



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

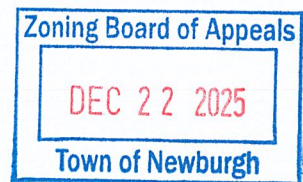
TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: _____

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



I (WE) JOSEPH ACCETTURA PRESENTLY

RESIDING AT NUMBER 1463 ROUTE 300, NEWBURGH, N.Y. 12550

TELEPHONE NUMBER 845-591-7038

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

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

1. LOCATION OF THE PROPERTY:

62-1-8 (TAX MAP DESIGNATION)

1463 ROUTE 3000 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWNBUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: ____
_12-8-2025_____
- 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: __NON-CONFORMITY (REAR YARD SETBACK)_____

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:

- 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 existing nonconformity setback is an existing setback along the rear existing structure____

- 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:

- c) _____ know the method can be achieved for a non-conformant setback that exists

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

_____ the area variance is not substantial for a setback that exists between the property line and an existing structure.____

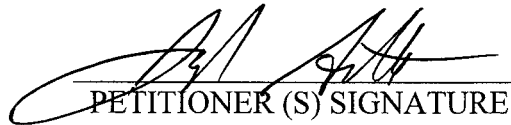
- e) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE__

- f) __the variance will not have an advert affect or impact or physical on the environment as it will not increase or decrease the non-conformant dimension

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

_____this is an existing non-conformant setback for the rear yard_____

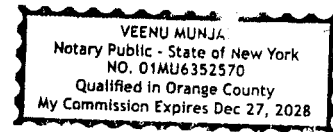
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12th DAY OF December 2025


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

____ Joseph accettura _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT ____ 1 Farmstead Road _____
IN THE COUNTY OF ____ Orange _____ AND STATE OF ____ New York _____
AND THAT HE/SHE IS THE OWNER IN FEE OF ____ 1463 Route 300 _____
____ in the Town of Newburgh _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED _____ Floyd Johnson
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12/12/21



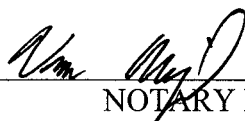
OWNER'S SIGNATURE



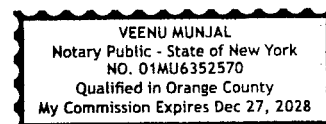
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12th DAY OF December 2025



NOTARY PUBLIC



Short Environmental Assessment Form

Part 1 - Project Information

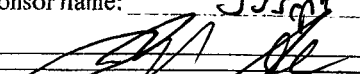
Instructions for Completing

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			
1463 ROUTE 300, JOSEPH ACCETTURA			
Name of Action or Project: <div style="text-align: center;">ENCLOSE PATOI AND AREA VARIANCE</div>			
Project Location (describe, and attach a location map): 1463 ROUTE 300, TOWN OF NEWBURGH			
Brief Description of Proposed Action: ENCLOSED PATIO REQUIRE AREA VARIACE			
Name of Applicant or Sponsor: JOSEPH ACCETTURA		Telephone: 845-401-7088	
		E-Mail:	
Address: 1 FARMSTEAD ROAD			
City/PO: NEWBURGH		State: N.Y.	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		44,392 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		44392 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

Page 2 of 5

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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Joseph Accetum</u> Date: <u>12/12/21</u> Signature: 		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

- ☐ 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.
- ☐ 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)

Record & Return to:
Sobo & Sobo LLP
One Dolson Avenue
Middletown NY 10940

Tax Map Des.: T/Newburgh 62-1-8
Known as 1463 Route 300

Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation

DEED

T/Newburgh 62-1-8
THIS INDENTURE made the 26 day August of, 2021, between, Joseph M. Accettura and Diane M. Accettura, husband and wife, residing at 1 Farmstead Road, New Windsor NY 12553, party of the first part and JM and DM Holdings LLC, a New York limited liability company located at 1463 Route 300, Newburgh NY 12550, party of the second part;

WITNESSETH:

That the party of the first part, in consideration of TEN (\$10.00) DOLLARS, lawful money of the United States, and other good and 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 for 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, more particularly bounded and described as follows:

SEE SCHEDULE "A" DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF

Subject to covenants, easements and restrictions of record.

