



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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 09/11/2020

4. DESCRIPTION OF VARIANCE SOUGHT: FRONT YARD: 39.49(40' REQUIRED)
SIDE YARD: 14.83'(15 REQUIRED), LOT AREA: 14,107SF(15,000 REQUIRED)

N/A 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 HOUSE IS EXISTING AND SIMILIAR TO OTHERS ON RIDGEVIEW AVE.

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 RESIDENCE IS EXISTING

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
THE SETBACK VARIANES ARE FOR ONLY 1' EACH AND THE LOT AREA VARIANCE IS FOR LESS THAN 1000 SF.

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:
THE RESIDENCE PREDATES ZONING



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

Robert M. Burtov

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24 DAY OF September 2020

Jayne P. Muir
NOTARY PUBLIC

JAYNE P. MUIR
Notary Public, State of New York
Qualified in Orange County
Registration No. 01MU6099304
Commission Expires September 29, 2023

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

Robert Burton, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 10 Ridgeview Drive

IN THE COUNTY OF Orange AND STATE OF New York

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

10 Ridgeview Drive, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Charles Brown/Talcott Engineering
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9-24-2020 Robert M Burton

OWNER'S SIGNATURE

[Handwritten Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 24 DAY OF September 2020

[Handwritten Signature]
NOTARY PUBLIC

JAYNE P. MUIR
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Short Environmental Assessment Form

Part 1 - Project Information

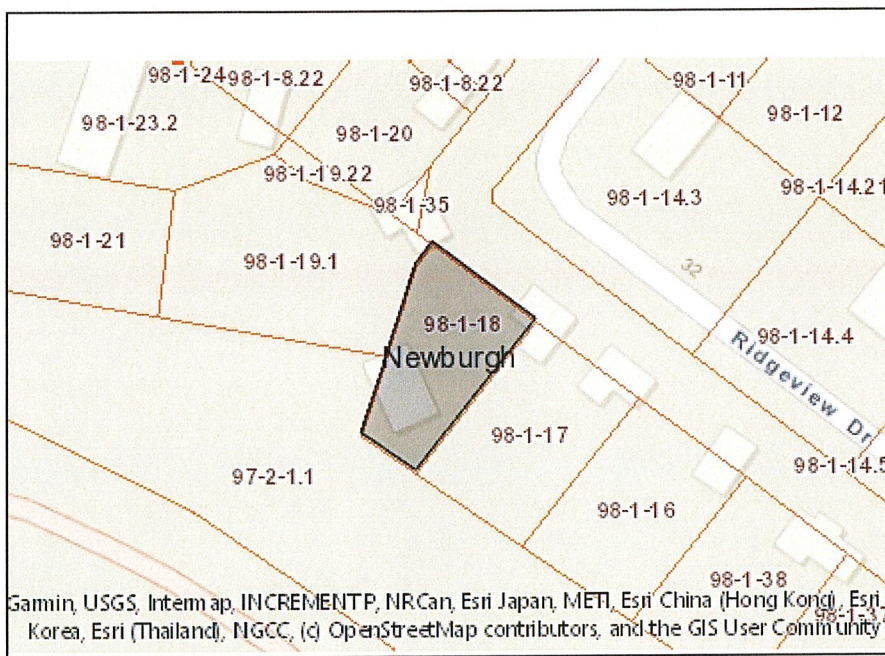
Instructions for Completing

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: BURTON VARIANCES TED # 20264-MEV			
Project Location (describe, and attach a location map): 10 RIDGEVIEW DR., NEWBURGH, NY 12550			
Brief Description of Proposed Action: VARIANCES FOR EXISTING STRUCTURE REQUIRED DUE TO LOSING PROTECTION BECAUSE OF A LOT LINE CHANGE.			
Name of Applicant or Sponsor: ROBERT BURTON		Telephone: 845-562-1994	
Address: 10 RIDGEVIEW DR.		E-Mail:	
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: LOT LINE CHANGE APPROVAL FROM PLANNING BOARD			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.33 acres			
b. Total acreage to be physically disturbed? _____ 0.00 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.33 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 checked="" 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<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 <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"/>	YES <input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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 <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: _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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"/>	YES <input type="checkbox"/>	
	<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 <input checked="" type="checkbox"/>	YES <input 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.



Garmin, USGS, Intermap, INCREMENTP, 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]	No
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]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

September 18, 2020

BY EMAIL ONLY

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

Re: Miller Environmental Site Plan and Lot Line Changes; Planning Board Project No. 2019-27

Dear Chairman Scalzo and Board Members:

At the Planning Board's September 17, 2020 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for this project. The subject parcel is a 10.86 acre lot, owned by First State Water LLC, and located at 77 Stewart Avenue. The property is located in the IB zoning district, and contains an existing commercial building that is predominated a treatment facility with a garage.

The proposal is to build a 3,540 square foot steel building over an existing concrete tank vault, and a 3,612 sf steel building for drum containment and drum storage. Also, two lot line changes are proposed to mitigate encroachments.

As you know, it is the policy of the Town of Newburgh that all pre-existing non conforming bulk requirements lose protection upon modifications to the lot lines. All pre-existing nonconformities on each of the lots will require variances.

A review of the plan identifies the following variances required:

Miller Environmental Lot # 27.2:

- a) Proposed enclosed drum containment pad: (A)14.2 proposed, where 30 foot side yard is required.
- b) Proposed tank enclosure: (B)11.93 feet provided, where 30 foot side yard required.
- c) Existing office garage: (C) 9.14 feet provided, where 30 foot side yard required.
- d) Existing building and ramp: (D) 6.14 provided, where 30 foot side yard required.
- e) Existing material storage building: (E) Currently -2.8 encroachment to be addressed by lot line, 5 feet provided, where 30 feet is required.
- f) Existing shed: (F) 13.9 feet provided where 30 feet is required.

We note that no accessory structures are provided for with commercial site plans. All structures must comply with required setbacks.

Lot #18:

- a) 39.49 foot front yard provided where 40 feet are required.
- b) 14.83 foot side yard provided, where 15 feet are required.
- c) Minimum lot area (after lot line): 14,107 square feet where 15,000 square feet is required.

Lot #20.1:

- a) 9.7 foot side yard provided, where 15 feet are required.
- b) 15.1 both side yards provided, where 30 feet is required.
- c) Maximum lot building coverage: 88% existing, 63% after lot line change, where 25% maximum permitted.
- d) Minimum lot area(after lot line): 14,000 square feet, where 17,500 square feet is required.

Existing Shed (Building H):

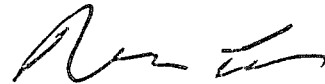
- a) 1.18 feet provided, where 5 foot accessory structure required.

The above list may not be exhaustive, as there may be other variances required due to the complexity of the overall proposal. In addition, the residence on Lot 20.1 is located in the IB zone, where it is a preexisting nonconforming use in that zone. The Zoning Board of Appeals should determine whether a use variance will be required for that residence given the proposed modification to the lot line for that lot.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Harley Geary, being duly sworn, depose and say that I did on or before

November 10, 2020, post and will thereafter maintain at

10 Ridgeview Dr 98-1-18 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.

Harley Geary

Sworn to before me this 23

day of October, 2020.

STATE OF NEW YORK
COUNTY OF ORANGE
ON THIS 23 DAY OF October, 2020
BEFORE ME PERSONALLY APPEARED

Harley Geary
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

