



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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



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

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: 6/28/24

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

I (WE) \_\_\_\_\_ PRESENTLY  
RESIDING AT NUMBER 61 ALBANY POST ROAD  
TELEPHONE NUMBER \_\_\_\_\_

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

- \_\_\_\_\_ USE VARIANCE
- X \_\_\_\_\_ AREA VARIANCE (S)
- \_\_\_\_\_ INTERPRETATION OF THE ORDINANCE
- \_\_\_\_\_ SPECIAL PERMIT

### 1. LOCATION OF THE PROPERTY:

27-2-5 (TAX MAP DESIGNATION)  
61 ALBANY POST ROAD (STREET ADDRESS)  
R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-c-1 (BULK TABLE)

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:

6/21/24

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: FRONT YARD SETBACK

EXISTING 29' / REQUIRED 40'

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

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

\_\_\_\_\_

**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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

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

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

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

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



6. IF AN AREA VARIANCE IS REQUESTED:

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

IT WILL BE CONSISTANT WITH THE  
CHARACTOR OF THE NEIGHBORHOOD.

- 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:

THEY HAVE AN EXISTING SMALL  
BUILDING LOT, OTHER ADDITIONAL PROPERTY  
NOT AVAILABLE.

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

IT WILL BE CONSISTANT WITH THE  
EXISTING NEIGHBORHOOD.

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

NO CHANGE TO THE EXISTING  
LOT TO ACCOMODATE THIS ADDITION

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

FAMILY MEMBER IS OLDER WITH  
SOME SICKNESS AND NEEDS THE ADDITIONAL  
SPACE TO ACCOMODATE THIS NEED.

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Dorothy A. Hall*

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

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7 DAY OF July 2004

*Dawnmarie Busweiler*  
\_\_\_\_\_  
NOTARY PUBLIC



NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



*Short Environmental Assessment Form*  
*Part 1 - Project Information*

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <span style="font-size: 1.2em; color: blue;">DOROTHY HALL TRUST ADDITION</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; color: blue;">61 ALBANY POST ROAD</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em; color: blue;">CONSTRUCT NEW RESIDENTIAL ADDITION TO EXISTING HOUSE.</span>			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
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?		<span style="font-size: 1.2em; color: blue;">0.40</span>	acres
b. Total acreage to be physically disturbed?		<span style="font-size: 1.2em; color: blue;">0.01</span>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em; color: blue;">0.40</span>	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): _____			
<input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<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	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 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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the 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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input 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 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: _____	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>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>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>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: Dorothy A. Hall Date: 7/1/24

Signature: Dorothy A. Hall

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"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
	<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)

LIBER 2208 PG 988

33-11337

# This Indenture,

November,  
**Between**

Made the  
*Nineteen Hundred and Eighty-three,*

22nd

day of

VIRGIL JOHNSON and WINIFRED JOHNSON, husband and wife, both residing at 61 Old Albany Post Road, Town of Newburgh, Orange County, New York,

*parties of the first part, and*

DOROTHY A. HALL, residing at 11-12 Mecca Drive, Town of New Windsor, Orange County, New York,

*party of the second part,*

**Witnesseth.** that the parties of the first part, in consideration of TWENTY-FIVE

THOUSAND AND 00/100-----Dollar (\$ 25,000.00)

lawful money of the United States,

paid by the party of the second part, do hereby grant and release unto the party of the second part, her heirs and assigns forever, all

that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York and bounded and described as follows:

BEGINNING at a point in the center line of the old road leading from Newburgh to Marlborough, at the Easterly corner of lands conveyed to Walter S. Raymond and Beulah B. Raymond by William H. Hepsley and Annie I. Hepsley, his wife, by deed dated April 15th, 1925, and recorded in the office of the Clerk of the County of Orange, April 16, 1925, in Liber 652 of Deeds, at page 360, and running thence Northwestwardly along the Southwestwardly line of said lands conveyed to Walter S. Raymond and Beulah B. Raymond, by Hepsley and wife, as aforesaid 160 ft.; thence Northeastwardly parallel with the center line of said old road 110 ft.; thence Southeastwardly parallel with the first course herein described 160 feet to the center line of said old road, and thence Southwestwardly along the center line of said old road 110 ft. to the point or place of beginning.

