



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: 3/11/2025

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

I (WE) Ross and Donna Hubert PRESENTLY

RESIDING AT NUMBER 29 Wildwood Drive

TELEPHONE NUMBER (845) 926-8442

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

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

1. LOCATION OF THE PROPERTY:

126-1-15 (TAX MAP DESIGNATION)

29 Wildwood Drive (STREET ADDRESS)

R3/Cluster (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-7-F
185-10-B

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:

03/05/25

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: _____

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:

- 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:

7. ADDITIONAL REASONS (IF PERTINENT):

Donna Hubert
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13 DAY OF March 2025

Dawn Marie 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: ZBA Interpretation of Code							
Project Location (describe, and attach a location map): Residential - Area Aerie Preserve							
Brief Description of Proposed Action: In-Ground Pool on Residential Lot							
Name of Applicant or Sponsor: Donna Hubert		Telephone: (845) 926-8442					
Address: 29 Wildwood Drive		E-Mail: Donna Hubert 816@gmail.com					
City/PO: Rock Tavern		State: NY	Zip Code: 12575				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
Town of Newburgh Code Compliance Office							
3.a. Total acreage of the site of the proposed action?		0.232 acres					
b. Total acreage to be physically disturbed?		_____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<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"/>	
	<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"/>	
		NO	YES
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? * If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? * If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input 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 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 checked="" 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>_____</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>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Donna Hubert</u></p>		<p>Date: <u>3/13/2025</u></p>
<p>Signature: <u>Donna Hubert</u></p>		

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)



ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

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



BOOK/PAGE: 15478 / 1045
 INSTRUMENT #: 20230060519

Receipt#: 3207529
 Clerk: AV
 Rec Date: 10/11/2023 09:34:49 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: J T Abstract Inc

Party1: STARLIGHT HOLDINGS LLC
 Party2: HUBERT ROSS
 Town: NEWBURGH (TN)
 126-1-15

Recording:	
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 205.00

Transfer Tax	
Transfer Tax - State	2960.00

Sub Total: 2960.00

Total: 3165.00

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

***** Transfer Tax *****
 Transfer Tax #: 1728
 Transfer Tax
 Consideration: 740000.00

Transfer Tax - State	2960.00
----------------------	---------

Total: 2960.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

Kelly A. Eskew
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

THIS INDENTURE, made as of the 21st day of Sept. in year 2023
BETWEEN

STARLIGHT HOLDINGS, LLC, with offices at 74 Lafayette Avenue, Suffern, NY 10901

(AO)

party of the first part, and

ROSS HUBERT and DONNA HUBERT, residing at 23 Franklin Pl. Washingtonville NY 10992
AS HUSBAND AND WIFE

M.A.

parties of the second part,

WITNESSETH, that the parties of the first part, in consideration of Ten (\$10.00) Dollars and other valuable consideration paid by the parties of the second part, does hereby grant and release unto the parties of the second part, the heirs or successors and assigns of the parties of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh County of Orange, State of New York and as more particularly described on Schedule A attached hereto

BEING and intended to be a portion of the same premises heretofore conveyed to the party of the first part by deed from Mark S. Tulis as Bankruptcy Trustee of the Estate of Lane DeMuro and Marcia Meyers f/k/a Marcia DeMuro dated June 10, 2014 and recorded June 13, 2014 in the Orange County Clerk's office in Liber 13759 Page 1111.

The within conveyance is made in the regular course of business of the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

126-1-15

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

STARLIGHT HOLDINGS, LLC

By: [Signature]
Malkhaz Abuladze, Member

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY

STATE OF NEW YORK, COUNTY OF ROCKLAND }SS.:

STATE OF NEW YORK, COUNTY OF ROCKLAND }SS.:

On the 25th day of Sept. in the year 2023 before me, the undersigned, personally appeared **MALKHAZ ABULADZE**

On the _____ day of _____ in the year 2022 before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC **PATRICK J. LOFTUS**
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02105020819
Qualified in Rockland County
Commission Expires November 21, 2025

NOTARY PUBLIC

BARGAIN & SALE DEED
WITH COVENANTS AGAINST GRANTOR'S ACTS
TITLE NO.

STARLIGHT HOLDINGS LLC

DISTRICT:

TO
HUBERT

SECTION: 126
BLOCK: 1
LOT: 15
COUNTY OR TOWN: ORANGE

RECORDED AT REQUEST OF

RETURN BY MAIL TO

Distributed by
Chicago Title Insurance Co.

