



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 8/18/2020

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

I (WE) Malcolm Meyerson PRESENTLY

RESIDING AT NUMBER 36 Sloane Road, Newburgh, NY 12550

TELEPHONE NUMBER 845-248-2741

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

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

1. LOCATION OF THE PROPERTY:

23-2-18.2 (TAX MAP DESIGNATION)

4 Filiberti Lane, Newburgh ny (STREET ADDRESS)

R-1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Minimum Lot Area: Section 185 Attachment 7, Schedule 3



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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: _____

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Minimum Lot Area Variance of: ±9,812 SF

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 project is part of an approved subdivision plan that was mistakenly created utilized the wrong zoning district setbacks. All constructed dwellings in the subdivision were created using the incorrect lot area dimensions

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 lot size is existing and can not be changed

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The proposed dwelling meets all other zoning setbacks and is consistent with surrounding existing parcels also part of the same subdivision

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

Environmental and physical effects were taken into account during the initial approval process for the lot and is consistent with the neighboring dwellings (part of the same subdivision)

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The lot was created as part of a Town of Newburgh reviewed and approved subdivision. Without the variance, the lot is unbuildable



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7. ADDITIONAL REASONS (IF PERTINENT):

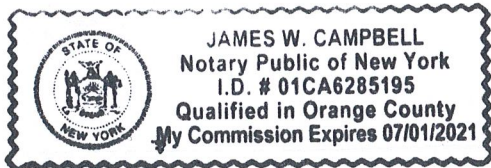
The applicant purchased the lot based upon the signed subdivision map with the knowledge that the lot was reviewed and approved by the Town of Newburgh

PETITIONER (S)-SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF AUGUST 20 20

NOTARY PUBLIC



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

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



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PROXY

Malcolm Meyerson, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 36 Sloane Road, Newburgh, NY 12550

IN THE COUNTY OF Ornage AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

Tax Map Parcel: 23 - 2 - 18.2

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Mercurio - Norton - Tarolli - Marshall
Engineering & Land Surveying, P.C.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 08/18/2020 Malcolm S. Meyerson

