



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: 09/05/2025

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

I (WE) *CESAR LEMUS* PRESENTLY

RESIDING AT NUMBER *582 FOSTERTOWN ROAD, NEWBURGH, NY, 12550*

TELEPHONE NUMBER *845 596 4956*

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

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

1. LOCATION OF THE PROPERTY:

17-2-5 (TAX MAP DESIGNATION)

582 FOSTERTOWN ROAD, NEWBURGH, NY, 12550 (STREET ADDRESS) —

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SEE SITE PLAN C-1 VARIANCES REQUESTED _____

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:
AUGUST 20, 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:

PRE-EXISTING NON-CONFORMING CONDITIONS

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:

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

- 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:

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

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

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

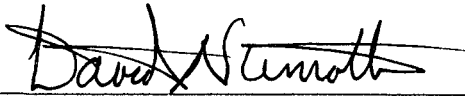
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

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

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

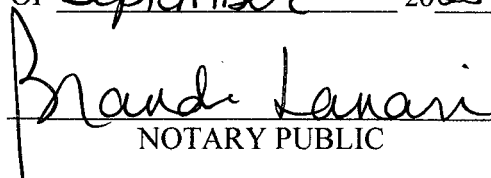
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF September 2025


NOTARY PUBLIC

BRANDI LANARI
Notary Public, State of New York
No. 01LA0022542
Qualified in Orange County
Commission Expires: 03/21/2028

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

CESAR LEMUS, DEPOSES AND SAYS THAT

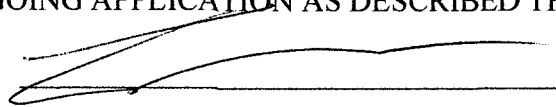
HE/SHE RESIDES AT 16 Lansdale Rd New City NY 10956

IN THE COUNTY OF *ORANGE* AND STATE OF *NEW YORK*

AND THAT HE/SHE IS THE OWNER IN FEE OF
582 FOSTERTOWN ROAD, NEWBURGH, NY 10950

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED *DAVID NIEMOTKO*
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: *09/05/25*

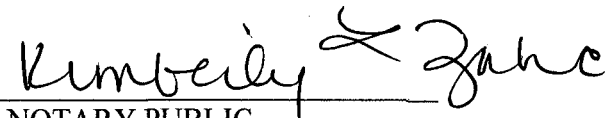


OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8 DAY OF September 20 25



NOTARY PUBLIC

KIMBERLY L. ZAHRA
Notary Public, State of New York
No. 01ZA6389648
Qualified in Orange County
Commission Expires: 04/01/2027