Johnson, Foley & Cirigliano
15 Soctts Corners Dr.
Montgomery, NY 12549

Schedule A Description

ALL that certain plot, piece, or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, said lands being shown as Lot 19, on a map entitled "Subdivision Prepared For Drury Heights, Section II, Town of Newburgh, Orange County, New York", dated October 27, 2021, filed in the Orange County Clerk's Office on November 19, 2021, as Filed Map No. 335-21, said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on the westerly line of Wildwood Drive, said point being the southeasterly corner of lands herein described and the northeasterly corner of Lot 18, as shown on the previously mentioned map;

THENCE running along the northerly line of said Lot 18 being the southerly line of lands herein described,

(1) North 88 degrees, 56' 54" West, as per Filed Map No. 335-21, a distance of 133.79 feet, to a point being the northwesterly corner of said Lot 18, the southwesterly corner of lands herein described and lying on the easterly line of lands now or formerly Shivers and Clarkeson;

THENCE running along a portion of the easterly line of lands of said Shivers and Clarkeson and continuing along a portion of the easterly line of lands now or formerly Fernandex and Ramos, being the easterly line of lands herein described,

(2) North 00 degrees, 07' 32" West, a distance of 75.02 feet, to a point being the northwesterly corner of lands herein described and the southwesterly corner of Lot 20, as shown on the previously mentioned map;

THENCE running along the southerly line of said Lot 20 being the northerly line of lands herein described,

(3) South 88 degrees, 56' 54" East, a distance of 135.33 feet, to a point being the southeasterly corner of said Lot 20, the northeasterly corner of lands herein described and lying on the westerly line of Wildwood Drive;

THENCE running along the westerly line of said Wildwood Drive being the easterly line of lands herein described,

(4) South 01 degrees, 03' 06" West, a distance of 75.00 feet, to the point or place of BEGINNING

Schedule A Description - continued

Title Number **JT-5790R**

Page **2**

ALL as shown on a map entitled "Final Survey Prepared for Ross Hubert and Donna Hubert, Town of Newburgh, Orange County, New York", dated September 8, 2023, prepared by Lanc & Tully Engineering and Surveying, P.C.

Containing 0.232 acres

Premises herein described being Tax Map Lot No. 15, in Block 1, within Section 126, as shown on the Tax Maps of the Town of Newburgh, Orange County, New York dated 2022.

Premises herein described being a portion of the same premises as described in Liber 13759 of Deeds, at Page 1111 as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, right-of-way, covenants or restrictions of record.

For Information Only:

Said Premises being known as 29 Wildwood Drive, Newburgh, NY, with a mailing address of Rock Tavern
SBL: 126-1-15



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

#2025-10.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/05/2025

Application No. 24-0711

To: Ross Hubert
29 Wildwood Dr
Rock Tavern, NY 12575

SBL: 126-1-15
ADDRESS: 29 Wildwood Dr

ZONE: R3 / Cluster

PLEASE TAKE NOTICE that your application dated 07/12/2024 for permit to install a 16' x 32' inground pool within a cluster development on the premises located at 29 Wildwood Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-7-F: Unspecified uses. Any use not specifically permitted shall be deemed to be prohibited.
- 2) 185-10-B: Permitted uses, accessory uses and uses subject to site plan review. In the Use Table, all uses listed in Column C are permitted by right and subject to the bulk and supplemental requirements as applicable. All uses listed in Column D are permitted only on approval of a site plan by the Planning Board, some of which uses are conditioned to special requirements that may be imposed to ensure compatibility with neighboring uses. All uses listed in Column A are accessory to principal uses (whether permitted by right or by site plan review) and are permitted only in conjunction with the principal use identified in Column B.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Re: Pool Permit Issue - 29 Wildwood Drive

5 messages

Jim Campbell <campbell-bldgdept@townofnewburgh.org>

Tue, Mar 4, 2025 at 3:21 PM

To: Donna Hubert <donnahubert816@gmail.com>

cc: Pat Hines, John Ewasutyn <ewasutyn@townofnewburgh.org>, Dominic Cordisco <cordisco@townofnewburgh.org>, Jerry Canfield <canfield@townofnewburgh.org>, Joseph Mattina <mattina@townofnewburgh.org>, Siobhan Jablesnik

Donna,

As you knew we sat down today and discussed your issue amongst the inspector's and Code Compliance Supervisor and we have determined that your application will need to be referred to the Zoning Board of Appeals. It will be sent for an interpretation and / or Use variance. Mr. Mattina is writing it up and will forward your denied building permit application to the ZBA. The ZBA secretary, Siobhan, will then reach out to you to walk you through that process.

