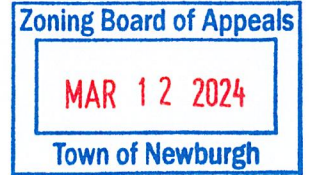




TOWN OF NEWBURGH

Crossroads of the Northeast

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



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 01/25/24

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

I (WE) Thai Jason PRESENTLY

RESIDING AT NUMBER 4 Onderdonk RD Suffern, NY 10901

TELEPHONE NUMBER 845-709-5284

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:

35-3-20 (TAX MAP DESIGNATION)

12 Berry Lane (STREET ADDRESS)

R1 (D.9) (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
185-11 Attachment 7

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
01/24/24

4. DESCRIPTION OF VARIANCE SOUGHT: Misc. Area Variances for...

Front, Rear, & Side Yard, Lot Width & Surface Coverage, & Habitable Floor Area

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:

The actuality of the building having been constructed prior to the adoption of the current Zoning Code precludes any impact on change in character, nor the detriment to nearby properties. In fact the rehabilitation of the current building will only enhance the character 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:

The existing situation dictates the need as a direct result of the changes in the current zoning being adopted well after the original construction. There is no other alternative than to seek area variances.

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

See Item 6-b, in conjunction with there being no proposed improvements.

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

See Items 6-a, 6-b, & 6-c.

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

See Items 6-a, 6-b, & 6-c.

7. ADDITIONAL REASONS (IF PERTINENT):

Therese
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26th DAY OF JANUARY 20 24

Hedwig Helen Mlott
NOTARY PUBLIC

HEDWIG HELEN MLOTT
Notary Public, State of New York
No. 4991824
Qualified in Orange County
Commission Expires Feb. 10, 2026

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

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

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Thai Jason, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 4 Onderdonk RD Suffern, NY 10901
IN THE COUNTY OF Rockland AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 12 Berry Lane
Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, LLS/ACES
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 1/26/2024

Thai Jason

OWNER'S SIGNATURE

Raymond B. Melvin

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26th DAY OF JANUARY 20 24

Helen Mlott
NOTARY PUBLIC

HELEN MLOTT
Notary Public, State of New York
No. 4991824
Qualified in Orange County
Commission Expires Feb. 10, 2026

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: 2 family residential site plan of the lands of Romel Alvarez and Thai Jason			
Project Location (describe, and attach a location map): 12 Berry Lane, SBL 35-3-20			
Brief Description of Proposed Action: Existing residence on parcel to be renovated into a 2 family residence with a new septic system to replace existing collapsed septic system.			
Name of Applicant or Sponsor: Romel Alvarez and Thai Jason		Telephone: 845-709-5284	
Address: 4 Onderdonk RD		E-Mail: romel_alvarez80@hotmail.com	
City/PO: Suffern		State: NY	Zip Code: 10901
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Newburgh Planning Board/Zoning Board of Appeals			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.04 acres			
b. Total acreage to be physically disturbed? _____ 0.05 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.04 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Existing Well	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: _____ Existing septic is collapsed. New system is proposed per Site Plan submittal.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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: 15190 / 812
 INSTRUMENT #: 20220022822

Receipt#: 3013052
 Clerk: AV
 Rec Date: 03/25/2022 09:29:59 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: Hudson United

Party1: SARRA JOSEPH J
 Party2: ALVAREZ ROMEL
 Town: NEWBURGH (TN)
 35-3-20

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 540.00

Sub Total: 540.00

Total: 745.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 8047
 Transfer Tax
 Consideration: 135000.00
 Transfer Tax - State 540.00
 Total: 540.00

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

Comment: _____

Kelly A. Eskew
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

ACKNOWLEDGEMENT TAKEN IN

State of New York, County of Orange , ss:

On the 16th day of February in the year 2022 before me, the undersigned, personally appeared

Joseph J. Sarra, 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.