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

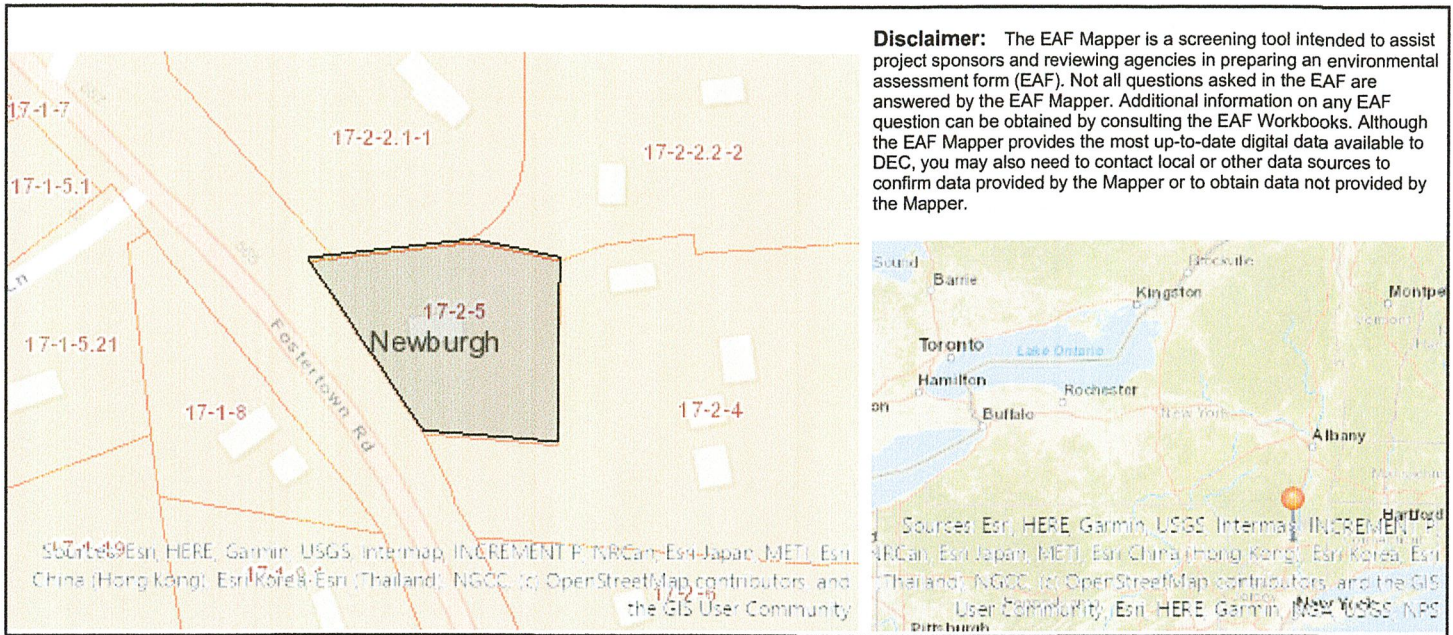
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Renovation of a Single-Family House			
Project Location (describe, and attach a location map): 582 Fostertown Road, Newburgh NY 12550			
Brief Description of Proposed Action: Renovation of existing Single-Family House within existing footprint. Second Floor Addition and Covered front porch are added.			
Name of Applicant or Sponsor: David Niemotko Architect PC		Telephone: 845-774-7523 E-Mail: david@niemotkoarchitects.com	
Address: 167 Stage Road			
City/PO: Monroe		State: NY	Zip Code: 10950
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐ YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Zoning Board			NO ☐ YES ☒
3. a. Total acreage of the site of the proposed action? .67 acres b. Total acreage to be physically disturbed? .03 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .03 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(Specify): ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87 If Yes, identify: _____	NO ☐	YES ☒	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Septic Tank will be used	NO ☒	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☒ ☒	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☒ ☒	YES ☐ ☐	

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 Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
_____ Runoff to be collected by gutters and / or drainage swale		
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)? If Yes, explain the purpose and size of the impoundment:	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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>David Niemotko</u> Date: <u>09/0525</u> Signature: <u>David Niemotko</u> Title: <u>Architect</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	, Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



ORANGE COUNTY – STATE OF NEW YORK
KELLY A. ESKEW, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

149235

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15416 / 1620
INSTRUMENT #: 20230029281

Receipt#: 3158514
Clerk: BR
Rec Date: 05/08/2023 09:58:08 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: Judicial Title Insurance
Agency

Party1: MASTEN LLC
Party2: LEMUS CESAR
Town: NEWBURGH (TN)
17-2-5

Recording:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 200.00

Transfer Tax
Transfer Tax - State 480.00

Sub Total: 480.00

Total: 680.00

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

***** Transfer Tax *****
Transfer Tax #: 8455
Transfer Tax
Consideration: 120000.00

Transfer Tax - State 480.00

Total: 480.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

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

FORM 8002 (short version), FORM 8007 (long version)

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

THIS INDENTURE, made the ^{As of} May 2, 2023

BETWEEN Masten LLC, of 548 County Route 17, Montgomery, New York 12549, party of the first part, and

^{And Sergio Ely Rodriguez Monzon}
Cesar Lemus of 16 Lansdale Road, New City, New York 10956, party of the second part; ^

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) 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, State of New York, more particularly described in Schedule A attached hereto.

BEING and intended to be the same premises conveyed to Masten LLC from V&C & LV Management LLC by Deed dated December 19, 2022 and recorded in the Office of Orange County Clerk on January 13, 2023 in Liber 15364 at page 224.;

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.

ORANGE COUNTY
T/O NEWBURGH

Section: 17, Block: 2, Lot: 5

New York Residential Real Estate Forms

-1-© 2023 Matthew Bender & Company, Inc.

Judicial Title Insurance Agency LLC
800 Westchester Ave., Suite S-340
Rye Brook, NY 10573

149235

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.

