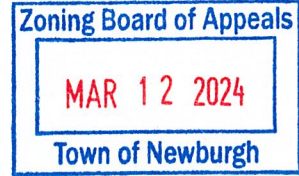




TOWN OF NEWBURGH

Crossroads of the Northeast

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



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 2/26/2024

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

I (WE) David Niemotko Architect, P.C. PRESENTLY

RESIDING AT NUMBER 167 Stage Rd Monroe, NY 10950

TELEPHONE NUMBER (845) 774-7523

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

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

1. LOCATION OF THE PROPERTY:

66 - 1 - 1 (TAX MAP DESIGNATION)

346 Meadow Ave (STREET ADDRESS)

IB, Interchange Business (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
185-19-C-1

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:

1/24/2024

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

N / A

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Raising roof of existing single family dwelling

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:

N / A

(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:

N / A

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

N / A

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

N / A

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 sought will permit the repair/improvement of the existing dwelling, which will enhance the appearance of the house, a benefit to 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:

The building is a pre-existing non-conforming condition and a variance is the only feasible method.

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

No change in building area proposed, the building height is below maximum permitted.


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

Existing building is in poor condition, the proposed renovation is an enhancement and benefit to the appearance of the neighborhood.

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

Non-conformities are pre-existing.

7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26 DAY OF February 2024

DENISE M MODERNO-MAY
No.01MO6170550
Notary Public, State of New York
Qualified in Orange County
My commission expires JULY 9th, 2027


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 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)

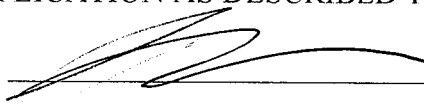
TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

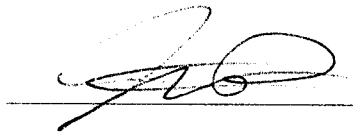
RE Equity NY LLC, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 40 Catskill High Rail Monroe, NY
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
346 Meadow Ave Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED David Niemotko Architect, P.C.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/26/24



OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26 DAY OF February 2024


NOTARY PUBLIC

DENISE M MODERNO-MAY
No.01M06170550
Notary Public, State of New York
Qualified in Orange County
My commission expires JULY 9th, 2027