BEING and intended to be the same premises conveyed to Joseph M Accettura and Diane M. Accettura, husband and wife, by deed of Christopher t. Warden and Dawn Warden dated April 16, 2021 and recorded in the Office of the Orange County Clerk in Liber 16527 of Deeds at Page 1004.

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 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.


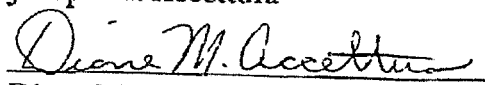
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby said premises have been encumbered in any way whatever, except as aforesaid.

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 receive such consideration as a trust fund to be applied first for the purpose of paying 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" wherever 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.

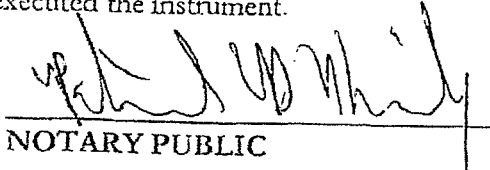
IN PRESENCE OF:


Joseph M. Accettura

Diane M. Accettura

STATE OF New York)
COUNTY OF Orange) ss.:

On the 26th day of August, 2021 before me, the undersigned, personally appeared Joseph M. Accettura and Diane M. Accettura, 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(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

PATRICK D. HICKEY
Notary Public, State of New York
No. 02HI6338304
Qualified in Dutchess County
Commission Expires 03/07/2024


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Schedule A Description

Title Number JT-1587OR

Page 1

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

BEGINNING at a point of intersection of the easterly line of Union Avenue and the westerly line of Union Avenue Extension and running thence along the easterly line of Union Avenue, North 1 degrees 13' West 179.46 feet to the line of the lands of Goddard; thence along the line of lands of said Goddard, North 89 degrees 23' East 175.00 feet to an iron pipe found; thence, South 36 degrees 34' East 56.19 feet along the line of lands of Terhune to a point in the northwesterly side of the Union Avenue Extension; thence along the side of the said Union Avenue Extension, South 66 degrees 10' West 86.29 feet to a point, still along the said side, South 53 degrees 40' West 104.24 feet to a point; thence still along said side, South 46 degrees 33' West 57.50 feet to the point or place of BEGINNING.



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

2025-56

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/08/2025

Application No. 25-1362

JM and DM Holdings LLC c/o Joseph
To: Accettura
1463 Rt 300
Newburgh, NY 12550

SBL: 62-1-8
ADDRESS: 1463 Route 300

ZONE: B

PLEASE TAKE NOTICE that your application dated 12/05/2025 for permit to Enclosing patio / porch on the left side of the building. on the premises located at 1463 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. Rear yard: Enclosing the existing non-conforming porch into storage room.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

1 pg.



FRONT FROM ROUTE 300



SIDE VIEW FROM UNION AVE



Right side of Building



REAR of Building

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Joseph Accattaro, being duly sworn, depose and say that I did on or before

January 8, 2026, post and will thereafter maintain at

1463 Route 300 62-1-8 B Zone in the Town of Newburgh, New York, at or near the front

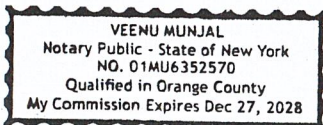
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

