



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: 12/13/19

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

I (WE) Adam Shapiro PRESENTLY
RESIDING AT NUMBER 307 Lakeside Rd Newburgh NY 12550
TELEPHONE NUMBER 845-913-6415

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:

40-1-12 (TAX MAP DESIGNATION)
1530 Rt 300 (STREET ADDRESS)
R3 Zone (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).



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: 11/27/2019
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Install 18' x 26' x 11' accessory building where a building once stood

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:

There was a building there previously that was in disrepair and needed to be removed. Instead of leaving the dilapidated building there a new garage there would enhance the overall aesthetic of the property.



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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:

There was a building there previously that was in disrepair and needed to be removed. Instead of leaving the dilapidated building there a new garage there would enhance the overall aesthetic of the property.

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 AREA IS REQUIRED TO OBTAIN A VARIANCE BECAUSE THE PROPOSED DOES NOT MEET THE REQUIREMENTS

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

INCREASED FLOOR AREA SEPARATED AS HIGH IS TOO SMALL

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 structure is a metal garage which can easily be removed and isn't considered a permanent structure

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

THE LOT DOES NOT CURRENTLY CONFORM TO THE REQUIREMENTS TO OBTAIN A BUILDING PERMIT



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF December 2019

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)

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: New Garage 1530 Route 300			
Project Location (describe, and attach a location map): 1530 Route 300 Newburgh NY 12550 (new garage will be located behind current garage)			
Brief Description of Proposed Action: Looking to install a 18x26x11 garage behind current garage.			
Name of Applicant or Sponsor: Adam Shapiro		Telephone: 845-913-6415	
		E-Mail: adamshapiro@hotmail.com	
Address: 307 Lakeside Rd			
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.4 acres	
b. Total acreage to be physically disturbed?		468 sq/ft acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<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 checked="" type="checkbox"/> Other (specify): Religious			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Adam Shapiro</u> Date: <u>12/13/19</u></p>		
<p>Signature: <u>adam shapiro</u></p>		



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2810-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 11/27/2019

Application No. 19-1091

To: Adam Shapiro
1530 Route 300
Newburgh, NY 12550

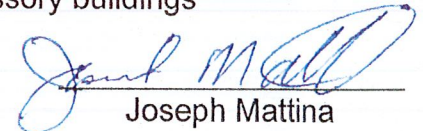
SBL: 40-1-12
ADDRESS: 1530 Route 300

ZONE: R3

PLEASE TAKE NOTICE that your application dated 10/07/2019 for permit to build a 18 x 26 garage behind existing garage. on the premises located at 1530 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-15-A-4: The formula permits a maximum of 700.94 sf for all accessory buildings


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES / **NO**

NAME: Adam Shapiro Building Application # 19-1091

ADDRESS: 1530 Rt. 300 Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: 18' x 26' x 11' Accessory building

SBL: 40-1-12 ZONE: R-3 ZBA Application # 2810-19

TOWN WATER: YES / NO TOWN SEWER: YES / NO

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Square Feet	700.94 sf	396 sf	864 sf	163.06 sf	23.26%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Has an existing 18' x 22' accessory building

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 / The maximum permitted square foot per the formula is 700.94 sf.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina DATE: 27-Nov-19



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, 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: 14450 / 514
INSTRUMENT #: 20180061468

Receipt#: 2538986
Clerk: RB
Rec Date: 08/23/2018 09:50:24 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: JT ABSTRACT

Party1: NACHBAR STEPHEN J
Party2: SHAPIRO ADAM
Town: NEWBURGH (TN)
40-1-12

Recording:
Recording Fee 40.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 Residential/Agricu 116.00
RP5217 - County 9.00

Sub Total: 190.00

Transfer Tax
Transfer Tax - State 328.00

Sub Total: 328.00

Total: 518.00

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

***** Transfer Tax *****
Transfer Tax #: 735
Transfer Tax
Consideration: 82000.00

Transfer Tax - State 328.00

Total: 328.00

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

Comment: _____

Handwritten signature of Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF AND HAVE RECORDED IN MY OFFICE
ON 8/23/18 THAT THE SAME IS A CORRECT
TRANSCRIPT THEREOF AND WHEREOF I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.
12/16/19 Ann G. Rabbitt
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

Record and Return To:

STEFFY LAW PC
1662 ROUTE 300
NEWBURGH, NY 12550

Section: 40
Block: 1
Lot: 12

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS
(INDIVIDUAL OR CORPORATION)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the ^{10th} day of May, 2018

BETWEEN

STEPHEN J. NACHBAR of 1530 Route 300, Newburgh, New York 12550

party of the first part, and

ADAM SHAPIRO of 307 Lakeside Drive, Newburgh, New York 12550

party of the second part;

40
1
12

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars, lawful money of the United States, 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, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly bounded and described in **SCHEDULE A** attached hereto and made a part hereof.

BEING and intended to be the same premises described in a Deed from Dorothy H. Webber to Stephen J. Nachbar, dated August 6, 2008 and recorded in the Orange County Clerk's Office on August 15, 2008 in Liber 12716 at Page 1198.