RACHEL J. ROSENWASSER
Notary Public, State of New York
No. 02RO6317318



Qualified in Orange County
Commission Expires December 29, 2022

Comm

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**Bargain and Sale Deed
With Covenants**

Title No. HAS-30703

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Orange, ss:

On the day of in the year , 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.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year , 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), 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, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 35

BLOCK: 3

LOT: 20

COUNTY OR TOWN: Orange

The Security Title Guarantee Corporation of Baltimore

Title Number: **HAS-30703**

SCHEDULE A DESCRIPTION

ALL that certain tract or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being known and described as Lot No. 2 on a certain map entitled "Lands of Angelino Nuzzo" dated September 28, 1973, filed in the Orange County Clerk's Office September 20, 1974, as Map #3284, being more particularly described as follows:

BEGINNING at a point on the centerline of the existing Berry Lane said point being on the extension of the division line between the lands now or formerly of Titanic (reputed owner) on the northeast and the parcel herein described on the northwest; thence, along the center line of said Berry Lane, the following three (3) courses: (1) S. 58 degrees 55 minutes 07 seconds W. 46.65 feet; (2) S. 43 degrees 11 minutes 19 seconds W. 90.21 feet and (3) S. 43 degrees 50 minutes 07 seconds W, 22.09 feet to a point on the extension of the division line between the lands now or formerly of Greco and Shepro (reputed owner) on the southwest, northwest and northeast and the parcel herein described on the northeast, southeast and southwest; thence, along the last mentioned division the following three (3) courses: (1) N. 42 degrees 34 minutes 30 seconds W. 280.00 feet; (2) N. 57 degrees 21 minutes 30 seconds E. 100.00 feet; and (3) S. 42 degrees 34 minutes 34 seconds E. 138.89 feet to a point on the division line between the lands now or formerly of Titanic (reputed owner) on the northwest and the parcel herein described on the southwest; thence, along the last mentioned division line and the extension thereof, S. 22 degrees 33 minutes 57 seconds E, 114.79 feet to the point or place of BEGINNING.

Being and intended to be the same premises conveyed to the grantor by deed dated 12/14/1987 and recorded on 12/23/1987 in the Orange County Clerk's Office in Liber 2859 Page 47.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Cogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Judith A. Waye
Sarah N. Wilson
Michael J. Barfield**
Meghan R. LoCicero

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation
**Member NJ & NY Bar

2024-08

January 24, 2024

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Alvarez & Jason two-family residence // ZBA referral
Planning Board Project No. 2023-26

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's January 18, 2023 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the proposed project located at 12 Berry Lane. The project is for a residential site plan approval for an existing structure to be used as a two-family residence. The site is located in the R-1 zoning district.

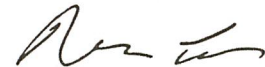
The existing structure is presently located on a lot with various zoning deficiencies, and thus variances will be required, including:

- * Lot area: 100,000 sf required, where 45,267 sf provided;
- * Front yard: 50 feet required, where zero (0) provided;
- * Lot width: 200 feet required, where 169 feet provided;
- * Minimum habitable floor area: 1,500 sf required per unit, where 861 and 1,179 sf provided.

Additionally, this lot has encumbrances from the adjoining lot, including a portion of a shed and the adjoining lot's septic system. The applicant is attempting to resolve these encumbrances, and if the adjoining owner is agreeable, the project will also involve a lot line change. That lot line change would increase the amount of deficiencies, likely for lot area and lot width. Resolving these encumbrances will depend on the willingness of the adjoining lot owner to participate in a lot line change application.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco







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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Raymond B McKeiver, being duly sworn, depose and say that I did on or before

March 14, 2024, post and will thereafter maintain at

12 Berry Ln 35-3-20 R1 Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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

Raymond B McKeiver

Sworn to before me this 13TH

day of March, 2024.

Hedwig Helen Mlott

HEDWIG HELEN MLOTT
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ML4991824
Qualified in Orange County
My Commission Expires 02-10-2026

