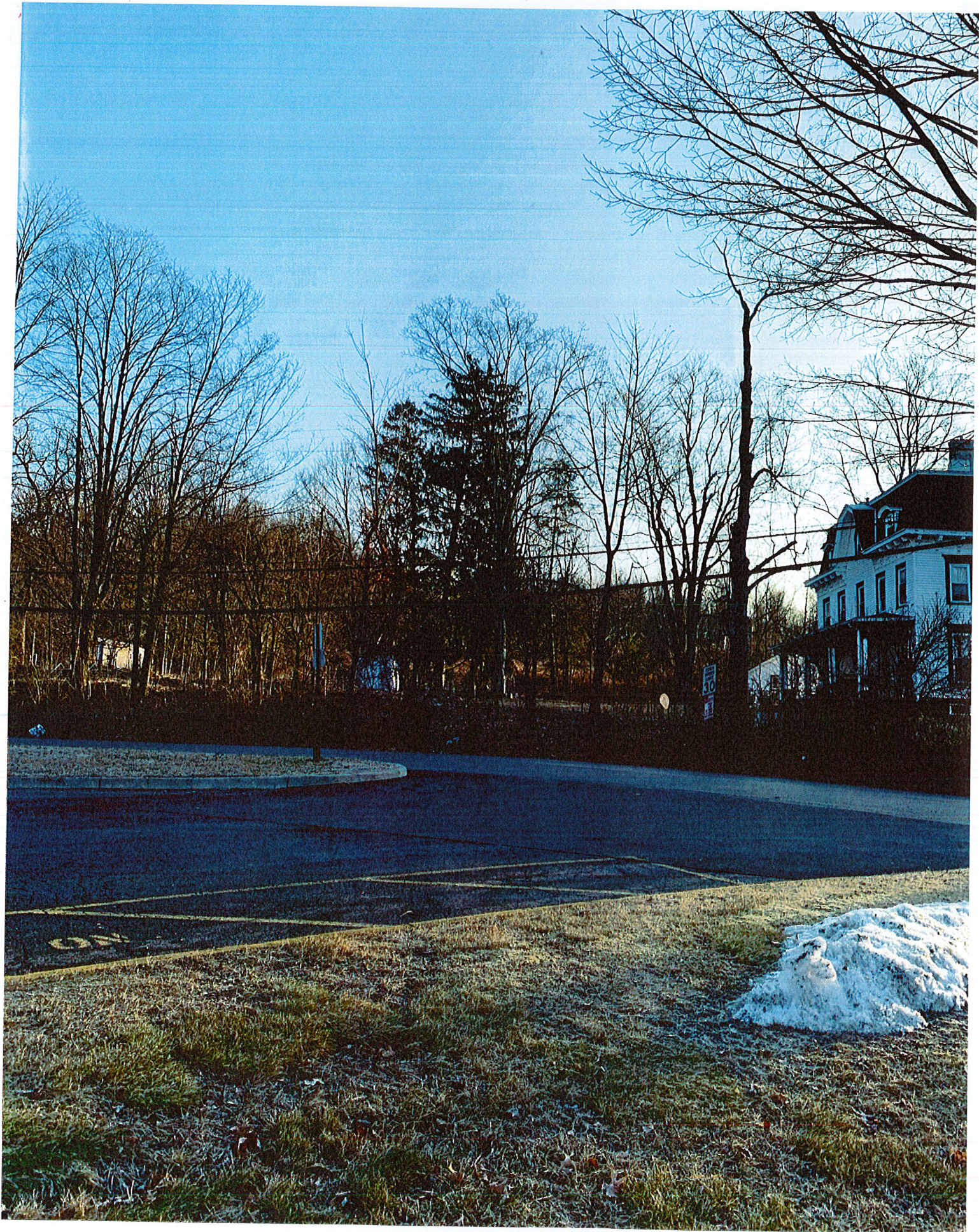
(4) An accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:

