



Steven M. Neuhaus
County Executive

Orange County Department of Planning
Submittal Form for Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l,m, & n

Referral ID#:
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	TARSIO Family Limited
Project Name:	
Location of Project Site:	283 FOSTERTOWN RD (COR-86) Newburgh

Tax Map #:	39-1-21.1
Tax Map #:	
Tax Map #:	
Local File No.:	PB Repl
Size of Parcel*:	8.6 acres

*If more than one parcel, please include sum of all parcels.

Reason for County Review: ON County Road

Current Zoning District (include any overlays): R-2

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____

 Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision Number of lots proposed: _____

 Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance AREA / USE (circle one) maximum height maximum square footage of accessory buildings + close to the street that front of the main building

Other

Is this an update to a previously submitted referral? YES / NO (circle one)

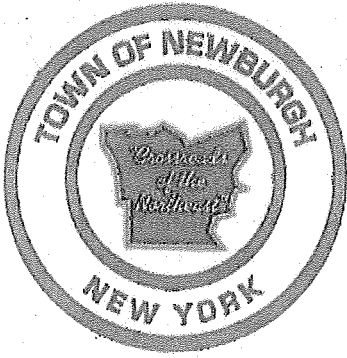
Local board comments or elaboration:

Grace Cardone 5/6/15 Chairperson
Signature of local official Date Zoning Board of Appeals Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



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: 4/22/15

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

I (WE) TARSIU FAMILY LIMITED PRESENTLY
RESIDING AT NUMBER 283 FOSTERTOWN ROAD
TELEPHONE NUMBER 845-542-6639

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

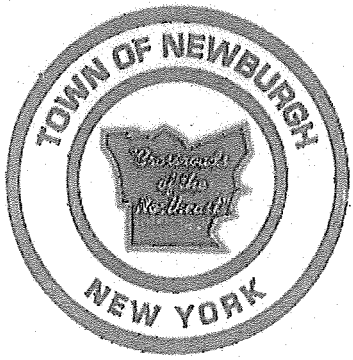
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

39-1-21.1 (TAX MAP DESIGNATION)
283 FOSTERTOWN ROAD (STREET ADDRESS)
R-2 (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).

185-15-B
185-15-A.1
185-15-A.5



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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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 4/21/15

4. DESCRIPTION OF VARIANCE SOUGHT: ACCESSORY STRUCTURE IN THE FRONT YARD, EXCEEDING 1000 SF, HEIGHT 15' (SEE 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:



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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:

IT IS EXISTING AND NO CHANGE IS PROPOSED.

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:

IT IS EXISTING

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

IT IS EXISTING AND NO CHANGE IS PROPOSED

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

IT IS EXISTING AND NO CHANGE IS PROPOSED

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

IT IS EXISTING AND IS OVER 100 YRS. OLD.



TOWN OF NEWBURGH

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

7. ADDITIONAL REASONS (IF PERTINENT):

THE STRUCTURE IS OVER 100 yrs OLD. PRIOR
TO ANY ZONING REGULATIONS.

[Handwritten Signature]
PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

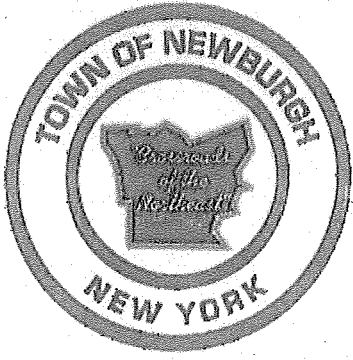
SWORN TO THIS 23 DAY OF April 20 15

[Handwritten Signature]
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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

TARSIO FAMILY LIMITED, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 283 FOSTERTOWN ROAD
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 283 FOSTERTOWN
ROAD

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED ZEN DESIGN CONSULTANTS
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4/22/15 Andy Tarsio

OWNER'S SIGNATURE

Eune McLean

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF April 20 15



Kristine Deyo
NOTARY PUBLIC

617.20
Appendix B
Short Environmental Assessment Form

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: <u>TARSHO-WELLS ROAD / FOSTERTOWN ROAD SUBDIVISION</u>			
Project Location (describe, and attach a location map): <u>283 FOSTERTOWN ROAD</u>			
Brief Description of Proposed Action: <u>SUBDIVISION - CREATING (4) NEW LOTS</u>			
Name of Applicant or Sponsor: <u>TARSHO FAMILY LIMITED</u>		Telephone: <u>845-542-6639</u>	
		E-Mail:	
Address: <u>283 FOSTERTOWN ROAD</u>			
City/PO: <u>NEWBURGH</u>		State: <u>NY</u>	Zip Code: <u>12550</u>
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"/>
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: <u>PLANNING BOARD</u>			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>8.60</u> acres	
b. Total acreage to be physically disturbed?		<u>1.00</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.00 <u>8.60</u> 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 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			

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)? If Yes, explain purpose and size: _____ _____	NO	YES
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>KEN LYTTLE</u>	Date: <u>4/22/15</u>	
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

ZEN Design Consultants, Inc.

