



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: 09/03/20

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

I (WE) John J O'Brien PRESENTLY
RESIDING AT NUMBER 21 Greenshire Way, Walden, NY 12586
TELEPHONE NUMBER (914) 755 - 7579

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:

Section 11, Block 1, Lot 92.42 (TAX MAP DESIGNATION)

21 Greenshire Way (STREET ADDRESS)

R1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Chapter 185, Attachment 7, Minimum front yard setback for a single-family dwelling



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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: 09/03/2020

4. DESCRIPTION OF VARIANCE SOUGHT: Front yard setback variance.

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 variance being requested is due to the existing dwelling's non-conformance to the front yard setback.

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 variance being requested is due to the existing dwelling's non-conformance to the front yard setback.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The variance being requested is not substantial because the existing dwelling only extends 6.81 feet into the required 50 foot front yard setback.

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

No changes are proposed on Lot #1 where the existing dwelling is located therefore there will be no adverse effects or impacts on the physical or environmental conditions in the neighborhood or district.

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

The hardship was created when the Town of Newburgh converted Greenshire Way into a public right-of-way.



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(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF September 20 20

MARY CATHERINE WELCH
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WE6334650
Qualified in Orange County
My Commission Expires 12-21-2023

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

John J O'Brien, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 21 Greenshire Way

IN THE COUNTY OF Orange AND STATE OF New York

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

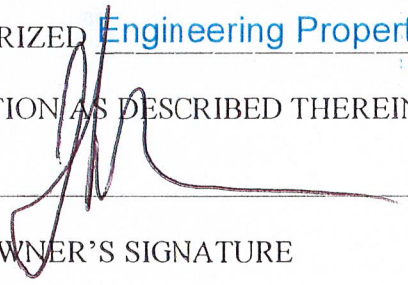
21 Greenshire Way, Walden, NY 12586

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Engineering Properties TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 09/03/20



WITNESS' SIGNATURE



OWNER'S SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF September 2020

MARY CATHERINE WELCH
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WE6334650
Qualified in Orange County
My Commission Expires 12-21-2023



NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

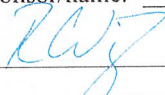
Instructions for Completing

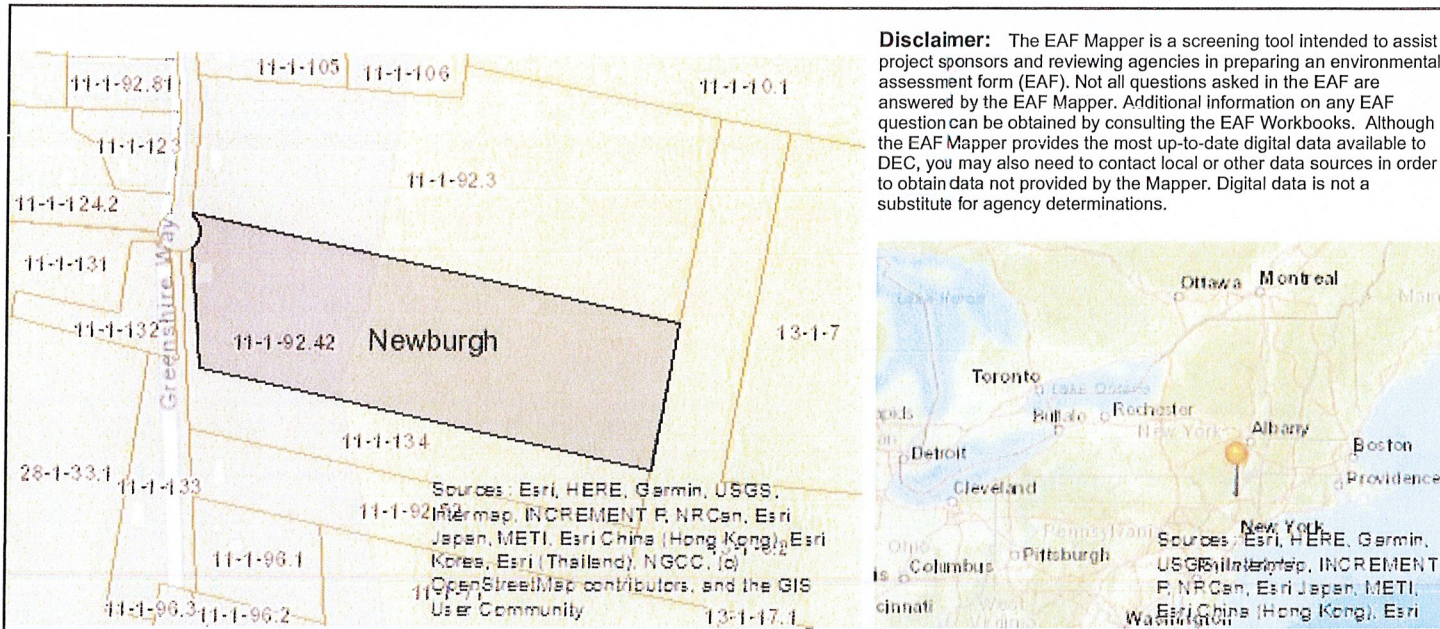
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Greenshire Subdivision			
Project Location (describe, and attach a location map): 21 Greenshire Way, Walden, NY 12586			
Brief Description of Proposed Action: The proposal consists of one existing lot of which lot contains an existing residential dwelling with a proposed subdivision to create a total of two residential dwelling lots (1 existing and 1 new dwellings).			
Name of Applicant or Sponsor: Engineering & Surveying Properties, PC		Telephone: (845) 457-7727	
Address: 71 Clinton Street		E-Mail: ross@ep-pc.com	
City/PO: Montgomery		State: New York	Zip Code: 12549
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 type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
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?	NO	YES	N/A
	<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	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: Meets all requirements. _____	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: _____ Proposed individual well. _____	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: _____ Proposed individual subsurface sewage treatment. _____	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: _____ Portion of NB-32 wetland on site, no alterations proposed on or within 100 feet of wetland boundary. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Preparer Applicant/sponsor/name: <u>Engineering & Surveying Properties, PC C/O Ross Winglovitz, PE</u> Date: <u>03/12/2020</u> Signature: <u></u> Title: <u>Principal</u></p>		



