

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:

03/01/24

4. DESCRIPTION OF VARIANCE SOUGHT: list attached

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:

Both of the lots have pre-existing nonconformities. Zoning Board of Appeals referral for the following are required:

- Lot 13
 - Lot Area – 40,000 square feet required, 15,161.2 square feet proposed.
 - Front Yard - 50 feet required, 32.7 feet proposed.
 - Rear Yard – 40 feet required, 22.3 proposed.
 - Side Yard – 1 side yard 30 feet required, 28.3 proposed.
 - Minimum Lot Depth - 150 feet required, 85 feet existing.

- Lot 12
 - Minimum Lot Area – 3,077.23 proposed.
 - Front Yard – 50 feet required, 24.6 feet proposed.
 - Rear Yard – 40 feet required, 20.7 feet proposed.
 - Side Yard – 1 side yard 30 feet required, 5 feet proposed.
 - Both Side Yards – 80 feet required, 10 feet proposed.
 - Minimum Lot Width – 150 feet required, 32.4 proposed.
 - Minimum Lot Depth – 150 feet required, 99 feet existing.
 - Maximum Building Coverage – 10% max, 32% proposed.
 - Maximum Lot Surface Coverage – 20% max, 49% proposed.

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 improvements will be of the highest quality, consistent in their relative locations and quality with respect to the neighboring lots, and as such will significantly improve 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:

Investing in new construction requires improvements commensurate with the current market, without the variance the current zoning makes it impossible to do so.
The applicant should be allowed to build in order to recover their investment in the lot.

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

The 6 lots to the north are of similar size and have improvements, many of which do not meet the current area zoning requirements. One of our lots has no improvements, but should be allowed to construct new improvements upon. Current zoning is not practical for our lots.

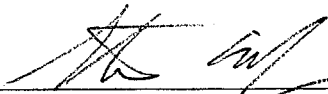
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

The area variances are being sought so that the applicant may construct improvements similar to those on the neighboring lots, none of which will adversely impact the conditions of the district.

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

These lots are currently recognized by the town as separate, buildable tax lots.

7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8TH DAY OF MARCH 2024


NOTARY PUBLIC

EDWARD DELEN MLOTT
Notary Public, State of New York
No. 6571244
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

Steven D. Moreau _____, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 116 Bethlehem Rd New Windsor NY 12553

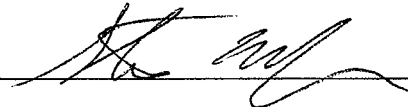
IN THE COUNTY OF ORANGE AND STATE OF NY

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

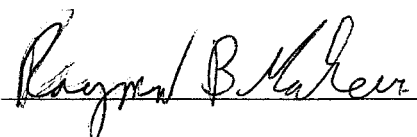
50 & 54 Old South Plank RD

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: 03/01/24



OWNER'S SIGNATURE



WITNESS' SIGNATURE

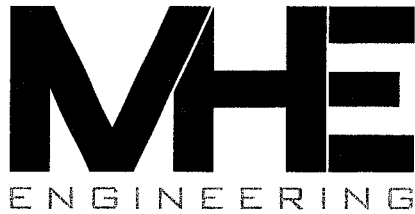
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8TH DAY OF MARCH 20 24



NOTARY PUBLIC

HEDWIG HELEN MLOTT
Notary Public, State of New York
No. 4891824
in Orange County 2026
Expires Feb. 10, _____



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: STEVE MOREAU – LOT LINE CHANGE
PROJECT NO.: 24-04
PROJECT LOCATION: SECTION 52, BLOCK 1, LOT 12 & 13 / 50 & 54 OLD SOUTH PLAN ROAD
REVIEW DATE: 1 MARCH 2024
MEETING DATE: 7 MARCH 2024
PROJECT REPRESENTATIVE: JONATHN N. MILLEN, PLS/ACES

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 - Front Yard - 50 feet required, 32.7 feet proposed.
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 - Side Yard – 1 side yard 30 feet required, 28.3 proposed.
 - Minimum Lot Depth - 150 feet required, 85 feet existing.

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 - Side Yard – 1 side yard 30 feet required, 5 feet proposed.
 - Both Side Yards – 80 feet required, 10 feet proposed.
 - Minimum Lot Width – 150 feet required, 32.4 proposed.
 - Minimum Lot Depth – 150 feet required, 99 feet existing.
 - Maximum Building Coverage – 10% max, 32% proposed.
 - Maximum Lot Surface Coverage – 20% max, 49% proposed.

2. Each lot will require variances for existing and proposed zoning bulk deficiencies.

3. Adjoiner’s Notices must be sent out.

Respectfully submitted,

MHE Engineering, D.P.C.

Patrick J. Hines
Principal

PJH/ltn

NEW YORK OFFICE

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845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

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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. Wayne
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

March 13, 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: Moreau lot line change subdivision // ZBA referral
Planning Board Project No. 2024-04

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's March 7, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances that are required for this lot line change application for lands located at 50 & 54 Old South Plank Road (SBL: 52-1-12 and 52-1-13). One of the existing parcels contains a single-family residence. The other parcel is currently vacant but previously contained a residence. The proposed lot line is to make the vacant parcel larger for the purpose of developing the vacant lot. Neither of the lots meet the existing zoning requirements and will require variances. The following variances are required:

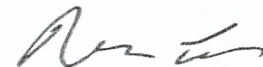
Lot 13: Lot Area – 40,000 square feet required, 15,161.2 square feet proposed; Front Yard - 50 feet required, 32.7 feet proposed; Rear Yard – 40 feet required, 22.3 proposed; Side Yard – 1 side yard 30 feet required, 28.3 proposed; Minimum Lot Depth - 150 feet required, 85 feet existing.

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

March 14, 2024, post and will thereafter maintain at

50 Old S Plank Rd 52-1-12 & 13 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





Mar 13, 2024 1:43 PM
Newburgh





Aug 30, 2022, 10:56 AM