6 OLD NORTH PLANK ROAD, SUITE 103
NEWBURGH, NEW YORK 12550
(845) 629-1567 (phone)
14-004

ZBA - PROJECT INFORMATION

PROJECT:

Tarsio Family Limited - Subdivision

PROPERTY LOCATION:

283 Fostertown Road

SBL:

39-1-21.1

ZONE:

R-2 – Residential District

ACRES:

8.6 +/- Acres

DESCRIPTION:

The proposed (5) lot subdivision requires (3) separate variances as follows:

- 185-15-A.1: Accessory buildings shall not exceed 15' max. height
The existing structure is approx. 28' tall.
- 185-15-A.5: Accessory buildings shall be limited to a max. 1,000sf.
The existing structure is approx. 4,320 sf.
- 185-15-B.5: Accessory buildings shall not be closer to the street than the front of the main building.
The existing structure was built over 100 years ago prior to any zoning regulations in the area.

RL ~~• BULK TABLE SCN (4) COLUMN (A) ITEM #2~~

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT

PATRICK TARSIO TO THE TARSIO FAMILY LIMITED PARTNERSHIP

SECTION 39 BLOCK 1 LOT 21.1



RECORD AND RETURN TO: (name and address)

GELLERT & QUARTARARO, P.C. Attorneys & Counselors at Law 75 Washington Street Poughkeepsie, New York 12601-2303 ATTN: STEPHEN E. DIAMOND, ESQ.

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED [checked] MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 2001 WASHINGTONVILLE (VLG) 2289 CHESTER (TN) 2201 CHESTER (VLG) 2489 CORNWALL (TN) 2401 CORNWALL (VLG) 2600 CRAWFORD (TN) 2800 DEERPARK (TN) 3089 GOSHEN (TN) 3001 GOSHEN (VLG) 3003 FLORIDA (VLG) 3005 CHESTER (VLG) 3200 GREENVILLE (TN) 3489 HAMPTONBURGH (TN) 3401 MAYBROOK (VLG) 3689 HIGHLANDS (TN) 3601 HIGHLAND FALLS (VLG) 3889 MINISINK (TN) 3801 UNIONVILLE (VLG) 4089 MONROE (TN) 4001 MONROE (VLG) 4003 HARRIMAN (VLG) 4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN) 4201 MAYBROOK (VLG) 4203 MONTGOMERY (VLG) 4205 WALDEN (VLG) 4489 MOUNT HOPE (TN) 4401 OTISVILLE (VLG) 4600 NEWBURGH (TN) 4800 NEW WINDSOR (TN) 5089 TUXEDO (TN) 5001 TUXEDO PARK (VLG) 5200 WALLKILL (TN) 5489 WARWICK (TN) 5401 FLORIDA (VLG) 5403 GREENWOOD LAKE (VLG) 5405 WARWICK (VLG) 5600 WAWAYANDA (TN) 5889 WOODBURY (TN) 5801 HARRIMAN (VLG)

CITIES

- 0900 MIDDLETOWN 1100 NEWBURGH 1300 PORT JERVIS 9999 HOLD

NO PAGES 3 CROSS REF. CERT. COPY ADD'L X-REF. MAP# PGS.

PAYMENT TYPE: CHECK [checked] CASH CHARGE NO FEE

Taxable CONSIDERATION \$ TAX EXEMPT Taxable MORTGAGE AMT. \$ DATE

MORTGAGE TAX TYPE: (A) COMMERCIAL/FULL 1% (B) 1 OR 2 FAMILY (C) UNDER \$10,000 (E) EXEMPT (F) 3 TO 6 UNITS (I) NAT.PERSON/CR. UNION (J) NAT.PER-CR/UN/1 OR 2 (K) CONDO

Donna L. Benson DONNA L. BENSON ORANGE COUNTY CLERK

RECEIVED FROM: Gellert & Quartararo

RECORDED/FILED 03/08/2004/ 07:00:00 DONNA L. BENSON County Clerk ORANGE COUNTY, NY

FILE # 20040031196 DEED / BK 11411 PG 1462 RECORDING FEES 89.00 TTX# 008705 TRANS TAX 0.00 Receipt#234365 suemay

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 FILED OR RECORDED IN MY OFFICE ON March 08, 2004 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt April 23, 2015

