

TOWN OF NEWBURGH

Crossroads of the Tortheast

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

JUL 0 7 2025
Town of Newburgh

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

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

APPLICATION

		DATED: 06/30/25			
	TO: THE ZONING BOARD OF APPEALS THE TOWN OF NEWBURGH, NEW YORK 12550				
I (WE)	Robert Iacomacci	PRESENTLY			
RESIC	DING AT NUMBER 4 Cre	stwood Ct.			
TELEI	PHONE NUMBER 845-77	75-7236			
HERE	BY MAKE APPLICATION	N TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:			
		USE VARIANCE			
5 Total		AREA VARIANCE (S)			
INTERPRETATION OF THE ORDINANCE		INTERPRETATION OF THE ORDINANCE			
		SPECIAL PERMIT			
1.	LOCATION OF THE PRO	OPERTY:			
	87-2-10	(TAX MAP DESIGNATION)			
	4 Crestwood Ct.	(STREET ADDRESS)			
	R-1	(ZONING DISTRICT)			
2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION A SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE 185-19-C-1 and Bulk table schedule 3		NG LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).			

3.	3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:				
	a)	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILD BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTI 06/11/2025			
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING N			
4.	DESC	RIPTION OF VARIANCE SOUGHT: BUILDING COVERAGE, LOT COVERAGE	GE,		
	FRONT	YARD(2' RELIEF), SIDE (24' RELIEF)AND REAR YARD (19.4' RELIEF) VARIANCES			
5.	IF A U	SE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE Z UCE UNNECESSARY HARDSHIP IN THAT:	ONING LAW WOULD		
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QU			
		(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL ESTABLISHING SUCH DEPRIVATION)	AL EVIDENCE		
	b)	THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTOFF THE DISTRICT OR NEIGHBORHOOD BECAUSE:	TANTIAL PORTION		
	c)	THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARAC NEIGHBORHOOD BECAUSE:	CTER OF THE		
	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:			

a)	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERT BECAUSE: The design of the new additions will match the architecture of the existing residence.
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 existing lot is non-conforming and there is no other feasible location for the proposed additions.
c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: The existing lot is non-conforming and the setback requirements leave little to no buildable area.
c) d)	

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

Robert lacomacci	, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 4 CRESTW	OOD CT NEWBURGH NY, 12550
IN THE COUNTY OF Orange	AND STATE OF New York
AND THAT HE/SHE IS THE OW	/NER IN FEE OF 4 CRESTWOOD CT
NEWBURGH NY, 12550	
WHICH IS THE PREMISES DES	CRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS	AUTHORIZED Whalen Architecture, PLLC
TO MAKE THE FOREGOING A	PPLICATION AS DESCRIBED THEREIN.
DATED: 07/05/2025	Gobula farasano
2	OWNER'S SIGNATURE
WITNESS' SIGNATURE	
STATE OF NEW YORK: COUNT	ГҮ OF ORANGE:
SWORN TO THIS DAY	Y OF JULY 20 25
	NOTARY PUBLIC
	LAWRENCE VANDEMARK JR Notary Public - State of New York NO. 01LA0023578 Qualified in Orange County My Commission Expires Apr 15, 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.

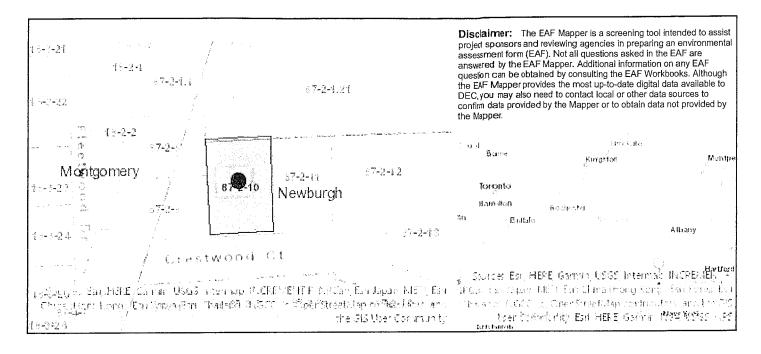
Part 1 – Project and Sponsor Information			
lacomacci Residence			
Name of Action or Project:			
Garage & sunroom addition			
Project Location (describe, and attach a location map):			
4 Crestwood Ct., Newburgh, NY 12550			
Brief Description of Proposed Action:	· ,,		
The project proposes a slab on grade (40'- 8 1/2"x14'-6") garage addition to the side of the existing house and a slab on grade sunroom (12'-0" x 19'-4") attached at the rear of the existing house.			
Name of Applicant or Sponsor:	Telephone: 845-775-7236	6	
Robert lacomacci	E-Mail: robiacomacci@gr	nail.com	
Address:			
4 Crestwood Ct.			
City/PO: State: Zip Code:			
Newburgh New York 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.			
2. Does the proposed action require a permit, approval or funding from any other		NO YES	
If Yes, list agency(s) name and permit or approval: Town of Newburgh ZBA, Building			
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.19 acres 0.19 acres 0.19 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)			
Forest Agriculture Aquatic Other(Spec	cify):		
☐ Parkland			