OWNER'S SIGNATURE

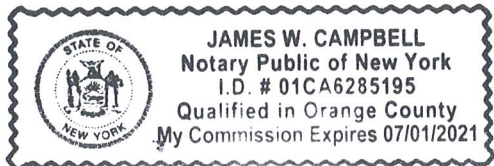
Khanda Goodrich

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18TH DAY OF AUGUST 2020

[Signature]
NOTARY PUBLIC



Short Environmental Assessment Form

Part 1 - Project Information

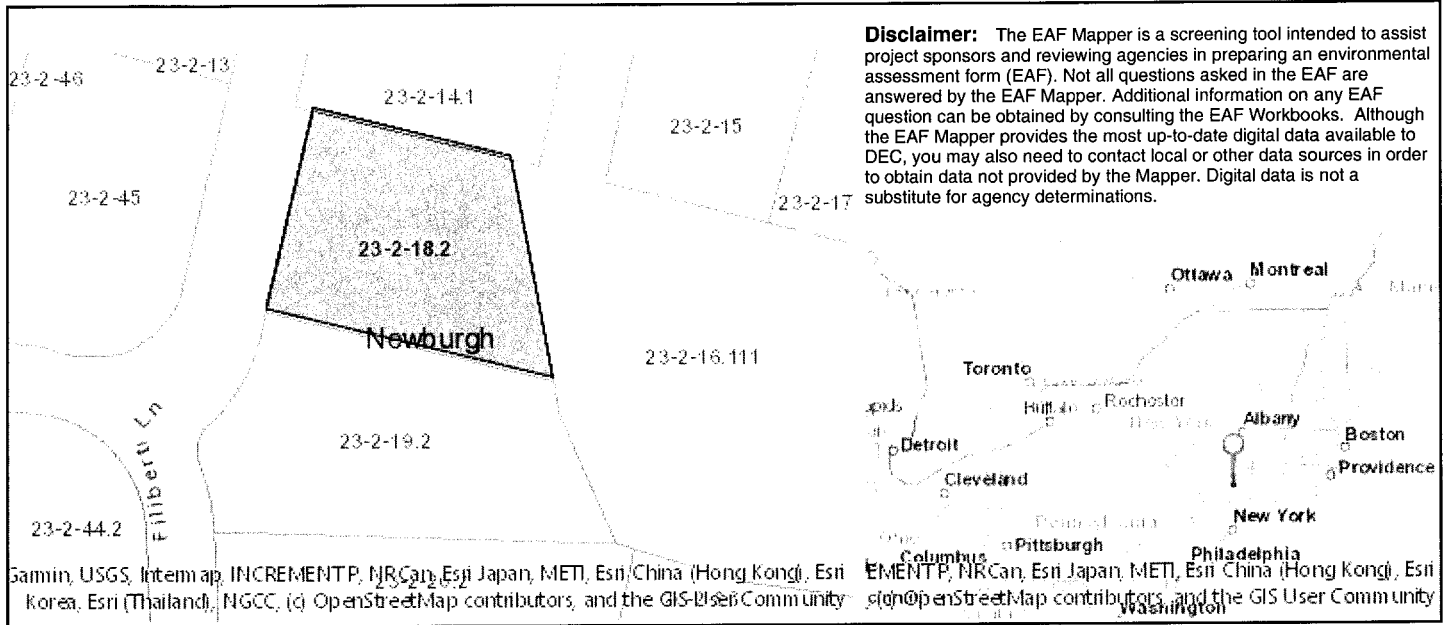
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Site Plan for Malcolm Meyerson			
Project Location (describe, and attach a location map): Filiberti Lane, Newburgh New York (Tax map Parcel 23 - 2 - 18.2)			
Brief Description of Proposed Action: Area Variance for minimum lot area: relief of ±9,812 SF			
Name of Applicant or Sponsor: Malcolm Meyerson		Telephone: 845-248-2741 E-Mail: margc28@yahoo.com	
Address: 36 Sloane 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"/>
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:			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.69 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? _____ 1.57 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 checked="" 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?	NO	YES	N/A
	<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: _____ Project is for an area variance _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Project is for an area variance _____	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"/>	
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"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



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

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

2860-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/18/2020

Application No. 20-0680

To: Malmark Construction Corporation
P.O. Box 98
Montgomery, NY 12549

SBL: 23-2-18.2
ADDRESS: 4 Filiberti La Prop

ZONE: R1

PLEASE TAKE NOTICE that your application dated 07/27/2020 for permit to build a single family dwelling on the premises located at 4 Filiberti La Prop is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3: Requires a lot area of 40000 sf minimum.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: _____ Malmark Construction **Building permit #** _____ **20-0680**

ADDRESS: _____ PO Box 98 Montgomery NY 12549

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: _____ **4 Filiberti Ln Newburgh NY 12550**

SBL: _____ 23-2-18.2 **ZONE:** _____ R-1 **ZBA Application #** 2800-20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA	40000 SF	30188 SF		9812 SF	24.52%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY _____ YES / NO
 CORNER LOT - 185-17-A _____ YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

NOTES: Lot #39 of the Orchard Ridge sub-division map 779-05

VARIANCE(S) REQUIRED:

- 1 _____
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: _____ Joseph Mattina **DATE:** _____ 18-Aug-20



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, 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: 14773 / 133
 INSTRUMENT #: 20200036758

Receipt#: 2790397
 Clerk: KP
 Rec Date: 07/16/2020 04:16:46 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: HILL-N-DALE ABSTRACTERS, INC.

