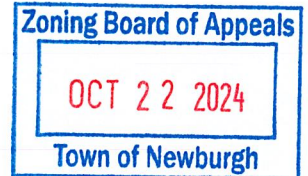


TOWN OF NEWBURGH
Crossroads of the

Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901
FAX LINE 845-564-7802

APPLICATION

DATED: 10/21/24

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

I (WE) PRESTIGE HOMES
LOUIS LEMA PRESENTLY

RESIDING AT NUMBER 3 NOAH PLACE

TELEPHONE NUMBER 914-438-9899

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

• LOCATION OF THE PROPERTY:

53-2- (10 + 11) (TAX MAP DESIGNATION)

ELMNURST AVE / GARDNERTOWN ROAD (STREET ADDRESS)

R-1 (ZONING DISTRICT)

PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SECTION 185 - ATTACHMENT 7
BULK REQUIREMENTS SCHEDULE 3
R1-ZONE

• 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:

10/19/24

AREA	REQUIRED	PROPOSED	VARIANCE
LOT 10 -	40,000 sf.	18,167 sf.	21,833 sf.
LOT 11 -	40,000 sf.	20,045 sf.	19,955 sf.

• DESCRIPTION OF VARIANCE SOUGHT:

LOT WIDTH LOT 11 - 150' 126' 24'

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

• 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)

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

• THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

• THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

• IF AN AREA VARIANCE IS REQUESTED:

- THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

THESE (2) LOTS WILL MATCH 5 OF THE ADJOINING
SIX LOTS ON THIS BLOCK.

- 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:

NO OTHER PROPERTY IS AVAILABLE TO
THE OWNER.

- THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THESE (2) LOTS WILL MATCH THE SMALLER
LOTS FROM THE ORIGINAL SUBDIVISION.

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

THESE (2) LOTS WILL BLEND WELL WITH
THE OTHER ADJOINING LOTS.

- THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

EXISTING NON-CONFORMING LOTS.

5. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21st DAY OF October 2024



NOTARY PUBLIC

ANNETTE S. IRIZARRY
Notary Public, State of New York
No. 011R6111774
Qualified in ORANGE County
Commission Expires 06/28/2028

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

PRESTIGE HOMES
LOUIS LEMA, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 3 NOAH PLACE

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

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

53-2-(10+11)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED KEN LYTLE

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

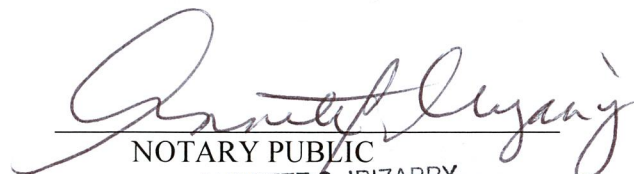
DATED: 10/21/24 _____

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21st DAY OF October 2024


NOTARY PUBLIC
ANNETTE S. IRIZARRY
Notary Public, State of New York
No. 011R6111774
Qualified in ORANGE County
Commission Expires 06/28/2028