5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?		✓	
	b. Consistent with the adopted comprehensive plan?		V	
(I di anno di ati anno di tanta di tanta di tanta di anno di an		NO	YES
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?			✓
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	es, identify:		V	
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO NO	YES
	b. Are public transportation services available at or near the site of the proposed action?		<u>\</u>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		✓	
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the	e proposed action will exceed requirements, describe design features and technologies:			
The proposed action will meet the current energy code requirements.				\checkmark
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:				✓
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment:			
	11.10, describe memora at pre-			\checkmark
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	t	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the			V	
Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?				<u> </u>
arch	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for aeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		V	
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
	b. Would the proposed action physically alter, or encroach into, any existing welland or waterbody?			
If Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:		to constitution of the con	Samuel Market

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
Shoreline Forest Agricultural/grasslands Early mid-successional			
☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES	
Federal government as threatened or endangered? Indiana Bat		\checkmark	
16. Is the project site located in the 100-year flood plan?	NO	YES	
	\checkmark		
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	\checkmark		
a. Will storm water discharges flow to adjacent properties?	\checkmark		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	V		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES	
If Yes, explain the purpose and size of the impoundment:			
	V		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES	
If Yes, describe:			
	✓		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES	
completed) for hazardous waste? If Yes, describe:			
	1		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF		
Applicant/sponsor/name: Stephen A. Webster, R.A. Date: 7/7/25	-		
Signature: Title: TRINCIPAL.			

EAF Mapper Summary Report

Part 1 / Question 20 [Remediation Site]



Part 1 / Question 7 [Critical Environmental No Areal No Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] Part 1 / Question 12b [Archeological Sites] No Part 1 / Question 13a [Wetlands or Other Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Regulated Waterbodies] Workbook. Yes Part 1 / Question 15 [Threatened or **Endangered Animal**] Indiana Bat Part 1 / Question 15 [Threatened or Endangered Animal - Name] Part 1 / Question 16 [100 Year Flood Plain] No

No

Agency Use Only [11 applicable]		
Project:		
Date:		
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?	V	
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)?	V	
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)?	✓	
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?	√	

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.				
that the proposed action will not result in any significant adverse environmental impacts.				
Name of Lead Agency Date				
Name of Beat Agoney				
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)				

PRINT FORM

Bargain & Sales Deed with Covenant against Grantor's Acts Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS DOCUMENT

THIS INDENTURE, made the $2^{\frac{100}{2}}$ day of October, 2020.

BETWEEN Thomas A. Ulrich and Karen W. Ulrich f/k/a Karen M. Walsh, presently residing at 4 Crestwood Court, Newburgh, New York 12550,

party of the first part, and

Robert Iacomacci and Megan Iacomacci, husband and wife both, presently residing at 4 Crestwood Court, Newburgh, New York 12550 10601, party of the second part,

WITNESSETH, that party of the first part, in consideration of Ten Dollars 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 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 more particularly described as follows:

SEE SCHEDULE "A" ANNEXED HERETO

BEING and intended to be the same premises conveyed by Matthew F. Schmitz to Thomas A. Ulrich and Karen M. Walsh by Deed dated April 26, 1984 and recorded in the Orange County Clerk's Office on April 27, 1984 in Liber 2281 of Deeds at page 1131.

The premises are not in an agricultural district and the subject premises are entirely owned by the transferor.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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

Atlantic American Title & Escrow Agency, Inc. as Agent for WFG National Title Insurance Company

SCHEDULE A - LEGAL DESCRIPTION

File No.: AANY-06506-20

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, known and designated as Block D, Lot 15 on a certain map known as "Development Plan, Fleetwood Manor, at Newburgh, Orange County, N. Y ", which map was made by Sidney L. Horowitz, engineer, dated June, 1955 and was filed in the Orange County Clerk's Office on December 6, 1955, Map #1636.