Party1: FILIBERTI HARNEY ELAINE M
 Party2: MALMARK CONSTRUCTION CORP
 Town: NEWBURGH (TN)
 23-2-18.2

\$ 23-2-19.2

Recording:
 Recording Fee 45.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 All others - State 241.00
 RP5217 - County 9.00

Sub Total: 320.00

Transfer Tax
 Transfer Tax - State 400.00

Sub Total: 400.00

Total: 720.00

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

***** Transfer Tax *****
 Transfer Tax #: 9285
 Commercial Transfer Tax
 Consideration: 100000.00

Transfer Tax - State 400.00

Total: 400.00

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

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

HW 66642

Record & Return to:
John A. Costa, Esq.
135 Main Street
Nyack, N.Y. 10960

Bargain and Sale Deed with Covenant against Grantor's Acts - Individual or Corporation

DEED

THIS INDENTURE made the 2nd day of July, 2020, between ELAINE M. FILIBERTI-HARNEY, residing at 10 Greentree Lane, Milton, New York 12547, BARBARA A. FILIBERTI, residing at 1 N. Hill Lane, Newburgh, New York 12550 and JOAN M. FILIBERTI-GOTTLIEB, residing at 34 Carroll Street, Newburgh, New York 12550, party of the first part and MALMARK CONSTRUCTION CORP., with offices located at 36 Sloane Road, Newburgh, New York 12550, party of the second part;

WITNESSETH:

That the party of the first part, in consideration of TEN (\$10.00) DOLLARS, lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, or successors and assigns for the party 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, more particularly bounded and described as follows:

SEE SCHEDULE "A" DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF

Subject to covenants, easements and restrictions of record.

BEING and intended to be the same premises conveyed to the Grantors herein by 2 Deeds both dated May 9th, 2018 and both recorded in the Office of the Orange County Clerk on May 30th, 2018 in Liber 14408 at Page 743 and in Liber 14408 at Page 773 respectively.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate rights of the party of the first part in and to said premises,

SBL: 23-2-18.2
23-2-19.2

Schedule A Description

Title Number HN 66642

Page 1

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 known and designated as Lot 40 as shown on a certain map entitled "Final Subdivision Plan for Orchard Ridge" dated October 10, 2003 revised January 2005 and filed in the Orange County Clerk's Office on October 13, 2005 as Filed Map No. 779-05.

Continued On Next Page

Schedule A Description - continued

Title Number HN 66642

Page 2

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 known and designated as Lot 39 as shown on a certain map entitled "Final Subdivision Plan for Orchard Ridge" dated October 10, 2003 revised January 2005 and filed in the Orange County Clerk's Office on October 13, 2005 as Filed Map No. 779-05.

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 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 before using any part of the total of the same for any other purpose.

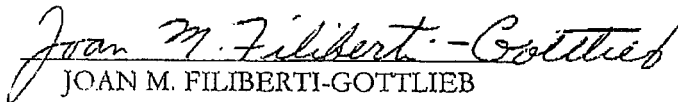
The word "party" shall be construed as if it read "parties" wherever the sense of this indenture so requires.

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

IN PRESENCE OF:


ELAINE M. FILIBERTI-HARNEY

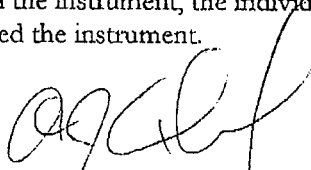

BARBARA A. FILIBERTI


JOAN M. FILIBERTI-GOTTLIEB

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

On the 2nd day of July, 2020, before me, the undersigned, personally appeared ELAINE M. FILIBERTI-HARNEY, BARBARA A. FILIBERTI and JOAN M. FILIBERTI-GOTTLIEB, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Hill N Dale Abstracters, Inc.
PO Box 547
Goshen NY 10924
(845) 294-5110
(845) 294-9481 fax


NOTARY PUBLIC
AXELROD ALAN J
Notary Public, State of New York
No. 02AX4520760
Qualified in Orange County
Commission Expires November 30, 2022