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY



THIS INDENTURE, made on 19th day of December, Two Thousand and Three,

BETWEEN Patrick Tarsio
283 Fostertown Road
Newburgh, NY 12550

party of the first part, and

The Tarsio Family Limited Partnership
283 Fostertown Road
Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of-----
-----ZERO (\$0.00)-----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 and State of New
York and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Fostertown Road at the northeasterly corner of
lands conveyed by Margaret L. Chadwick to Everett V. Robbins and running thence along the
easterly line of lands of Robbins and along the easterly face of a stone wall South 29 degrees 50'
West for 194.24 feet, thence still along lands of Robbins and along the easterly face of a stone
wall South 14 degrees 16' West for 213.03 feet to the southerly face of another stone wall and
thence along the southerly face of said stone wall North 69 degrees 43' West for 275.25 feet to a
point in a stone wall in the easterly side of Wells Road, thence along said stone wall and the
easterly line of Wells Road South 16 degrees 7' West for 389.90 feet; thence running through
other lands of Margaret L. Chadwick and along a stone wall South 74 degrees 7' East for 646.80
feet to a stone wall thence along said stone wall North 20 degrees 52 1/2 ' East for 692.36 feet to
the southerly line of Fostertown Road, thence along the southerly line of Fostertown Road, and a
stone wall North 64 degrees 38' West for 336.40 feet to a point, thence still along the southerly
line of Fostertown Road and a stone wall North 50 degrees 53' West 63.57 feet to the point or
place of beginning and containing 9.062 acres of land.

BEING the same premises conveyed by Albert F. Barr, Sr. to Patrick Tarsio by Deed dated June
26, 1975 and recorded in the Orange County Clerk's Office on in Liber 2011 of Deeds at Page
88.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any
streets and road 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 incumbered 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 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.


IN PRESENCE OF:



PATRICK TARSIO

STATE OF NEW YORK)
) SS.:
COUNTY OF)

On the 19th day of December in the year 2003 before me, the undersigned, personally appeared PATRICK TARSIO, 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

STEPHEN E. DIAMOND
Notary Public, State of New York
Reg. # 02-D14815268
Qualified in Dutchess County
Commission Expires August 31, 2006

Record and Return to:
Stephen E. Diamond, Esq.
Gellert & Quartararo, P.C.
75 Washington Street
Poughkeepsie, NY 12601

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddbllaw.com
Fax (845) 294-6553
(Not for Service of Process)

April 21, 2015

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Tarsio Family Limited 5-lot Subdivision
39-1-21.1 (Zone R-2)
283 Fostertown Road (15.08)

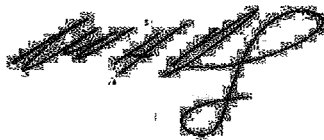
*New letter
5/6/15*

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of April 16, 2015. The applicant proposes a five lot subdivision. The existing lot has an accessory barn in the front yard of an existing single family dwelling. Accessory structures are not permitted in front yards and, while it appears that the barn is presently a protected noncomplying structure, that protection will be lost upon subdivision. Therefore the planning board is referring this matter to you for consideration of a front yard variance permitting the accessory barn to remain where it is located.

The planning board has no particular matters to bring to your attention. Your review of this matter appears to be a Type II Action under the New York State Environmental Quality Review Act.

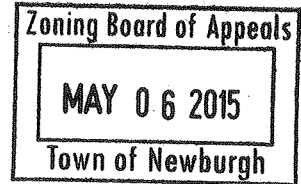
Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Zen Design Consultants, Inc.
David A. Donovan, Esq.



Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddbllaw.com
Fax (845) 294-6553
(Not for Service of Process)

May 6, 2015

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: Tarsio Family Limited 5-lot Subdivision
39-1-21.1 (Zone R-2)
283 Fostertown Road (15.08)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. This matter has previously been referred to you by way of correspondence dated April 21, 2015. After sending the initial referral letter, it was discovered that additional variances are required.

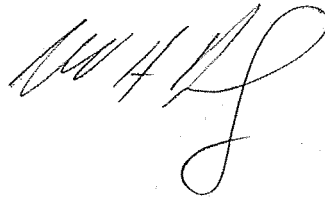
Therefore, the planning board now refers this matter to you for consideration of the following variances:

- An area variance allowing an accessory building to have a height of 28 feet where 15 feet is the maximum allowed;
- An area variance allowing an accessory building to be 4,322 square feet in area where 1,000 square feet is the maximum allowed; and
- An area variance allowing an accessory building to be located closer to the fronting street than the main dwelling.

The planning board has no particular matters to bring to your attention. Your review of

this matter appears to be a Type II Action under the New York State Environmental Quality Review Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "MHD", written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Zen Design Consultants, Inc.