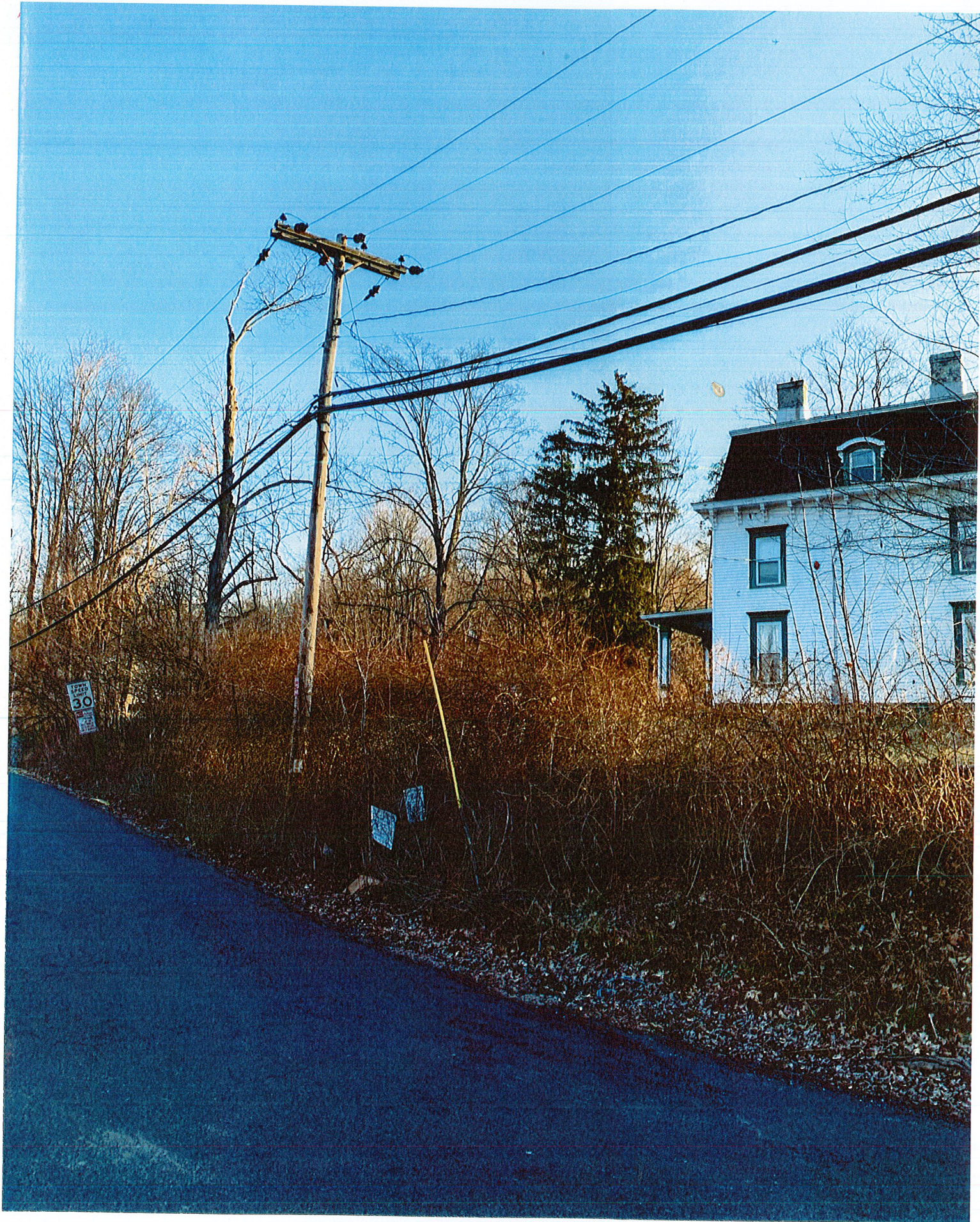
FORMULA:

