



TOWN OF NEWBURGH

Crossroads of the Northeast

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: 01/12/2021
- 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: MAXIMUM BUILDING COVERAGE: 1884SF EXISTING/1368SF MAXIMUM
MAXIMUM SURFACE COVERAGE: 9659SF EXISTING/2736SF MAXIMUM

MAXIMUM ALLOWED SQUARE FOOT FOR ALL ACCESSORY BUILDINGS: 560SF EXISTING/261 MAXIMUM

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

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

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

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

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



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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 PROPOSAL IS CONSISTANT WITH EXISTING IN THE AREA.
THE FRONT OF THE LOT IS 25' FROM RT 52 PAVEMENT.

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:

EXISTING LOTS ARE UNDERSIZED.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
THE APPLICANT IS COMBINING LOTS TO MAKE THE LOT
CONFORM TO AREA AND WIDTH REQUIRED BY ZONING.

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

LOTS IN THE AREA HAVE SIMILAR BUILDING AND SURFACE COVERAGES.

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

MOST OF THE REQUESTED VARIANCES ARE FOR PREEXISTING ITEMS.

7. ADDITIONAL REASONS (IF PERTINENT):

Jose Henry
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11th DAY OF February 2021

[Signature]
MARCIA N SPENCER
Notary Public, State of New York
NO. 01SP6378620
Qualified in Orange County
Commission Expires 07/30/2022
NOTARY PUBLIC

E: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the
g Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be
wed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed action
Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR
IEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE
HT OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Jose Lema, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 61 South Plank Road

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 61 South Plank Road

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Talcott Engineering Design PLLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 01/20/2021