Short Environmental Assessment Form

Part 1 - Project Information

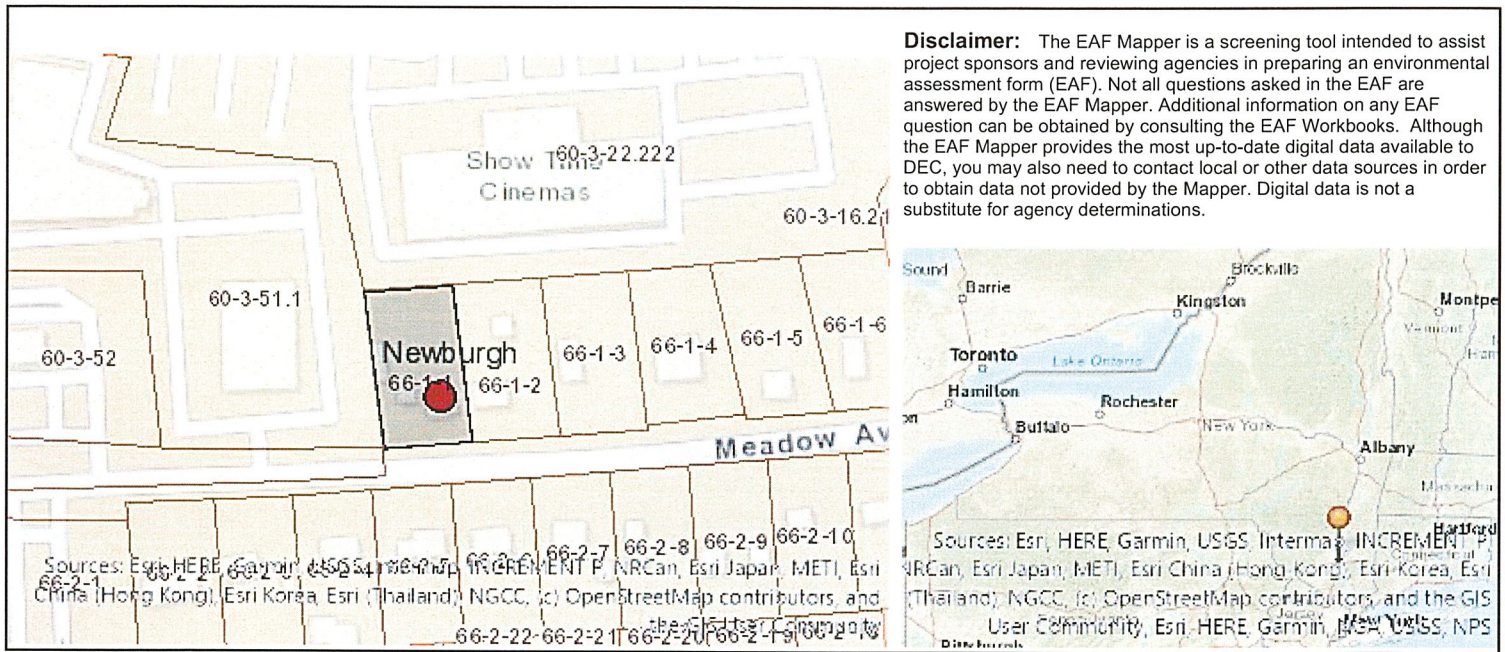
Instructions for Completing

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: House Mouse			
Project Location (describe, and attach a location map): 346 Meadow Ave Newburgh, NY 12550			
Brief Description of Proposed Action: EXISTING SINGLE-FAMILY DWELLING TO BE REPAIRED AND RENOVATED. EXTERIOR IMPROVEMENTS INCLUDE A NEW ROOF, FOUNDATION REPAIR, WINDOWS, AND SIDING. NO CHANGE IN BUILDING FOOTPRINT PROPOSED. EXISTING UTILITIES TO REMAIN.			
Name of Applicant or Sponsor: David Niemotko Architect, P.C.		Telephone: (845) 774-7523 E-Mail: david@niemotkoarchitects.com	
Address: 167 Stage Rd			
City/PO: Monroe		State: NY	Zip Code: 10950
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: Town of Newburgh Zoning Board			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.41 acres b. Total acreage to be physically disturbed? _____ 0.01 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.41 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 checked="" 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 type="checkbox"/>	<input checked="" 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: N/A _____	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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<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	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"/>	



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

Bargain & Sale Deed with Covenant against Grantor's Act.

PREMISES: 346 Meadow Avenue, Town of Newburgh, County of Orange, State of New York 12550 (SBL: 66-1-1)

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 2nd day of August 2023

BETWEEN

Meadow Hill Realty, LLC, a Limited Liability Company duly organized under the laws of the State of New York, with an office located at 356 Meadow Avenue, Newburgh, New York 12550
Grantor,

And Re Equity NY LLC, a Limited Liability Company duly organized under the laws of the State of New York, with an office located at P.O. Box 428, Central Valley, New York 10917
Guarantee,

WITNESSETH, that the grantor, in consideration of TEN AND NO/100 (\$10.00) Dollars, paid by the grantee hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

ALL that certain lot, 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 more particularly bounded and described in the Schedule "A" attached hereto and made a part hereof.

BEING and INTENDED to be the same premises described in that certain Deed dated December 22, 1999 made by James D. Stubbs and Pennie Lee Stubbs to Meadow Hill Realty, LLC and recorded in the Orange County Clerk's Office on January 7, 2000 in Liber 5220 at page 193.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

AmTrust Title Insurance Company

Title No.: MTANY-189158

SCHEDULE A CONTINUED

LEGAL DESCRIPTION

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

BEGINNING at a point in the northerly line of Meadow Avenue, said point also being the southeasterly corner of lands now or formerly Catanzaro;

RUNNING THENCE along the same and a stone wall, north 4 degrees 33 minutes 22 seconds east 180.01 feet to a pipe found in the stone wall;

THENCE along the lands now or formerly Dormaglio Realty Corp., south 81 degrees 13 minutes 07 seconds east 100.16 feet to a pipe;

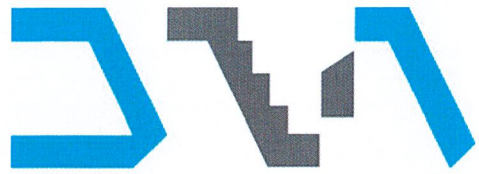
THENCE along the lands now or formerly of Doody, south 4 degrees 36 minutes 32 seconds west 180.00 feet to a point;

THENCE along the said line of Meadow Avenue, north 81 degrees 13 minutes 07 seconds west 100.00 feet to the place of BEGINNING.

NOTE: Being Section 66, Block(s) 1, Lot(s) 1, Tax Map of the Town of Newburgh, County of Orange.

NOTE: Lot and Block shown for informational purposes only.