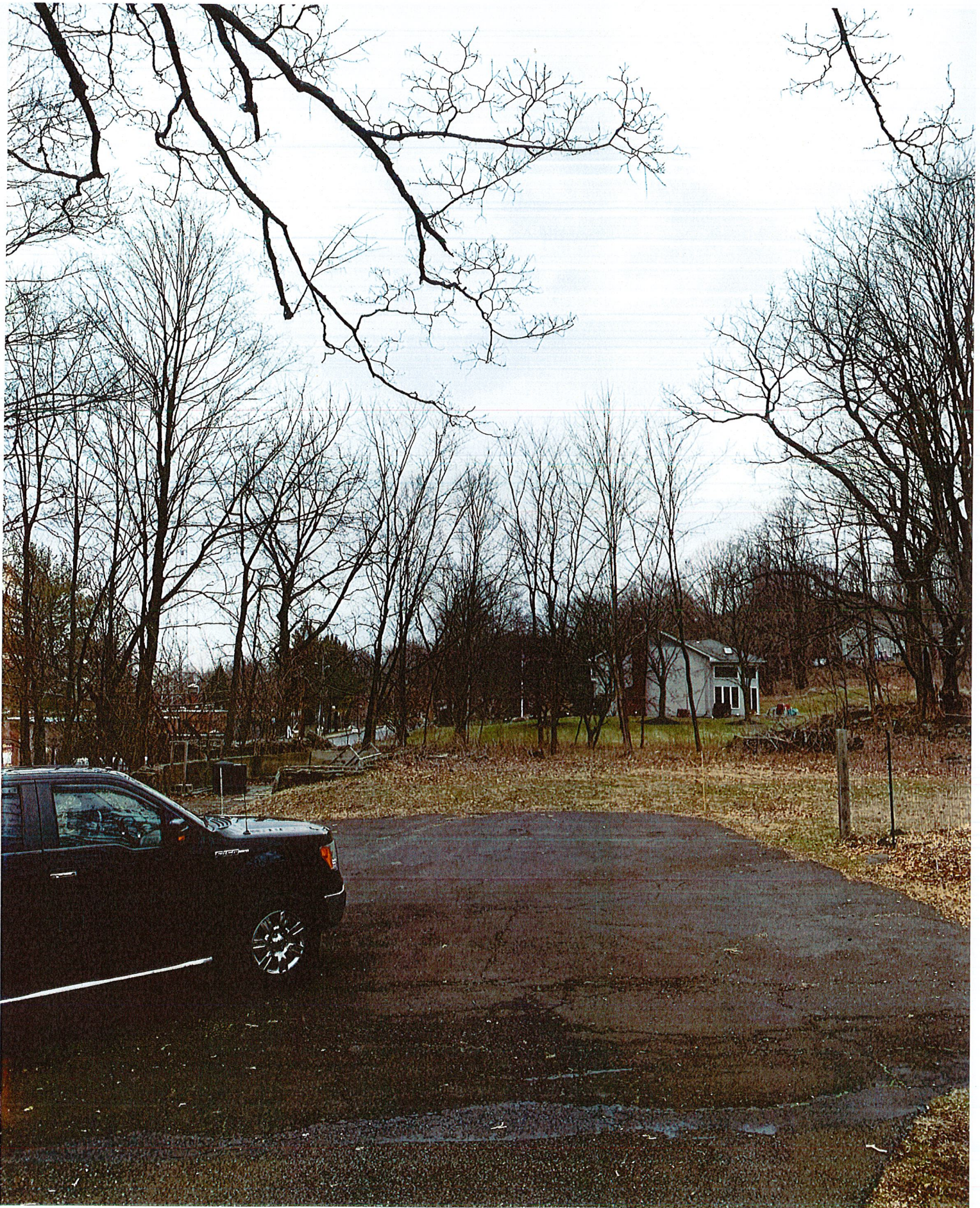
$$\frac{A+(B \times C)}{100} = D$$

- A - GROSS AREA OF LOT IN SQUARE FEET
- B - LIVABLE FLOOR AREA OF RESIDENCE IN SQUARE FEET
- C - MINIMUM REQUIREMENT IN THE ZONING DISTRICT FOR ONE SIDE YARD, IN FEET
- D - TOTAL SQUARE FOOTAGE PERMITTED FOR ALL ACCESSORY BUILDINGS

A= 66,211.00 SF
B= 1,280.00 SF
C= 15.00 FEET
D= 854.11 SF OR 1,000 SF WHICHEVER IS LESS IS PERMITTED.