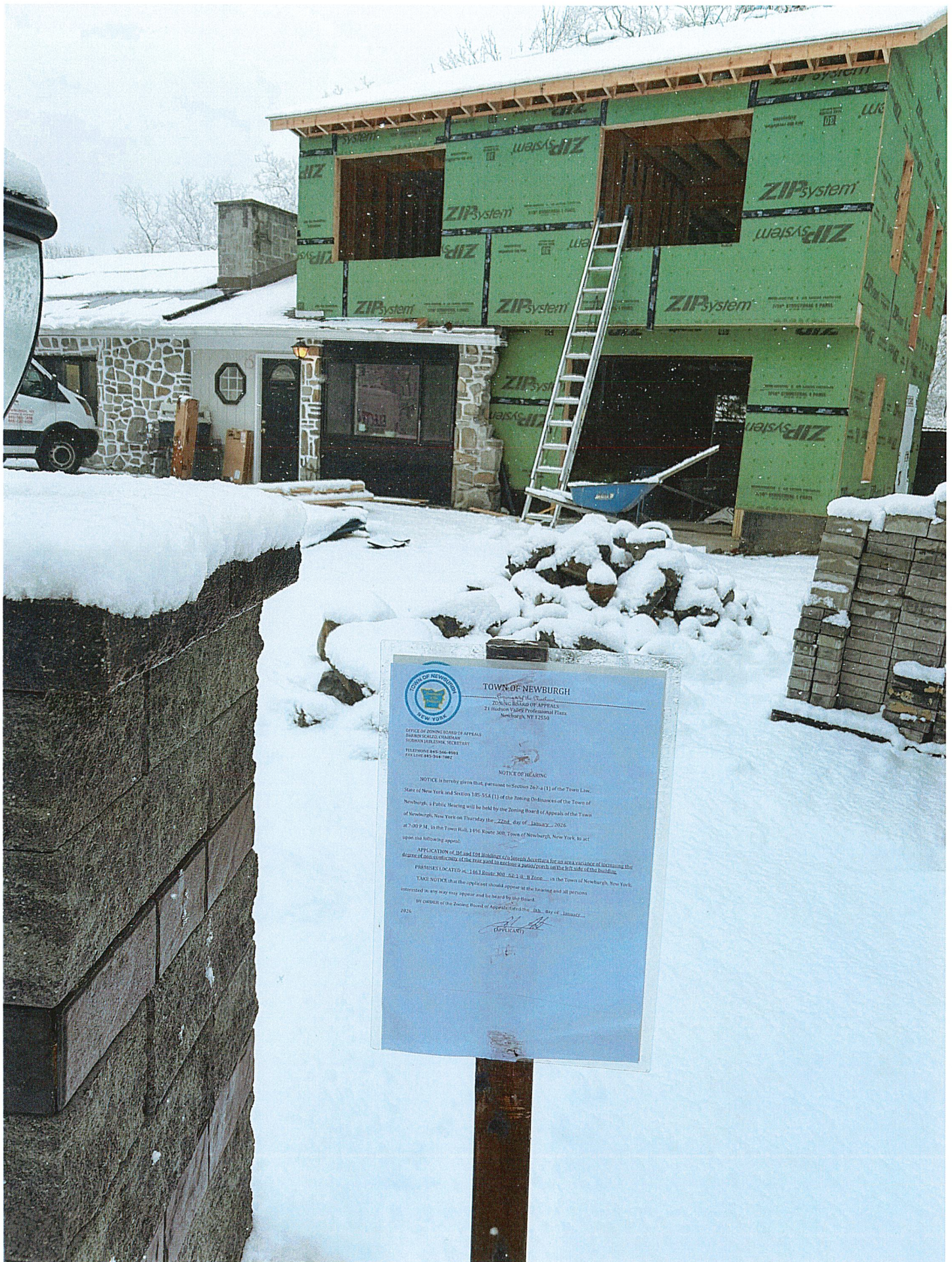
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the 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 23rd

day of December, 2025, 2026.

Venu Munjal













NOTES:

SUBJECT to any easements, rights-of-ways, and/or agreements that the utility companies may have. SUBJECT to such facts disclosed by an accurate, up-to-date title search. OFFSETS shown hereon are not to be used for construction purposes and/or fence installation.