Issued by:
Madison Title Agency, LLC
1125 Ocean Avenue, Lakewood, NJ 08701
Telephone: 732-905-9400 Fax: 732-905-9420



David Niemotko Architects

167 STAGE ROAD, MONROE, NEW YORK 10950

Phone: (845) 774-7523

www.niemotkoarchitects.com

david@niemotkoarchitects.com

March 8th, 2024

Darrin J. Scalzo, Zoning Board Chair
c/o Town of Newburgh

21 Hudson Valley Professional Plaza

Newburgh, New York 12550

Via: Email & Hand Delivery

Re: 346 Meadow Ave Newburgh, NY 12550 [SBL: 66-1-1]
Area Variance for the Renovation of an Existing Non-conforming Dwelling

Dear Zoning Board Members,

Please accept this submission regarding the subject project for your review. The owner proposes to repair and renovate a pre-existing, non-conforming single-family dwelling on the property.

As per the building inspector's Notice of Disapproval letter, relief from the Zoning Code section 185-19C (1) is sought since changing the roof design from a shed to a gable style raises the portion of the roof along the ridge line. We believe that the proposed improvement of the existing building will not increase the degree of or create any new nonconformity.

The building is currently in very poor condition, needing substantial upgrades to the existing structure, including the existing exterior walls of the portion of the house as noted on the plans. This provides an opportunity to also replace the existing shed roof with a new gable roof, aligning with the existing ridge and creating a better appearance to the house.

We look forward to progressing this application to approval. If you have any additional questions or comments, feel free to contact us at your earliest convenience.

Sincerely,

David Niemotko (Electronic Signature)

Registered Architect

- Encl.** (1) Building Inspector's Referral Letter, dated 1/24/2024
(11) Plot Plan C-1, dated 3/8/2024
(1) Property Deed
(1) Assessor's List of Property Owner's within 500 ft of property
(1) Property photographs
(1) Completed ZBA Application dated 2/26/2024
(1) Short EAF dated 2/22/2024

CC: RE Equity NY LLC, P.O. Box 428 Central Valley, NY 10917

TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

January 25, 2024

RE Equity NY LLC
PO Box 428
Central Valley, NY 10917

Re: 346 Meadow Ave., Newburgh
66-1-1 IB Zone


To whom it may concern:

Enclosed please find Notice of Disapproval of Building Permit Application together with Application and Instructions for the Zoning Board of Appeals.

To raise the roof on your property in the Town of Newburgh you must obtain a variance from the Zoning Board of Appeals.

The next scheduled available meeting of the Zoning Board of Appeals is Thursday February 22, 2024. If this Agenda is full, the next meeting will be Thursday March 28, 2024. If you plan on applying to the Zoning Board of Appeals for variances, the application and all materials requested must be submitted to this office no later than 13 business days prior to the hearing date. Also, all mailings must be completed at least 10 business days prior to that date. Please refer to the enclosed Meeting Dates and Deadlines sheet.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Siobhan Jablesnik, Acting Secretary
Zoning Board of Appeals

/BG
Encl. NYS GML Section 239 requires the Zoning Board of Appeals 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.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

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

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

2024-09

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/24/2024

Application No. 23-1397

To: RE Equity NY LLC
P.O. Box 428
Central Valley, NY 10917

SBL: 66-1-1
ADDRESS: 346 Meadow Ave

ZONE: IB

PLEASE TAKE NOTICE that your application dated 11/28/2023 for permit to raising the roof on an existing non-conforming single family dwelling unit on the premises located at 346 Meadow Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

185-19-C-1: Maintenance, repair, structural alteration, relocation, reconstruction or enlargement. Normal maintenance and repair, structural alteration, relocation, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to district regulations for lot area, lot width, lot depth, front, side or rear yards, building height, lot coverage, habitable floor area or other such dimensional regulation, is permitted if the same does not increase the degree of or create any new nonconformity with such regulations in such buildings.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

FACING PROPERTY, WEST SIDE



FACING PROPERTY, EAST SIDE



BUILDING FRONT VIEW



BUILDING SIDE VIEW

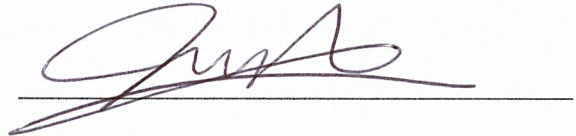


**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Jesse Shih, being duly sworn, depose and say that I did on or before
March 14, 2024, post and will thereafter maintain at
346 Meadow Ave 66-1-1 IB 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 14

day of March, 2024.