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Sean Gottschalk, being duly sworn, depose and say that I did on or before

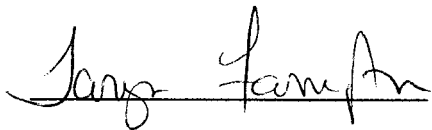
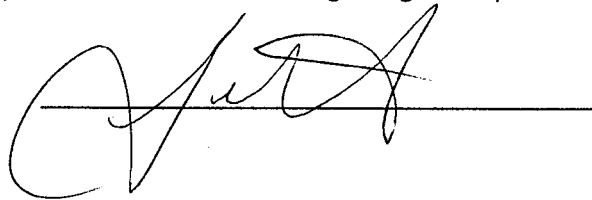
January 9, 2020, post and will thereafter maintain at

362 Fostertown Rd 17-4-7 R-2 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

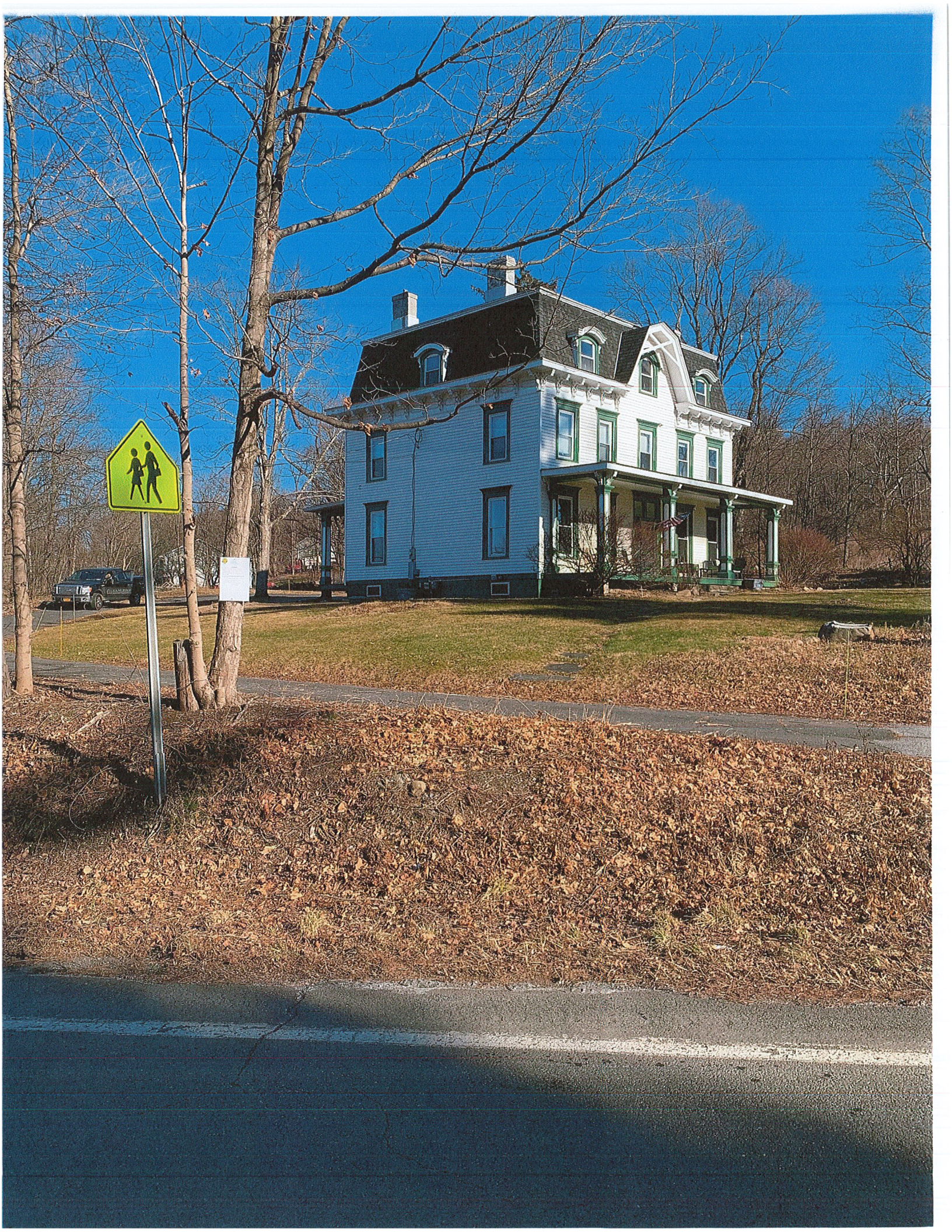
day of January, 2020.