Masten LLC

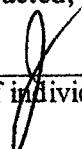


By: Stellios Mavrogiannis, Sole Member

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

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

On the 26 day of April in the year 2023, before me, the undersigned, personally appeared **Stellios Mavrogiannis**, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

JOHN J. REVELLA
Notary Public - State of New York
No. 02RE6188046
Qualified in Orange County
Commission Expires June 02, 2024

Section: 17, Block: 2, Lot: 5



800 Westchester Avenue • Suite S340 • Rye Brook, NY 10573 • T (914) 381-6700 • F (914) 381-3131
315 Madison Avenue • Suite 3028 • New York, NY 10017 • T (212) 432-3272 • F (800) 329-9396
20 West Main Street • Suite 101 • Riverhead, NY 11901 • T (631) 395-0500 • F (631) 405-3155

Title Number: 149235FI-O

SCHEDULE A

Amended 04/27/2023

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, bounded and described as follows:

BEGINNING at a point on the easterly side of Orange County Highway # 86 a/k/a Fostertown Road where the most southwesterly corner of the premises herein described and the most northwesterly corner of lands now or formerly Curtis intersect said easterly side of Orange County Highway # 86 a/k/a Fostertown Road;

RUNNING THENCE along the easterly side of Orange County Highway # 86 a/k/a Fostertown Road, north 21 degrees 08 minutes 58 seconds west, 191.75 feet;

THENCE south 86 degrees 46 minutes 00 seconds east, 138.94 feet;

THENCE south 68 degrees 20 minutes 00 seconds east, 82.70 feet;

THENCE south 12 degrees 06 minutes 00 seconds west, 172.60 feet;

THENCE north 75 degrees 36 minutes 00 seconds west, 113.79 feet to the point or place of BEGINNING.

FOR CONVEYANCE PURPOSES

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property. TOGETHER with all the right, title and interest of the party in the first part, or, in and to the land lying in the street in front of and adjoining said premises.

THIS IS NOT A BUILDING PERMIT
Submit all items listed below at the same time, partial submittals will not be reviewed.

APPLICATION #25-0879
582 Fostertown Rd
Town of Newburgh
Code Compliance Department

21 Hudson Valley Professional Plaza Newburgh, NY 12550
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: Sangria's Mexican Restaurant & Tequila Bar, Inc., 97 S Route 303, Congers, NY 10929-2846 -

PROJECT: Renovation of existing house.

SBL: 17-2-5

APPLICATION DATE: 08/15/2025

REVIEW DATE: 8-18-2025

Residential: All smoke and co alarms shall be upgraded.
ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED

The building permit application submitted is incomplete. No code compliant plan review was conducted.

1) 3 variances will be required from the TON Zoning Board of Appeals. The exiting dwelling is considered existing non-conforming.

- Increasing the degree of a non-conforming front yard. 48.3'
- Increasing the degree of a non-conforming rear yard. 78'
- Increasing the degree of non-conforming side yard. 33.2'

2) Did not supply proof of workers compensation insurance.

3) Did not supply proof of liability insurance.

4) Did not supply an Orange County electrical license.

5) If approved, before building permit is issued, an evaluation of the existing septic system by a NYS licensed design professional will be required to ensure proper septic disposal.

Joseph Mattina
Code Compliance



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

2025-31

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/18/2025

Application No. 25-0879

To:
Sangria's Mexican Restaurant & Tequila Bar, SBL: 17-2-5
Inc. ADDRESS: 582 Fostertown Rd
97 S Route 303
Congers, NY 10929-2846

ZONE: RR

PLEASE TAKE NOTICE that your application dated 08/15/2025 for permit to enlarge the second story and add a front porch roof on the premises located at 582 Fostertown Rd 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 60' / 48.3'
- 2) 185-19-C-1: Shall not increase the degree of non-conformity: Side yard 50' / 33.2'
- 3) 185-19-C-1: Shall not increase the degree of non-conformity: rear yard 100' / 78.8'

Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I DAVID NIEMOTKO, being duly sworn, depose and say that I did on or before
October 9, 2025, post and will thereafter maintain at
582 Fostertown Rd 17-2-5 RR 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 22

day of September, 2025.

Kimberly L. Zahra

KIMBERLY L. ZAHRA
Notary Public, State of New York
No. 01ZA6389648
Qualified in Orange County
Commission Expires: 04/01/2027