ALSO BEING further described as follows:

BEING Lot #15 in Block "D" as shown on a map entitled "Development Plan Fleetwood Manor" filed in the Orange County Clerk's Office on December 6, 1955 as map #1636, being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Crestwood Court (50' wide), where the same is intersected by the dividing line between lots #15 & 16 in Block "D" as shown on said "Fleetwood Manor" map. Said point being distant 80.00' on a course of S 81°-39'-00" E along the northerly line of Crestwood Court from the easterly end of a curve connecting to the easterly line of Fleetwood Drive; and running thence,

- (1) N 8°-21'-00" E 110.00' along the easterly line of lots #16 and #17 to a point; thence,
- (2) S 81°-39' -00" E 75.19' along the northerly line of lot #15 to a point; thence,
- (3) S 8°-21'-00" W 110.00' along the westerly line of lot #14 to a point; thence,
- (4) N 81°-39'-00" W 75.19' along the northerly line of Crestwood Court to the point or place of beginning.

Containing 0.190+/- acres of land more or less.

TOGETHER WITH AND SUBJECT TO covenants, easements, restrictions and agreements of record, if any.

File No.: AANY-06506-20 Schedule A Legal TIRSA 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 whatsoever, 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 written above.

IN PRESENCE OF:

THOMAS A. ULRICH

Karen W. Ulrich, f/k/a

KAREN M. WALSH

STATE OF NEW YORK)

.:SS

COUNTY OF ORANGE)

NOVEMBER

On the day of October in the year two thousand twenty, before me, the undersigned, a Notary Public in and for the said State, personally appeared Thomas A. Ulrich and Karen W. Ulrich, personally know to me or proved to me on the basis of satisfactory evidence to be the individuals whose name are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

NOTARY

GARY A: GALATI
Motary Public, State of New York
Certified in Orange County
Commission Expires Oct. 31, 19



TOWN OF NEWBURGH

~Crossroads of the Northeast~

21 HUDSON VALLEY PROFESSIONAL PLAZA NEWBURGH, NEW YORK 12550

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

2015-25

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/11/2025

Application No. 25-0570

To: Robert Iacomacci 4 Crestwood Court Newburgh, NY 12550

SBL: 87-2-10

ADDRESS:4 Crestwood Ct

ZONE: R1

PLEASE TAKE NOTICE that your application dated 06/05/2025 for permit to build a 14'-5" x 40'-7.5" side yard garage with a 12' x 19'-6" rear sunroom on the premises located at 4 Crestwood Ct 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. (Front yard)
- 2) Bulk table schedule 3: Requires a 30' minimum side yard setback
- 3) Bulk table schedule 3: Requires a 80' minimum combined side yard setback
- 4) Bulk table schedule 3: Requires a 40' minimum rear yard setback
- 5) Bulk table schedule 3: Allows a maximum of 10% for lot building coverage
- 6) Bulk table schedule 3: Allows a maximum of 20% for lot surface coverage

Joseph Mattina

Cc: Town Clerk & Assessor (500')

File



TOWN OF NEWBURGH ZONING CHART

NAME:	Robert Iacomacci	ADDRESS:		4 Crestwood Ct	
STRUCTURE:	side yard garage & rear sun room	TYPE OF VARIANCE: AREA	ANCE: AREA	Newburgh NY 12550	
S:B:L: 87-2-10	ZONE: R-1	TOWN WATER: <u>YES</u>		TOWN SEWER: <u>YES</u>	
VARIANCE DISCRIPTION	TION CODE SECTION	MINIMUM	REQUESTED	VARIANCE	%
Front yard setback	k 185-19-C-1	50'	48'	Increasing degree	degree
One side yard setback	ick Bulk table schdeule 3	30,	-9	24'	%08
Combined side yard	d Bulk table schdeule 3	,08	18.9'	61.1'	76.00%
Rear yard setback	Sulk table schdeule 3	40,	20.6'	19.4'	48.50%
Lot Building coverage	ge Bulk table schdeule 3	10%=827	24.1%=1993	1166 sf	24.10%
Lot surface coverage	ge Bulk table schdeule 3	20%=1654	35%=2894	1240 sf	35%
COMMENTS:					
REVIEWED BY:	JOSEPH MATINA	DATE	DATE: 2025	APPLICATION:	25-0570
				2514- 20	20-52-02

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

STATE OF NEW YORK: COUNTY OF ORANGE:
Robert Tacemace. , being duly sworn, depose and say that I did on or before
July 10, 2025, post and will thereafter maintain at
4 Crestwood Ct 87-2-10 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.
Sheet Surveyer
Sworn to before me this <u>GTh</u>
day of July, 2025.
Hons O Baker

ROSICEL BAKER
Notary Public - State of New York
NO. 01BA6210466
Qualified in Orange County
My Commission Expires Aug 17, 2025