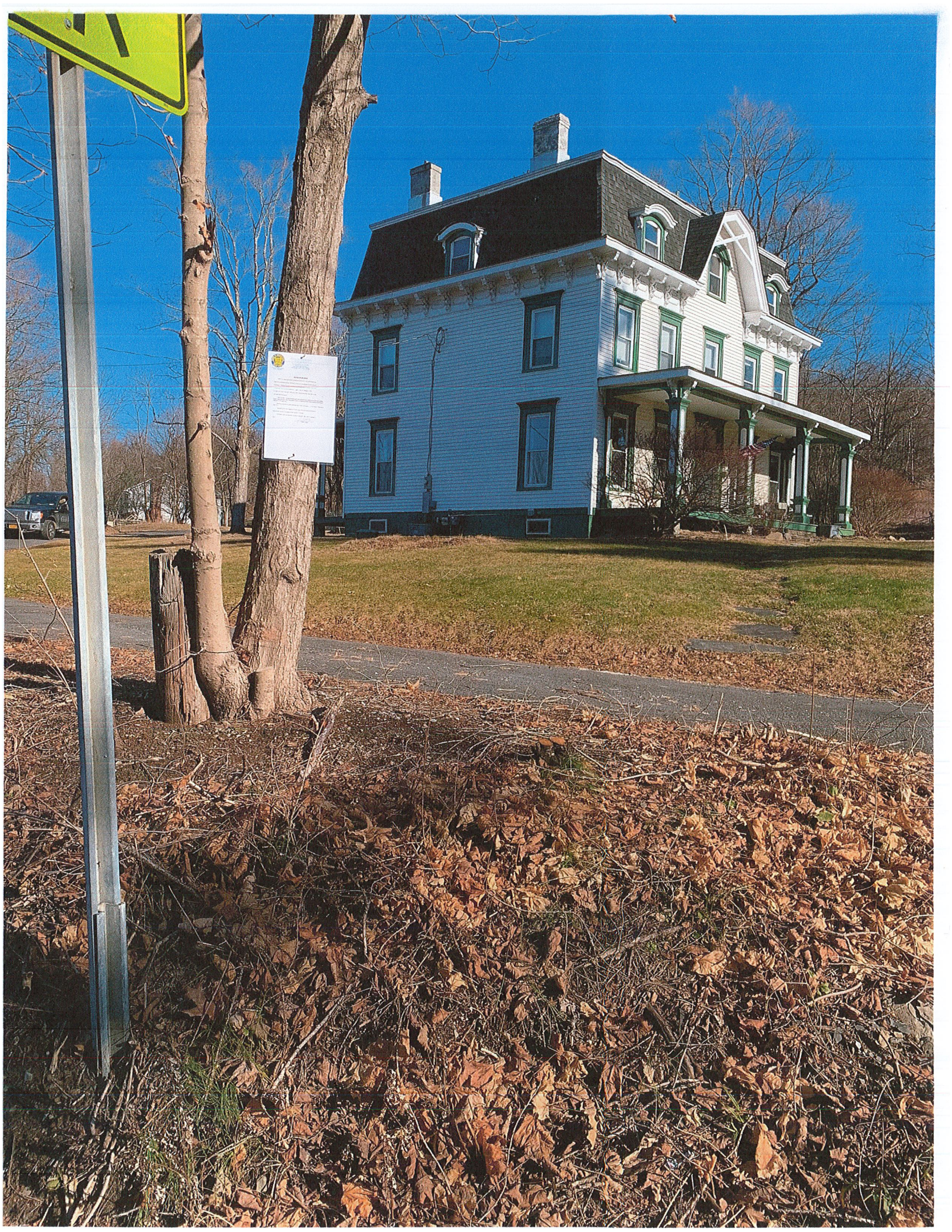


Notary Public

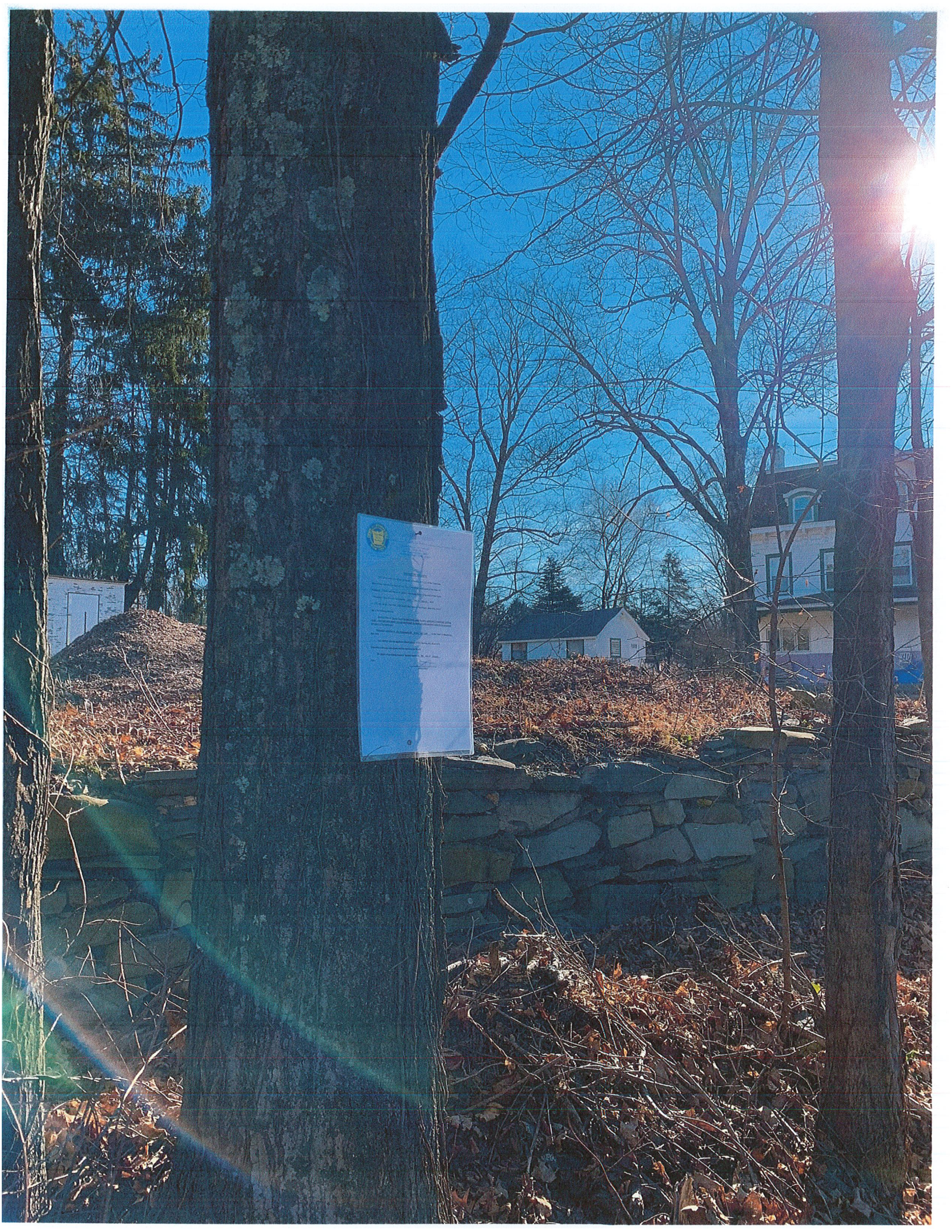
TARYN FARRINGTON
NOTARY PUBLIC STATE OF NEW YORK
DUTCHESS
LIC. #01FA6084049
COMM. EXP. December 2, 2022


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





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TOWN OF NEWBURGH
Town of Newburgh, New York
1400 Newburgh Turnpike
Newburgh, New York 12551
Phone: 845.562.3300

NOTICE OF HEARING


NOTICE is hereby given that, pursuant to Section 242-a (2) of the Town Law, State of New York and Section 265.5(4) (2) of the Building Code 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 20th day of October, 2020 at 7:00 P.M. in the Town Hall, 14th Avenue 20th, Town of Newburgh, New York, to act upon the following appeal:

APPLICANT: David Gleason and Leah Smith for a new addition of a second building to an existing house and deck structure to be used as a second structure on an accessory structure to the main house.

PROPOSED LOCATION: 2822 Embury Rd., Rt. 282, Newburgh, New York.

ALL SOURCES 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 20th day of October, 2020.


APPLICANT