Short Environmental Assessment Form

Part 1 - Project Information

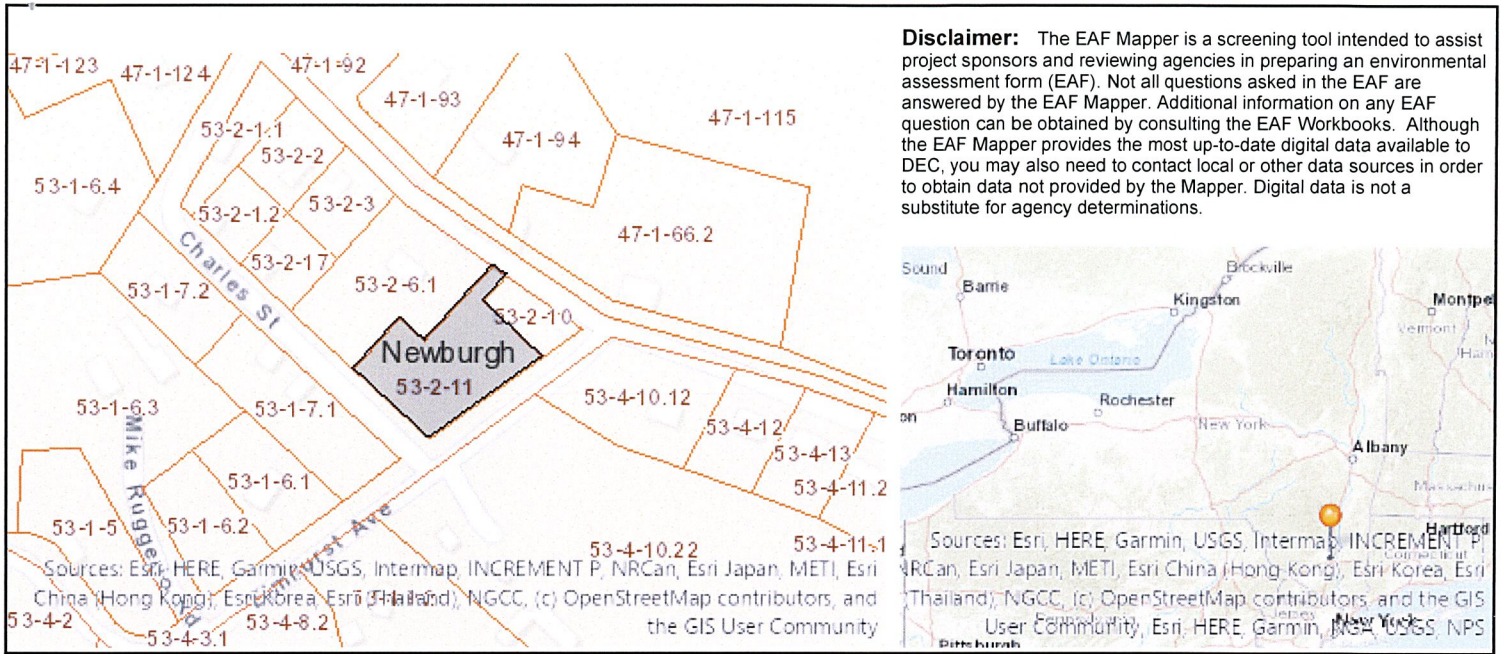
Instructions for Completing

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: Prestige Homes Lot Line Change			
Project Location (describe, and attach a location map): corner of Charles Street & Elmhurst Avenue			
Brief Description of Proposed Action: Lot line change between (2) parcels to create (2) residential building lots.			
Name of Applicant or Sponsor: LL's Prestige Homes, LLC		Telephone: 914-438-9899	
		E-Mail:	
Address: P.O. Box 2535			
City/PO: Newburgh		State: New York	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: ZBA Variances			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.88 acres	
b. Total acreage to be physically disturbed?		0.50 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.88 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	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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Individual private wells _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Individual private septic system _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



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]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, 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: 15396 / 79
 INSTRUMENT #: 20230018864

Receipt#: 3142542
 Clerk: PM
 Rec Date: 03/22/2023 10:58:21 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: LENOX EARL R JR
 Party2: LLS PRESTIGE HOMES LLC
 Town: NEWBURGH (TN)
 53-2-10

Recording:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
Sub Total:	200.00
Transfer Tax	
Transfer Tax - State	380.00
Sub Total:	380.00
Total:	580.00

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

***** Transfer Tax *****
 Transfer Tax #: 7226
 Transfer Tax
 Consideration: 95000.00

Transfer Tax - State	380.00
Total:	380.00

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

Comment: _____

Kelly A. Eskew
 Orange County Clerk

Record and Return To:

SARAH RAMOS
 334-336 E MAIN ST STE 2
 MIDDLETOWN NY 10940

Bargain and Sale Deed, with Covenant against Grantor's Acts – Individual
Title Number: GA-23-13297-O (GreenAcre Abstract, LLC)

DEED made this 21st day of MARCH 2023 between

EARL R. LENOX, Jr., residing at 7060 70th Street, Pinellas Park, FL 33781

party of the first part, and

LL'S PRESTIGE HOMES LLC, with offices at 3 Noah Place, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar lawful money of the United States 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 land with the buildings and improvements thereon situate in the Town of Newburgh, County of Orange, State of New York, commonly known as 19 Elmhurst Ave, Newburgh, NY 12550, identified on the Orange County Town of Newburgh tax map as section 53 block 2 lot 10, along with a vacant parcel situate upon Elmhurst Ave. & Charles Street in the Town of Newburgh, County of Orange, State of New York, being identified on the Orange County Town of Newburgh tax map as section 53 block 2 lot 11, and both parcels being more particularly described in an attachment marked "SCHEDULE A Description".