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]	Yes
Part 1 / Question 20 [Remediation Site]	No

THIS INDENTURE, made the 27th day of January, in the year two thousand ten

BETWEEN

ESTHER O'BRIEN, 21 Greenshire Way, Walden, NY 12586

party of the first part, and

JOHN J. O'BRIEN & ESTHER O'BRIEN, husband and wife,
21 Greenshire Way, Walden, NY 12586

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other 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 of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, tying and being in the Town of Newburgh, County of Orange and State of New York, being Lot. No. 4 on a filed map entitled "Subdivision Plan of Lands of Greenshire West, Inc. Section II", said filed map facing filed in the Orange County Clerk's Office on July 1, 1985, as map no, 7128, bounded and described as follows:

BEGINNING at a point on the easterly line of Greenshire Way (a private road), said point being the intersection of the easterly line of Greenshire Way, with the southerly line of Lot No. 3, on said filed map no. 7128; thence along tot. No. 3, on said filed map no. 7128, South 60 degrees 24 minutes 24 seconds East 1150.20 feet to a point; thence along lands now or formerly Segali, South 27 degrees 20 minutes 08 seconds West 400.00 feet to a point; thence along Lot no. 5 on said filed map no. 7128, North 60 degrees 24 minutes 52 seconds West 1054.04 feet and North 13 degrees 32 minutes 36 second East 312.93 feet to a point; thence along the easterly line of Greenshire Way, on a curve to the left having a radius of 60.00 feet for a distance of 122.20 feet to the point or place of beginning. Containing 10.08 acres of land, more or less.

BEING AND INTENDED TO BE the same premises conveyed to Esther O'Brien by Deed dated November 18, 2002 made by John O'Brien aka John J. O'Brien & Esther Jordan O'Brien aka Esther O'Brien, recorded in the Orange County Clerk's Office January 13, 2002 in Liber 6148 page 121

AND ALSO - ALL that certain lot, piece or parcel of land situate in the Town of Newburgh County of Orange, State of New York and more accurately described as follows:

BEGINNING at a point on the easterly right of way line of Greenshire Way at the revised northwesterly corner of Lands Of Cunningham, designated as Tax Map Parcel Section 11, Block 1, Lot 92.51, said revised corner being in accordance with the dedication of a portion of the Lands of said Cunningham to the Town of Newburgh for highway purposes; thence along the easterly right of way of said Greenshire Way the following two (2) courses: 1) N 14° 33' 13" E 26".16' to a point; and 2) N 13° 32' 36" E 279.23' to a point on a curve; thence on a curve to the left having a radius of 60.00' an arc of 10.92' and a chord of N 78° 45' 01" E 10.92' a point on the westerly property line of Lands of O'Brien, designated as Tax Map Parcel Section 11, Block 1, Lot 92.4; thence along the westerly property line of Lands of said O'Brien S13° 32' 36" W 312.93' to a point on the northerly property line of Lands of said Cunningham, said point being the southwesterly corner of Lands of said O'Brien; thence along the northerly property line of Lands of said Cunningham N 60° 24' 52" W 10.78' to the point or place of beginning. Containing 0.070 acres of land more or less.

BEING AND INTENDED TO BE the same premises conveyed to Esther O'Brien in Liber 11614 page 429.

AND ALSO - ALL that certain lot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York and more accurately described as follows:

BEGINNING at a point on the easterly right of way line of Greenshire Way at the northwesterly corner of Lands of O'Brien, designated as Tax Map Parcel Section 11, Block 1, Lot 92.4; thence along the westerly property line of Lands of said O'Brien on a curve to the right having a radius of 60.00', an arc length of 133.12' and a chord of S 20° 24' 27" W 107.44' to a point on the easterly right of way line of said Greenshire Way, thence along the easterly right of way line of said Greenshire Way the following two (2) courses: 1) N 13° 32' 36" E 22.60' to a point; and 2) N 22° 13' 37" E 85.05' to the point or place of beginning. Containing 0.062 acres of land more or less.

BEING AND INTENDED TO BE the same premises conveyed to Esther O'Brien in Liber 11614 page 445.

Together with the rights of ingress and egress, and a utility easement, over the private road, known as Greenshire Way, being a private road 50 feet in width.

SUBJECT to a Private Road Maintenance Declaration dated July 8, 1985 and recorded in the Orange County Clerk's Office on July 12, 1985 in Liber 2382 at Page 211.

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

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 the 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 of 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 and will apply the same first to the payment of the cost of the improvements 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" whenever the sense of this indenture so requires.

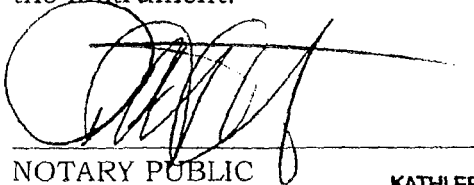
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.



ESTHER O'BRIEN

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

On the 21st day of January 2010, before me, the undersigned, personally appeared, ESTHER O'BRIEN 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 she executed the same in her capacity that by her signature on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

KATHLEEN CRANSTON
Notary Public, State of NY
No. 01CR4824832
Qualified in Orange County
Commission Expires 8/27/2010

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 3, 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: O'Brien-Greenshire Subdivision; Planning Board Project No. 20-05

Dear Chairman Scalzo and Board Members:

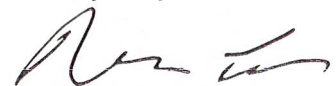
At the Planning Board's August 6, 2020 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variance that is required for this project.

In particular, the applicant seeks subdivision approval from the Planning Board. However, proposed Lot #1, which is improved with an existing residence, does not meet the required front yard setback. As you know, preexisting nonconforming protections are lost upon the subdivision of the existing parcel.

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











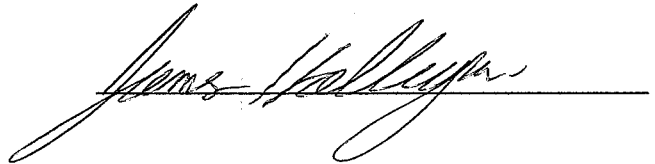
**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

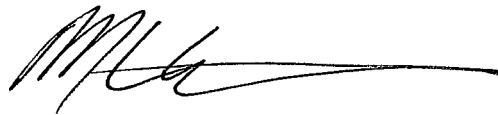
I JAMES HALLIGAN, being duly sworn, depose and say that I did on or before
October 8, 2020, post and will thereafter maintain at
21 Greenshire Way 11-1-92.42 R1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice 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.

Sworn to before me this 2



day of October, 2020.



MARY CATHERINE WELCH
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WE6334650
Qualified in Orange County
My Commission Expires 12-21-2023