If you have any questions, do not hesitate to contact me.

Jim

On Mon, Dec 30, 2024 at 2:16 PM <planningboard@townofnewburgh.org> wrote:

Donna-Jim Campbell / Code Compliance Department will be in his office on 01/07/2025 he can advise you on your options (845-564-7801)

Respectfully ,

John

From: Donna Hubert <donnahubert816@gmail.com>

Sent: Monday, December 23, 2024 11:56 AM

To: planningboard@townofnewburgh.org

Subject: Re: Pool Permit Issue - 29 Wildwood Drive

Hi Mr. Ewasutyn,

As per our conversation last week, here is the original email with the attached letter for the board and the attorney to review about our cluster development designation issue. I will touch base with you again in January for an update. Please let me know if there is anything else I can do now to expedite this process.

Thank you and have a wonderful holiday and a Happy New Year!

Donna Hubert



Hubert - Town Letter - 29 Wildwood...

On Sun, Nov 17, 2024 at 10:05 PM Donna Hubert <donnahubert816@gmail.com> wrote:

Dear Mr. Ewasutyn,

I spoke to you about a permit for a pool at my home located at 29 Wildwood Drive in the Aerie Preserve Development. You suggested that my husband and I write a letter to the Planning Board detailing our situation as you agreed the usual appeal process would not be appropriate.

Please let me know what my next steps are to resolve this issue.

Thank you so much,

Donna Hubert

845-926-8442



TOWN OF NEWBURGH
CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA, NEWBURGH, NY 12550

JAMES CAMPBELL
BUILDING INSPECTOR

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

CAMPBELL-BLDGDEPT@TOWNOFNEWBURGH.ORG

Jim Campbell <campbell-bldgdept@townofnewburgh.org>

Wed, Mar 5, 2025 at 9:00 AM

To: Donna Hubert <donnahubert816@gmail.com>

Cc: Pat Hines, John Ewasutyn, Dominic Cordisco

, Jerry Canfield < >, Joseph Mattina

>, Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Donna,

Attached is the disapproval. The ZBA secretary will reach out to you and explain the process to move forward.

Jim

[Quoted text hidden]



**TOWN OF NEWBURGH
CODE COMPLIANCE DEPARTMENT**

21 HUDSON VALLEY PROFESSIONAL PLAZA, NEWBURGH, NY 12550

JAMES CAMPBELL
BUILDING INSPECTOR

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

CAMPBELL-BLDGDEPT@TOWNOFNEWBURGH.ORG

1Image_00013.pdf
203K

Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Thu, Mar 6, 2025 at 8:54 AM

To: Jim Campbell

Cc: Donna Hubert

>, Pat Hines

, John Ewasutyn

. Dominic Cordisco

, Jerry Canfield

>, Joseph Mattine

Good morning Donna,

I have received your application and have put together your packet to apply to the ZBA.

If it is more convenient for you to pick it up I can hold on to it, or I can put it through the mail today or tomorrow, just let me know what's easiest.

If you have any questions please don't hesitate to reach out.

Have a great day.

[Quoted text hidden]

--
Siobhan Jablesnik -Secretary

Town of Newburgh ZBA

21 Hudson Valley Professional Plaza

Newburgh NY 12550

845-566-4901

Donna Hubert <donnahubert816@gmail.com>

Thu, Mar 6, 2025 at 3:46 PM

To: Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Hi!

Mailing it would be great! Thank you!

We will take a look at it and get the application back to you as soon as possible.

Thank you and have a nice evening,

Donna Huber

[Quoted text hidden]

Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Thu, Mar 6, 2025 at 4:27 PM

To: Donna Hubert <donnahubert816@gmail.com>

Sounds great, I'll pop it in the mail tomorrow :)

[Quoted text hidden]

Dear Members of the Town of Newburgh Government,

My name is Donna Hubert, and my husband Ross and I recently purchased a home in the Aerie Preserve community, formerly known as Drury Heights, in the Town of Newburgh. We were thrilled to buy this house—not only because it is beautiful and located in a family-friendly neighborhood, but also because the location is ideal for our daily commutes. Ross travels to Kingston, and I work in Washingtonville, making this home the perfect fit for our family.