Jose Lema

OWNER'S SIGNATURE

Janet L. Simmons

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20th DAY OF January 2021

Tiffany M. Ray
NOTARY PUBLIC



Short Environmental Assessment Form

Part 1 - Project Information

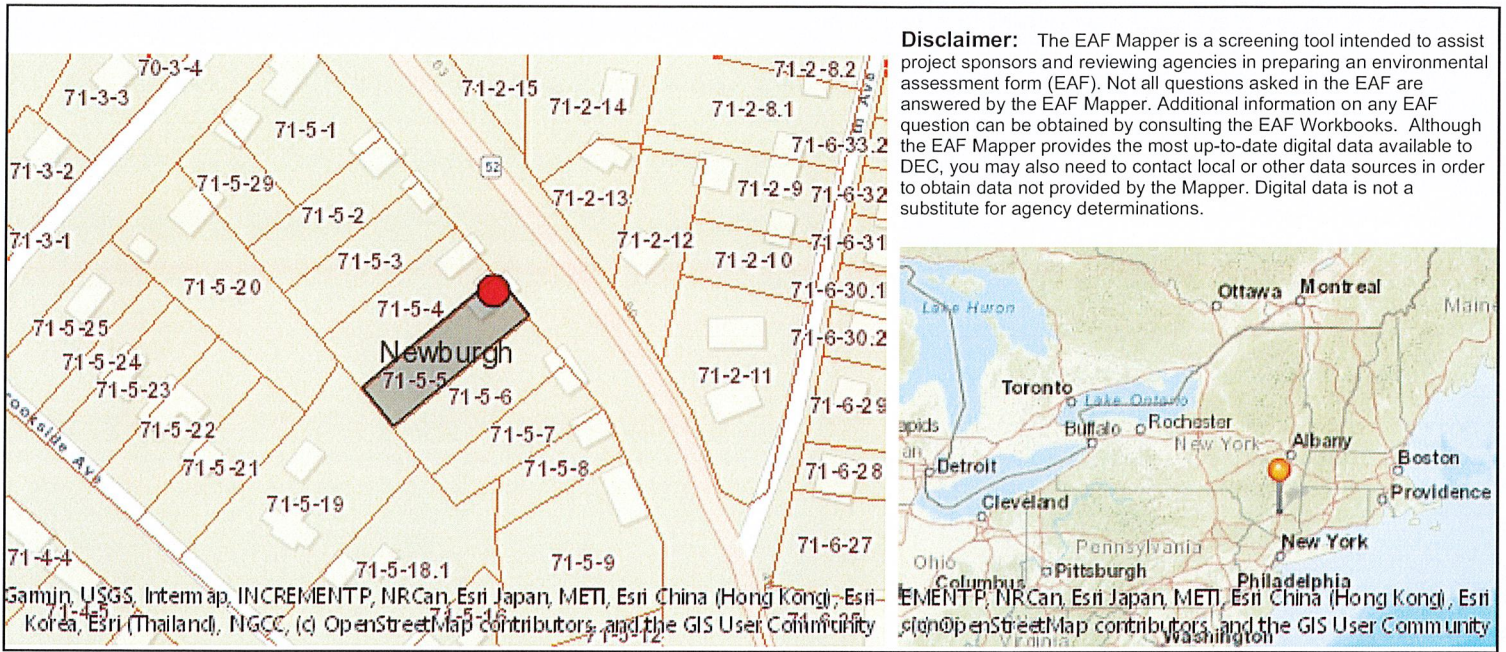
Instructions for Completing

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: JOSE LEMA TED #20270-JLM | | | |
| Project Location (describe, and attach a location map): 61 SOUTH PLANK ROAD | | | |
| Brief Description of Proposed Action: OWNER IS LOOKING TO OBTAIN A PERMIT FOR A PRIOR BUILT ACCESSORY BUILDING AND IMPERVIOUSE AREAS ACROSS TWO PROPERTIES HE OWNS. HE IS PROPOSING TO REMOVE THE COMMON LOT LINE TO CREAT ONE LOT. | | | |
| Name of Applicant or Sponsor: JOSE LEMA | | Telephone: 347-536-9009 | |
| | | E-Mail: | |
| Address: 62 SOUTH PLANK ROAD | | | |
| City/PO: NEWBURGH | | State: NY | Zip Code: 12550 |
| 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"/> |
| | | | YES <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: | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | 0.47 acres | |
| b. Total acreage to be physically disturbed? | | 0 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 0.47 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, | NO | YES | N/A |
|---|---|---|--------------------------|
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ SEPTIC SYSTEM ON SITE | NO <input checked="" type="checkbox"/> | YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | YES <input 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 <input type="checkbox"/> <input checked="" type="checkbox"/> | YES <input checked="" type="checkbox"/> <input type="checkbox"/> | |



| | |
|---|---|
| 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] | No |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |

BARGAIN AND SALE DEED

THIS INDENTURE, made this 10th day of Dec., 2018, between

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

Party of the First Part, and

Jose Lema, with an address of 118-01 196th Street, St. Albans, NY 11412

Party of the Second Part

WITNESSETH, that the Party of the First Part, in consideration of **One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00)**, lawful money of the United States of America, paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, and to the heirs, distributes and assigns of the Party of the Second Part, forever

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Newburgh, County of Orange and State of New York as follows:

SEE ATTACHED LEGAL DESCRIPTION

TAX ACCOUNT NO.: 4600-71-5-5&6
PROPERTY ADDRESS: 59-61 S Plank Rd, Newburgh, NY 12550

Being the same premises described in the deed to the party of the First Part herein dated December 12, 2017 and recorded March 5, 2018 Orange County Clerk's Office in Book 14371 at page 184.

And

The person executing the closing instruments is the same person as the grantee in Book 14371 at page 184, the certified owner herein.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part. This conveyance does not consist of all or substantially all of the assets of said party of the First Part.

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 improvements 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, Grantor has duly executed this deed the day and year first above written.

Federal National Mortgage Association ("Fannie Mae")

BY: Shapiro, DiCaro & Barak, LLC
Its Attorneys in Fact

BY: 

POA recorded on 10/20/17 in the Orange County
Clerk's Office in Book 14307 at page 1864

State of New York)
County of Monroe) SS:

On the 10th day of December, 2016 before me, the undersigned Notary Public in and for said state, personally appeared Steven M. Palmer, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual or the person on behalf of whom the individual acted, executed the instrument.



Notary Public

JOELLE HOWLETT
Notary Public, State of New York
No. 01HO6359626
Qualified in Monroe County
Commission Expires June 5, 2021

LEGAL DESCRIPTION

PARCEL I

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 11 and 12 in Section D on a certain map entitled, "Winona Lake Development Company, Inc.", made by Charles A. Gridley, CE, dated 10/24/1925 and filed in the Office of the Orange County Clerk.

PARCEL II

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 13 and 14 in Section D on a certain map entitled, "Winona Lake Development Company, Inc.", made by Charles A. Gridley, CE, dated 10/24/1925 and filed in the Office of the Orange County Clerk.



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

2889-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/12/2021

Application No. 20-0578

To: Jose Lema
61 South Plank Rd.
Newburgh, NY 12550

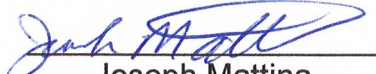
SBL: 71-5-5
ADDRESS: 61 S Plank Rd

ZONE: R3

PLEASE TAKE NOTICE that your application dated 07/01/2020 for permit to keep a 35' x 16' accessory building and paved courts on the premises located at 61 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 5: Allows a maximum lot building coverage of 15%
- 2) Bulk table schedule 5: Allows a maximum lot surface coverage of 30%
- 3) 185-15-A-4: The maximum allowed square foot for all accessory building per formula is 261.


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 Rudy Mejia, being duly sworn, depose and say that I did on or before

February 11, 2021, post and will thereafter maintain at

61 S Plank Rd 71-5-5 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.

Rudy Mejia

Sworn to before me this 11th

day of February, 2021.

Jessica Lamey

JESSICA LAMEY
Notary Public - State of New York
No. 01-LA6282995
Qualified in Orange County
My Commission Exp. 5/28/2021