SUBJECT to all agreements, covenants, restrictions, conditions, and easements of record.

BEING and intended to be the same premises conveyed to the grantor* by Deed from Earl R. Lenox, Sr., dated November 22, 2000, recorded December 4, 2000 in the Orange County Clerk's Office in Liber 5416 Page 39. Said Earl R. Lenox, Sr. died on 2/16/2005 a resident of Orange County, New York. * Earl R. Lenox, Jr.

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 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 parties of the second part, the heirs or successors and assigns of the parties 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.

SBL 53-2-10 and
53-2-11

AND the party of the first part, in compliance with Section 13 of the New York 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 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.

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.

Earl R. Lenox Jr.
EARL R. LENOX, Jr.

STATE OF FLORIDA)
COUNTY OF PINELAS)

ss.:

On the 4th day of MARCH 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared **EARL R. LENOX, Jr.**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Bruce Canfield
Notary Public, State of Florida
My Comm. Expires May 14, 2023
No. GG 334226

[Notary Public]

Bruce Canfield
Notary Public, State of Florida
My Comm. Expires May 14, 2023
No. GG 334226

R & R to:

Sarah Ramos, Esq.
334-336 East Main Street
Suite 2, Middletown NY
10940

Stewart Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-23-13297-O

Policy No.: Owner Policy: O-0000-067420018

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 and State of New York, being shown and designated as Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 45, 46 and 64 on a certain map entitled, "Map of High View near Orange Lake, Property of Flora O. Brill", which map was filed on October 14, 1912 in the Orange County Clerk's Office as Filed Map No. 976.

For Information Only:

Said premise(s) being known as:

19 Elmhurst Avenue, Newburgh, NY 12550 (Section: 53 Block: 2 Lot: 10)

Elmhurst Ave & Charles Street, Newburgh, NY 12550 (Section: 53 Block: 2 Lot: 11)

DRAKE LOEB

ATTORNEYS AT LAW

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

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.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield**
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation
**Member NY & NJ Bar

October 19, 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: Prestige Homes // ZBA referral
Planning Board Project No. 2024-30

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's October 17, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for this proposed lot line change application for property in the R-1 zoning district located at the corner of Charles Street and Elmhurst Avenue, and identified on the tax map as Section 53, Block 2, Lots 10 & 11.

The proposed lots will not meet the minimum R-1 lot area of 40,000 square feet. Tax Lot 10 proposes 18,167 square feet, and Tax Lot 11 proposes 20,045 square feet. Additionally, Tax Lot 11 does not meet minimum lot width of 150 feet, as 126 feet is proposed. Lastly, the applicant will be conferring with the Building Inspector on whether a rear yard variance will also be required.

Thank you for your consideration of this matter.

Very Truly Yours,

Dominic Cordisco



Siobhan Jablesnik <zoningboard@townofnewburgh.org>

Prestige Homes | ZBA referral

Jim Campbell <campbell-bldgdept@townofnewburgh.org>

Mon, Oct 21, 2024 at 9:06 AM

To: Dominic Cordisco <cordisco@gmail.com>

Cc: Darrin Scalzo <scalzo.zba@gmail.com>, Siobhan Jablesnik <zoningboard@townofnewburgh.org>, Dave Donovan <David.Donovan@dddllplaw.com>, Pat Hines <phines@mhepc.com>, John Ewasutyn <planningboard@townofnewburgh.org>

To All,

Ken Lytle submitted a revised drawing showing the rear yard setbacks, at this time the rear yard variance is not required.

Jim

[Quoted text hidden]

--



TOWN OF NEWBURGH

CODE COMPLIANCE DEPARTMENT

21 HUDSON VALLEY PROFESSIONAL PLAZA, NEWBURGH, NY 12550

JAMES CAMPBELL
BUILDING INSPECTOR

(845) 564-7801
FAX (845) 564-7802

CAMPBELL-BLDGDEPT@TOWNOFNEWBURGH.ORG



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

STATE OF NEW YORK: COUNTY OF ORANGE:


I, KIM LYLE, being duly sworn, depose and say that I did on or before

November 12, 2024, post and will thereafter maintain at

Charles St/Elmhurst Ave/Gardnertown Rd 53-2-10 & 11 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 20

day of October, 2024.