This past spring and summer, Ross and I began the process of enhancing our backyard living space. With two young children, we envisioned building a pool that our family could enjoy for years to come. After meeting with several contractors, we selected one who was enthusiastic about our project. We then began completing the necessary application for a pool permit.

After weeks of meeting requirements and navigating the process, we successfully submitted the application. Our contractor assured us he was ready to start as soon as we received the permit. However, approximately one week later, we were notified by mail that our application could not be reviewed. When we contacted the Planning Board Chairman, John Ewasutyn, we were informed that pools and certain other structures, such as sheds, are prohibited in our neighborhood due to its classification as a "cluster development."

Since this rejection, we have reached out to multiple town offices seeking clarity and assistance. While everyone we spoke to was kind, we could not get a definitive explanation for this rule. We were repeatedly told that it was simply the regulation for cluster developments, with no substantial reasoning provided. Furthermore, our project does not require a variance, as our property is fully capable of meeting all town codes. Instead, we were informed that a site plan amendment is necessary.

Chairman John Ewasutyn agreed that the standard appeal process typically used by large developers was not appropriate for our situation. He suggested we write this letter to share our circumstances so that it could be reviewed and considered by the Planning Board.

We are deeply frustrated with the rejection of our permit. Our property, though modest in size, meets all the town's requirements for this project. We are prepared to implement additional safety and energy-saving features beyond what is required to ensure compliance and minimize any potential impact. We recognize that some homes in our development might not meet these requirements, but our property is uniquely suited for this project. This has been verified by multiple contractors, all of whom assured us there would be no issues with access, equipment, or proximity to property lines.

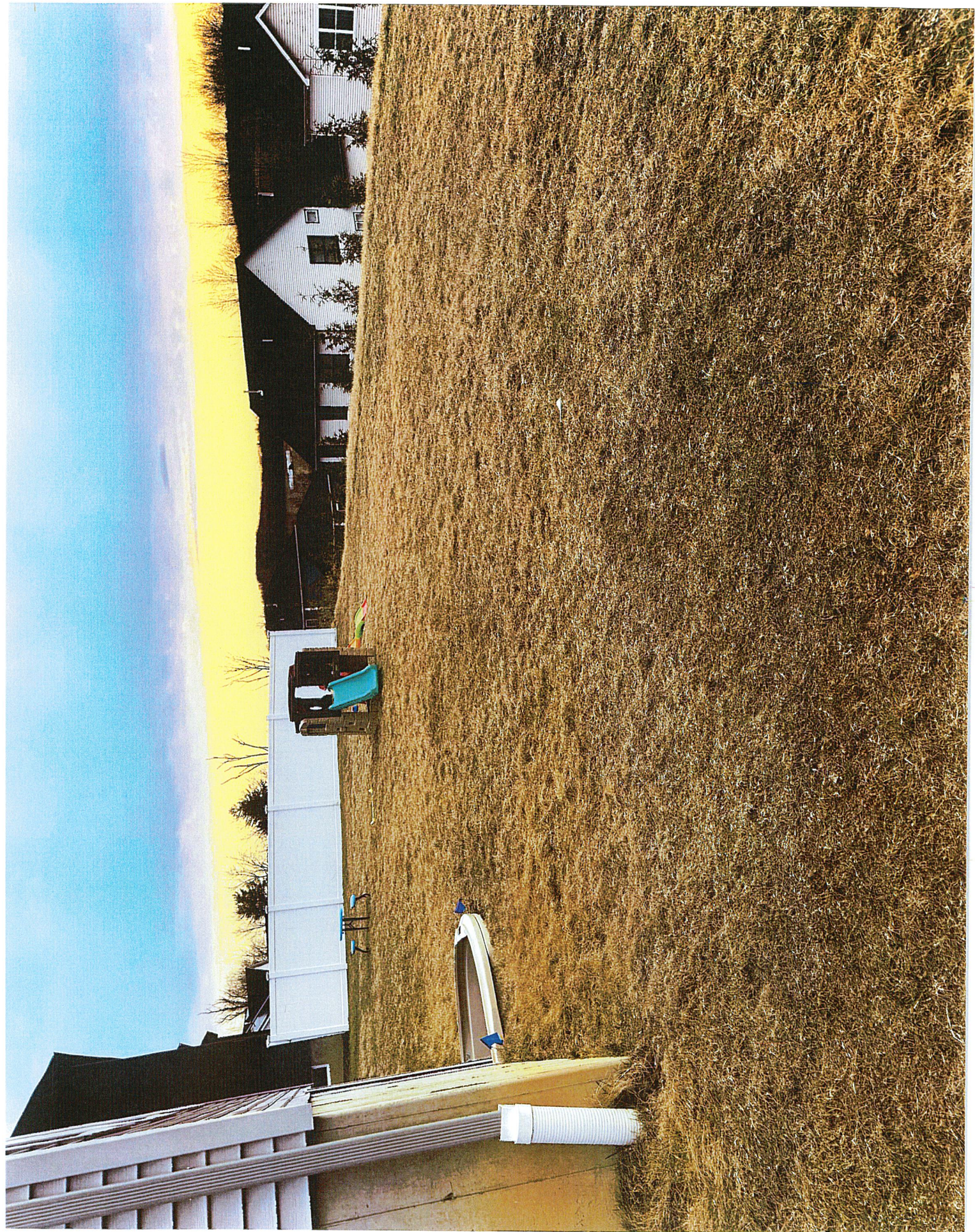
We respectfully request that the Town of Newburgh treat us the same as other tax-paying residents. If our property meets the requirements set forth for building permits, we believe we should be granted approval. Denying our permit not only restricts us from enhancing our property but also hinders the potential increase in property value. Higher property values benefit the town by increasing tax revenue and attracting prospective homeowners to the area.