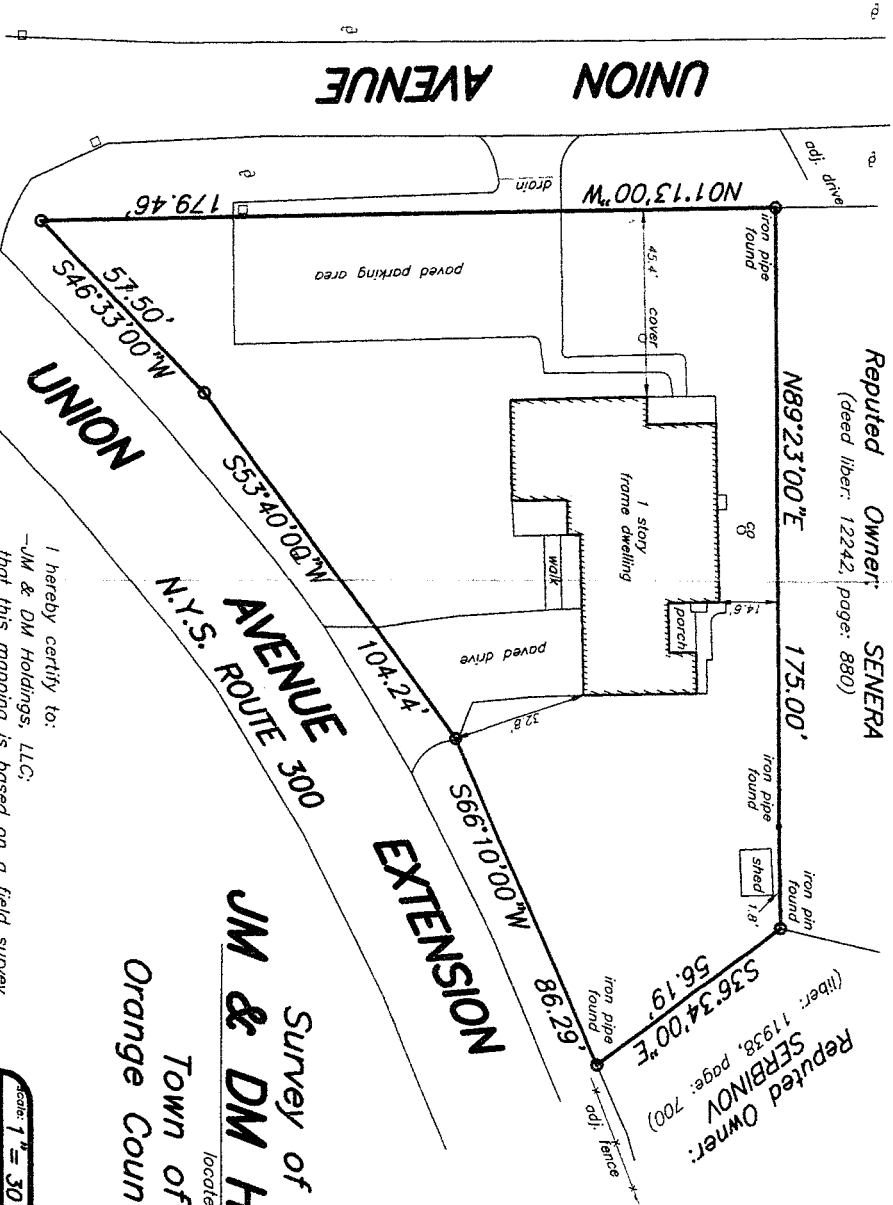
AREA = 20,422 S.F.

= 0.469± acres

REFERENCES:

TAX MAP DATA:
Section: 62
Block: 1
Lot: 8

Deed Liber: 4889, Page: 171



Certifications indicated herein signify that the survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications are not to be construed as a warranty of the accuracy of the survey, and on no account shall the title company, governmental agency and lending institution, listed herein, and to the best of my knowledge, be held responsible for their subsequent owners.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal and signature is a violation of the Education Law of the New York State.

I hereby certify to:

-JM & DM Holdings, LLC;
that this mapping is based on a field survey performed on the date indicated hereon, deeds and/or maps obtained from the County Clerk's office, and is correct and accurate to the best of my knowledge.

Howard W. Weeden, P.L.S., P.C.

Howard W. Weeden, P.L.S., P.C. NYS Lic. No. 049967

Survey of Property for
JM & DM HOLDINGS, LLC
located in the
Town of Newburgh
Orange County - New York

Scale: 1" = 30' Date: 13 May 2021 File no.: 21-172

HOWARD W. WEEDEN, P.L.S., P.C.
PROFESSIONAL LAND SURVEYING
62 Main Street, Warden, N.Y. 12586
tel.: (845) 778-7643

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