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 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 for this conveyance and will hold the right to

Schedule A Description

Title Number JT-9894OR

Page 1

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

Beginning at an iron pipe found in the easterly bounds of N.Y.S Route 300, said point also being located at the southwesterly corner of lands of Lynch as described in l. 5140 P. 23, and runs from thence along said lands of Lynch, lands now or formerly of Ryan, lands now or formerly of Ducan, lands now or formerly of Sumner and lands now or formerly of Mayer and following a stone wall and also passing through iron pipes found on line S 67-00 E 514.93 feet to a point; thence turning and running along lands now or formerly of Bruno S 31-00 W 82.58 feet to a point; thence turning and running along the same N 68-20 W 64.80 feet to a point; thence turning and running still along the same S 28-12 W 43.50 feet to an iron rod & cap found; thence turning and running along lands now or formerly of Mount Carmel Church of Christ N 67-00 W 413.60 feet to an iron pipe found; thence turning and running along the monumented easterly bounds of N.Y. S. Route# 300 N 13-32 E 128.36 feet to the point or place of beginning.

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.


STEPHEN J. NACHBAR

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:
)

On the ^{8th} day of May, 2018, before me, the undersigned, personally appeared STEPHEN J. NACHBAR, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

SHARON A MINUTOLO
Notary Public - State of New York
No. 01M6292690
Qualified in Orange County
My Commission Expires Nov 4, 2021

DEED

Title No. JT-9894-OR

RECORD & RETURN TO:

Joseph B. Steffy IV, Esq.
Steffy Law, P.C.
1662 Route 300, Suite 100
Newburgh, New York 12550

Section 40
Block 1
Lot 12
County or Town Town of Newburgh/Orange
Street Address 1530 Route 300
Newburgh, New York 12550

J T Abstract Co Inc
717 Broadway
Newburgh New York 12550
845-562-8855 fax 845-562-0056
JTAbstract@hotmail.com



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Adam Shapiro, being duly sworn, depose and say that I did on or before
January 9, 2020, post and will thereafter maintain at
1530 Route 300 40-1-12 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.

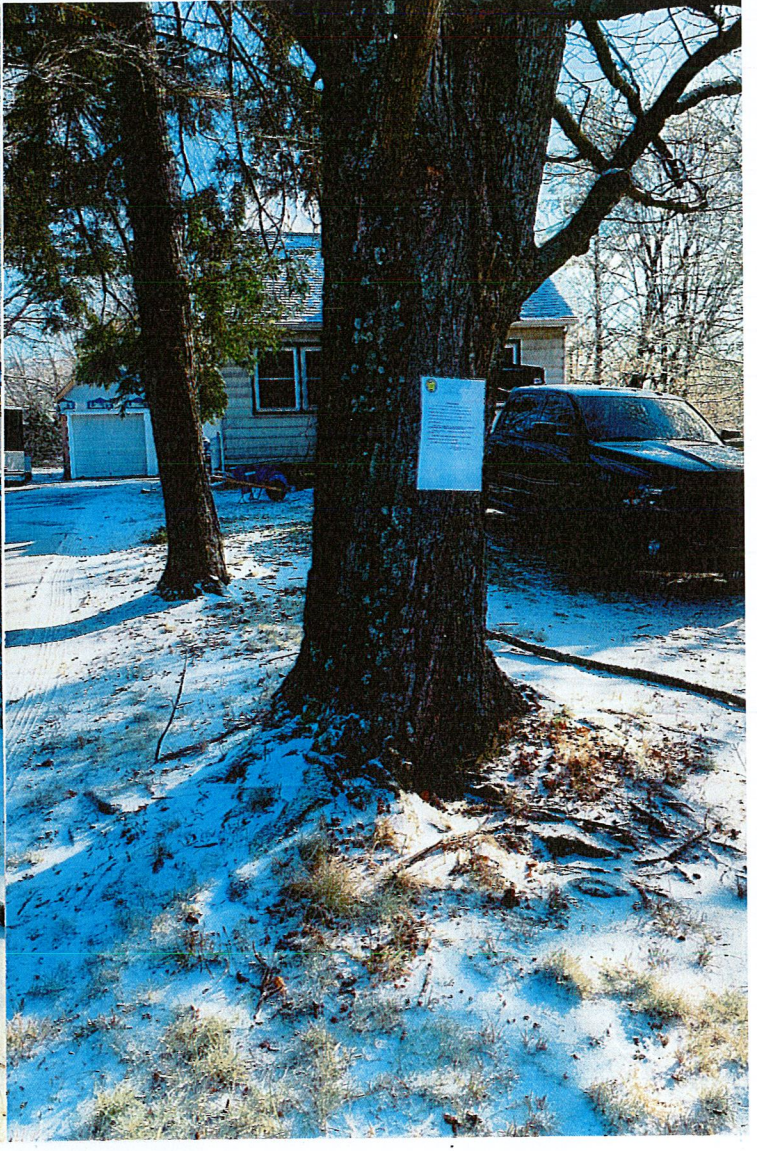
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 18
day of December, 2020.


[Signature]
Notary Public



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]





 TOWN OF NEWBURGH
Crossroads of the Northeast
ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
OFFICE OF ZONING BOARD
(845) 566-4901

NOTICE OF HEARING

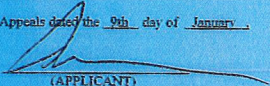
NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Tuesday the 23rd day of January, 2020 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Adam Shamiro for an area variance to build a 18' x 26' garage behind the existing garage where the maximum allowed square footage is 700.94.

PREMISES LOCATED at 1530 Route 300 40-1-12 R3 Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 9th day of January, 2020.


(APPLICANT)