BEING the same premises described in deed Harold W. Tubbs, Conrad Tubbs and Mildred G. Hornaday to Virgil Johnson and Winifred Johnson, his wife, dated August 12, 1959 and recorded August 20, 1959 in Liber 1516 of Deeds at page 324 in the Orange County Clerk's Office.

70



Together with the appurtenances and all the estate and rights of the parties 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, her heirs and assigns forever.

And the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Virgil Johnson VIRGIL JOHNSON
Winifred Johnson WINIFRED JOHNSON

State of New York County of ORANGE } ss. On this 22nd day of November, Nineteen Hundred and Eighty-three, before me, the subscriber, personally appeared

VIRGIL JOHNSON and WINIFRED JOHNSON,

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they duly acknowledged to me that they executed the same.

Thomas P. Callahan

THOMAS P. CALLAHAN Notary Public in the State of New York Appointed for Orange County Commission expires March 30, 1985

RECEIVED 180 00 REAL ESTATE NOV 23 1983 ORANGE COUNTY

nt HINSON,

19 83

phy

12550

LIBER 2208 PG 988

33-11337

# This Indenture,

Made the 22nd day of November, Nineteen Hundred and Eighty-three, Between

VIRGIL JOHNSON and WINIFRED JOHNSON, husband and wife, both residing at 61 Old Albany Post Road, Town of Newburgh, Orange County, New York,

parties of the first part, and

DOROTHY A. HALL, residing at 11-12 Mecca Drive, Town of New Windsor, Orange County, New York,

party of the second part,  
**Witnesseth.** that the parties of the first part, in consideration of TWENTY-FIVE THOUSAND AND 00/100----- Dollar (\$ 25,000.00) lawful money of the United States,

paid by the party of the second part, do hereby grant and release unto the party of the second part, her heirs and assigns forever, all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York and bounded and described as follows:

BEGINNING at a point in the center line of the old road leading from Newburgh to Marlborough, at the Easterly corner of lands conveyed to Walter S. Raymond and Beulah B. Raymond by William H. Hepsley and Annie I. Hepsley, his wife, by deed dated April 15th, 1925, and recorded in the office of the Clerk of the County of Orange, April 16, 1925, in Liber 652 of Deeds, at page 360, and running thence Northwestwardly along the Southwestwardly line of said lands conveyed to Walter S. Raymond and Beulah B. Raymond, by Hepsley and wife, as aforesaid 160 ft.; thence Northeastwardly parallel with the center line of said old road 110 ft.; thence Southeastwardly parallel with the first course herein described 160 feet to the center line of said old road, and thence Southwestwardly along the center line of said old road 110 ft. to the point or place of beginning.

BEING the same premises described in deed Harold W. Tubbs, Conrad Tubbs and Mildred G. Hornaday to Virgil Johnson and Winifred Johnson, his wife, dated August 12, 1959 and recorded August 20, 1959 in Liber 1516 of Deeds at page 324 in the Orange County Clerk's Office.

40



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT**  
21 HUDSON VALLEY PROFESSIONAL PLAZA  
NEWBURGH, NEW YORK 12550

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

# 2024-34

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 06/21/2024**

**Application No. 24-0441**

**To: Dorothy Hall Trust**  
61 Albany Post Road  
Newburgh, NY 12550

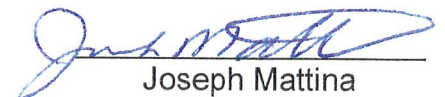
**SBL: 27-2-5**  
**ADDRESS: 61 Albany Post Rd**

**ZONE: R3**

PLEASE TAKE NOTICE that your application dated 05/08/2024 for permit to build a 24' x 28' side yard addition on the premises located at 61 Albany Post Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-c-1: Shall not increase the degree of non-conformity. (front yard setback)
- Bulk table schedule 5 requires a front yard setback of 40'. Existing is 29'

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Dorothy A. Hall, being duly sworn, depose and say that I did on or before

July 11, 2024, post and will thereafter maintain at

61 Albany Post Rd 27-2-5 R3 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.

Dorothy A. Hall

Sworn to before me this 11<sup>th</sup>

day of July, 2024.

[Signature]