FREE
FIREWOOD



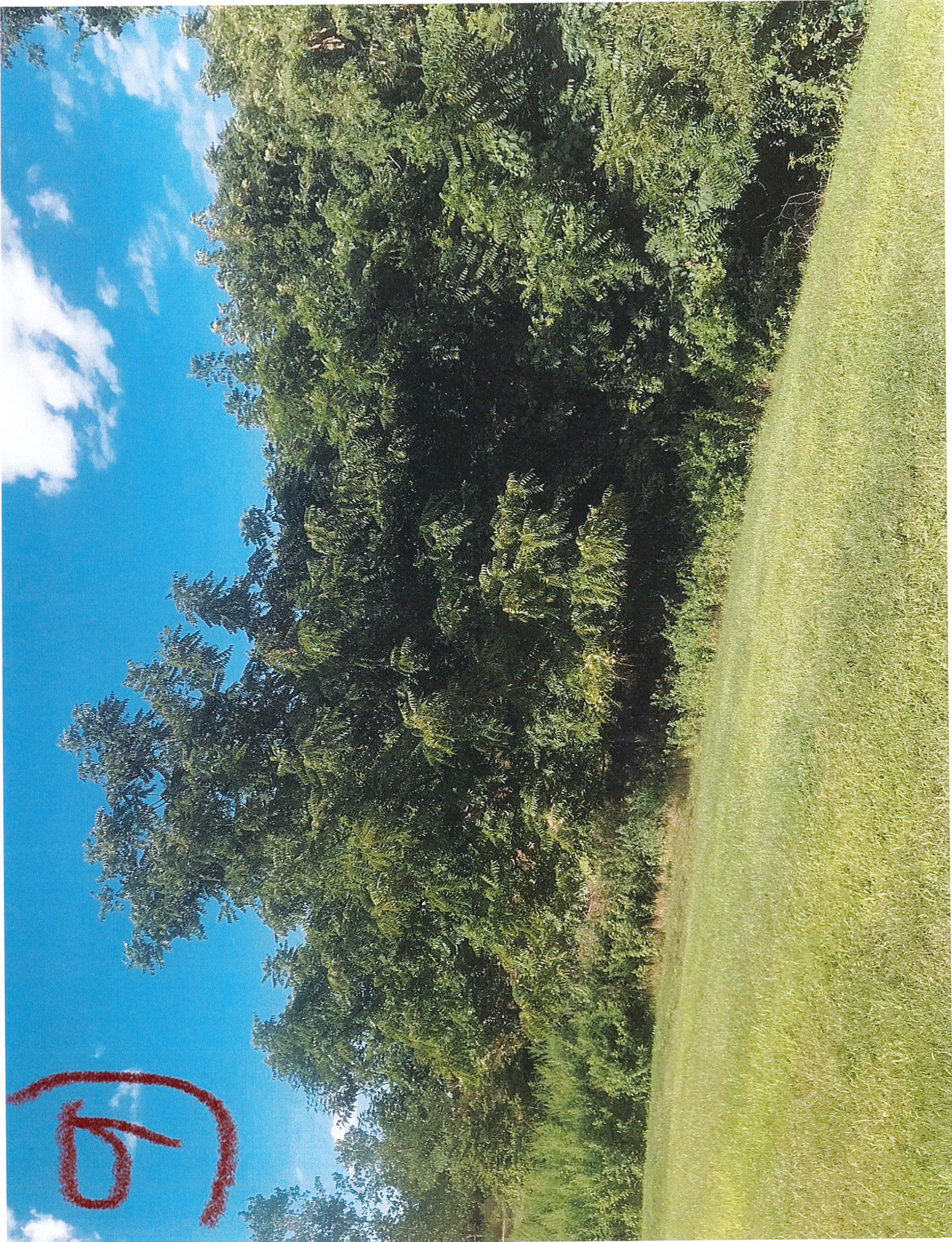












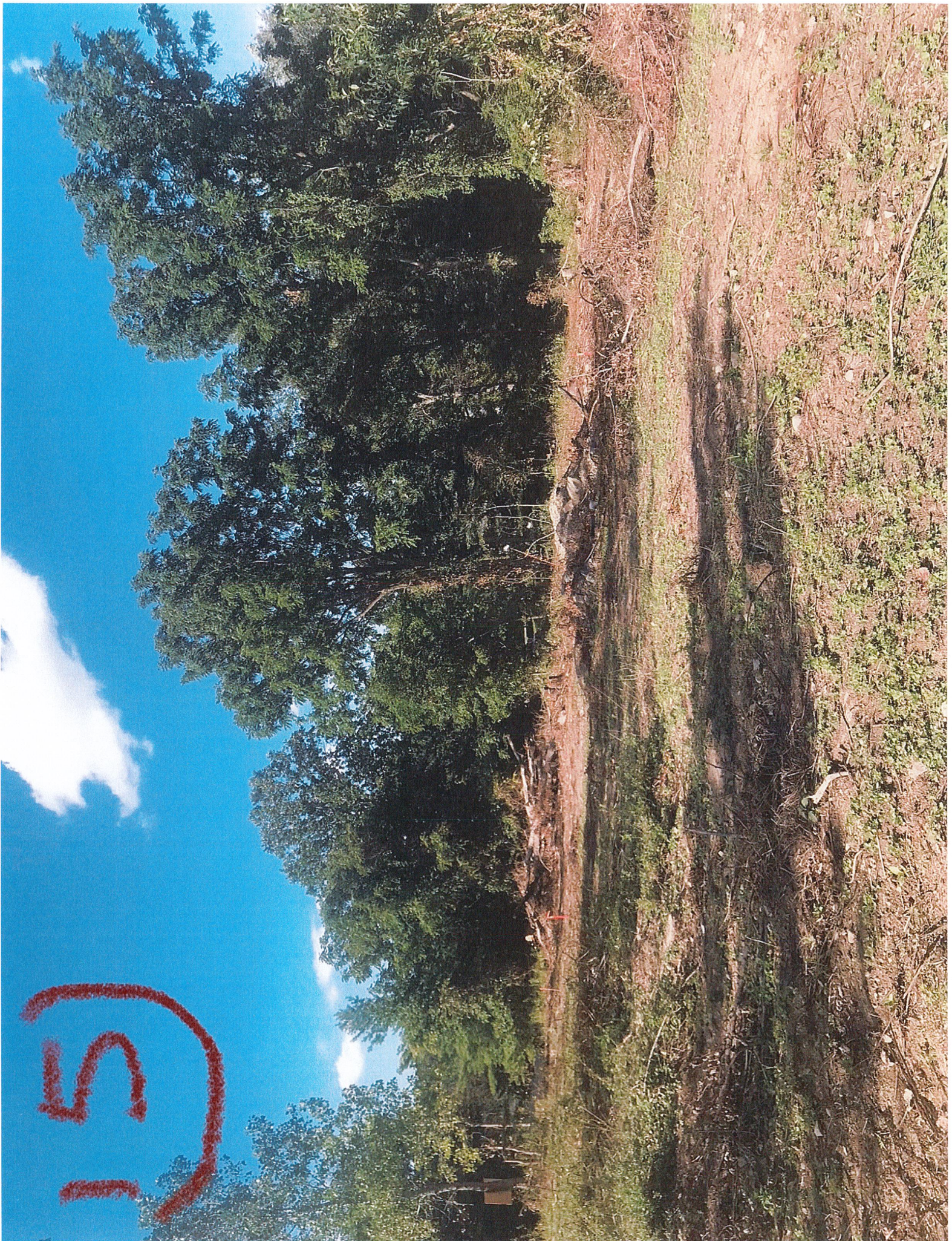












**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Nicole Larsen, being duly sworn, depose and say that I did on or before

September 10, 2020, post and will thereafter maintain at

2 Filiberti Ln 23-2-19.2 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.

Nicole Larsen

Sworn to before me this 1

day of September, 2020.

STATE OF NEW YORK
COUNTY OF ORANGE
ON THIS 1 DAY OF September, 2020
BEFORE ME PERSONALLY APPEARED

Nicole Larsen
TO ME PERSONALLY KNOWN TO BE THE PERSON
DESCRIBED IN AND WHO EXECUTED THE FOREGOING
DOCUMENT.

Joseph P. PEDI
NOTARY PUBLIC

JOSEPH P. PEDI NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PE6370913 Qualified in Orange County Commission Expires February 12, 2022
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