We urge the Planning Board to reconsider this restrictive rule for cluster developments. While it may have been established during negotiations with the original developer, it was not disclosed to us at the time of purchase—a separate matter we are addressing. Had we been made aware of this restriction, we might have reconsidered buying this property.

We appreciate your time and consideration of our appeal. We remain optimistic that the Town of Newburgh will work with us to identify a solution that enables us to move forward with our plans while fully complying with the regulations established for all residents.

Sincerely,

Donna and Ross Hubert









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Donna Hubert, being duly sworn, depose and say that I did on or before
March 13, 2025, post and will thereafter maintain at
29 Wildwood Dr 126-1-15 R3 Zone/Cluster 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.

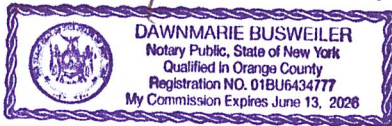
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Donna Hubert

Sworn to before me this 13

day of March, 2025.

[Signature]



P.M. NO. 335-21

N/F
SHIVERS & CLARKESON
L. 15245 P. 912
126 - 1 - 8

FM 8/ LOT
MAP NO. 459-09

N/F
FERNANDEZ & RAMOS
L. 15242 P. 1947
126 - 1 - 7

FM 7/ LOT
MAP NO. 459-09

N00°07'32"W

75.02'

N88°56'54"W

135.33'

PVC FENCE

GATE

WOOD DECK

2 STORY DWELLING

COVERED PORCH

BLOCK WALK

CLEANOUTS

CURB STOP

CATCH BASIN

PAVED DRIVE

UTILITY BOXES

LP

CURB STOP

CONC. CURB

S01°03'06"W

75.00'

S88°56'54"E

30'

WILDWOOD DRIVE

TO N.Y.S ROUTE 17K

TO RUSTIC DRIVE

Pool Media Pad

4.5 Ft Depth

32 Ft

4 Ft

30 Ft

Fence

19 Ft

WINDOW WELL

BECK PAD

A/C UNIT

N/F
STARLIGHT HOLDINGS, LLC
L. 13759 P. 1111
126 - 1 - 16

FM 7/ LOT
MAP NO. 335-21

NOTES:

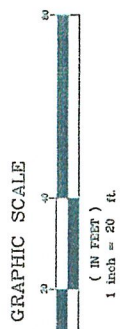
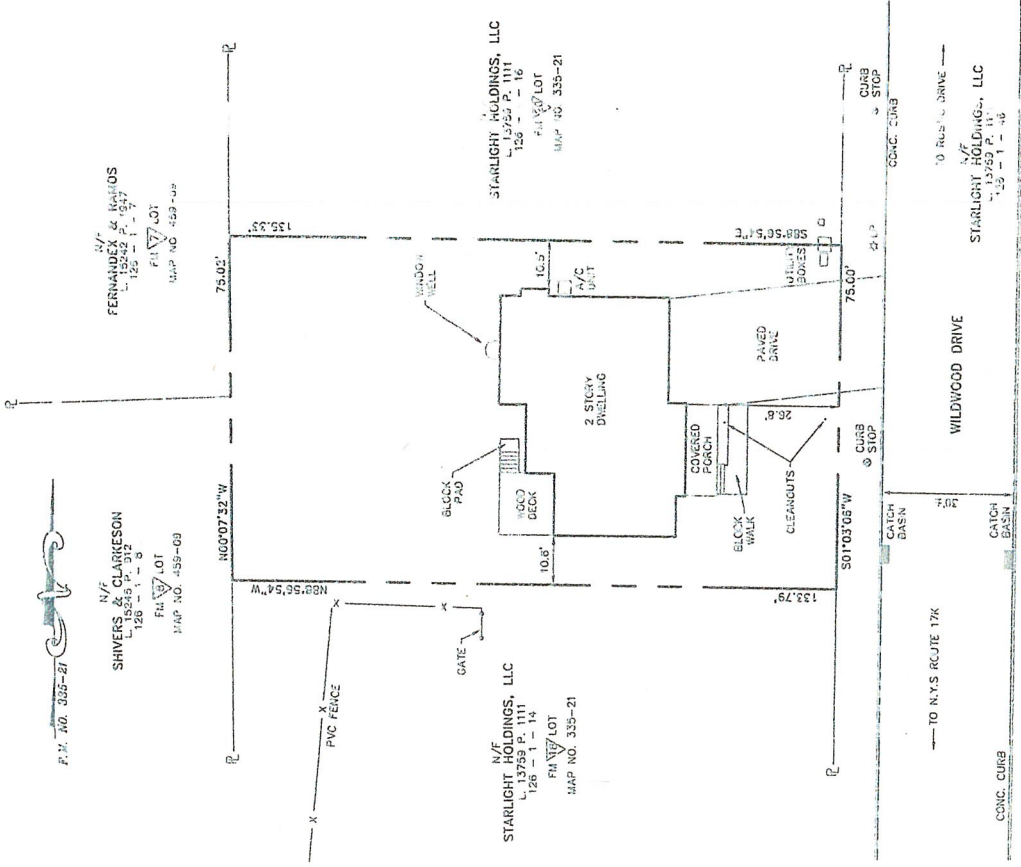
1. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
3. REFERENCES:

MAP ENTITLED "REALTY SUBDIVISION PLANS PREPARED FOR DRURY HEIGHTS, SECTION 1, TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK," DATED MAY 28, 2008 AND LAST REVISED JANUARY 30, 2009 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON DECEMBER 18, 2009, AS FILED MAP NO. 459-09.

MAP ENTITLED "SUBDIVISION PREPARED FOR DRURY HEIGHTS, SECTION II, TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK," DATED OCTOBER 27, 2021 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON NOVEMBER 19, 2021, AS FILED MAP NO. 335-21.

RECORD OWNER:
 STARLIGHT HOLDINGS, LLC
 74 LAFAYETTE AVE., SUITE 501
 SUFFERN, NY 10901
 L. 13759 P. 1111
 126 - 1 - 15
 LOT 19 FILED MAP NO. 335-21

AREA:
 0.232± AC.



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LANC & TULLY
 Engineering and Surveying, P.C.

P.O. Box 687, Rt. 207
 Coxsack, N.Y. 12024
 (845) 294-3700

FINAL SURVEY PREPARED FOR

ROSS HUBERT AND DONNA HUBERT
 TOWN OF NEWBURGH
 ORANGE COUNTY, NEW YORK

CERTIFICATION:
 I HEREBY CERTIFY TO THE PARTIES OF THESE PLANS THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD SURVEY COMPLETED ON SEPTEMBER 5, 2023.

ROSS HUBERT & DONNA HUBERT
 STARLIGHT HOLDINGS, LLC
 PHOENIX CHASE ESTATE

BY: *Rodney C. Anderson*, L.S.
 NEW YORK STATE LICENSE NO. 50276

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Drawn by:	EK	Checked by:	Smiler	Plot Date:	126 - 1 - 15
Scale:	1" = 20'	Project No.:	126 - 1 - 15	Drawn by:	CSD
Project No.:	126 - 1 - 15	Drawn by:	CSD	Project No.:	126 - 1 - 15