



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: May 11, 2026

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

I (WE) Andrew & Christine Lupien PRESENTLY

RESIDING AT NUMBER 305 Oak Ln. Newburgh, NY 12550

TELEPHONE NUMBER 845-548-0132

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:

043-000/43-3-12.1 (TAX MAP DESIGNATION)

305 Oak Ln. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A

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:
5-26-2016

4. DESCRIPTION OF VARIANCE SOUGHT: Area Variance

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 shed is neutral in color, matches home in style and color. It's in character with the neighborhood and at the top of our driveway.

- 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:

Of hill terrain and property layout.

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

It's a logical and well placed space for a shed. It has an attractive design.

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

The land is flat, no trees or greenery was affected and it was installed as directed.

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

We did not build the house or shape physical landscape.

7. ADDITIONAL REASONS (IF PERTINENT):

Chaito Lupen
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 7th DAY OF May 2026

Cynthia Spinola
NOTARY PUBLIC

CYNTHIA SPINOLA
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. # 01SP6022356
COMM. EXP. 3/29/27

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)

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: Shed Project			
Project Location (describe, and attach a location map): Top of Driveway @ 305 Oak Ln.			
Brief Description of Proposed Action: Permit for shed located @ the top of the driveway @ 305 Oak Ln.			
Name of Applicant or Sponsor: Christine & Andrew Lupien		Telephone: 978-502-2055	
		E-Mail: Clupien815@gmail.com	
Address: 305 Oak Ln			
City/PO: Newburgh, NH		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Christine Lupien</u> Date: <u>4/17/26</u>		
Signature: _____		

Agency Use Only [If applicable]

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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input 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)



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

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



BOOK/PAGE: 14056 / 373
 INSTRUMENT #: 20160034316

Receipt#: 2135262
 Clerk: MRL
 Rec Date: 05/26/2016 02:04:40 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: CROWN ABSTRACT LLC

Party1: PASSARO PHILIP
 Party2: LUPIEN ANDREW
 Town: NEWBURGH (TN)
 43-3-12.1

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

Sub Total: 190.00

Transfer Tax
 Transfer Tax - State 1120.00

Sub Total: 1120.00

Total: 1310.00

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

***** Transfer Tax *****
 Transfer Tax #: 8029
 Transfer Tax
 Consideration: 280000.00

Transfer Tax - State 1120.00

Total: 1120.00

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

Comment: _____

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

RICHARD STRASSFIELD ESQ
 81 MAIN ST SUIT 205
 WHITE PLAINS NY 10601

Bargain & Sale Deed with Covenants Against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 10th day of March, 2016

aka Phil Passaro
BETWEEN PHILIP PASSARO and YVETTE DALE, residing at 305 Oak Lane, Newburgh, NY, 12550 *11 70*

as joint tenants with Right of survivorship

party of the first part, and

ANDREW LUPIEN ~~III~~ and CHRISTINE ~~A~~ LUPIEN, residing at 29 Sycamore Drive, Beacon, NY 12508 *11 70*

as husband and wife

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars, lawful money of the United States in hand 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, situate, lying and being in the Town of Newburgh, County of Orange, State of New York and more particularly described in the Schedule A attached hereto and made a part hereof.

BEING the same premises conveyed to PHILIP PASSARO and YVETTE DALE from PHILIP PASSARO, by deed dated October 22, 2002 and recorded in the Orange County Clerk's office on November 29, 2002 in Liber 6083 at Page 254.

BEING the same premises conveyed to PHILIP PASSARO from ERICH EICHHORN, as Executor of the Last Will and Testament of Lydia Eichhorn, by deed dated August 7, 1998 and recorded in the Orange County Clerk's office on August 13, 1998 in Liber 4847 at Page 273.

BEING the same premises conveyed to PHILIP PASSARO from PHILIP PASSARO by deed dated March 29, 1999 and recorded in the Orange County Clerk's office on April 12, 2000 in Liber 5276 at Page 233.

BEING the premises commonly known as 305 Oak Lane, Newburgh, NY 12550.

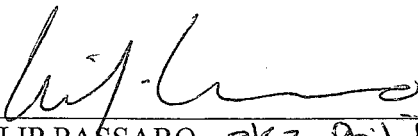
TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to

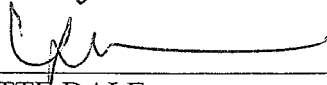
43
3
12.1

IN WITNESS WHEREOF, Grantor has duly executed this deed on the date first above written.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN PRESENCE OF:



PHILIP PASSARO aka Phil Passaro


YVETTE DALE

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

On the 8 day of March in the year of 2016 before me, the undersigned, a notary public in and for said state, personally appeared PHILIP PASSARO and YVETTE DALE, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that

CROWN ABSTRACT LLC

Title No.: 16CA-5005-O

SCHEDULE A

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

BEGINNING at a point on the easterly line of Oak Lane, said point being at the intersection of the easterly line of Oak Lane with the southerly line of Brewer Road; said point also being a re-bar set;

RUNNING THENCE along the said line of Brewer Road the following three (3) courses and distances:

1. North 84 degrees 50 minutes East 176.30 feet to a point;
2. South 82 degrees 16 minutes 40 seconds East 148.19 feet to a point;
3. South 72 degrees 41 minutes 05 seconds East 45.48 feet to a point, said point being a cross-cut set;

THENCE along lands now or formerly of Peter Gonzalez and Barbara Oliver, South 29 degrees 28 minutes 18seconds West 110.20 feet to a point, said point being an iron bar found;

THENCE along lands now or formerly of Patrick and Michele Carranza, South 07 degrees 55 minutes 25 seconds West a distance of 156.66 feet to a point;

THENCE along lands now or formerly of William E. Wilson, South 84 degrees 21 minutes 56 seconds West, a distance of 365.87 feet to a point on said easterly line of Oak Lane;

THENCE along said easterly line of Oak Lane, North 13 degrees 40 minutes East, a distance of 313.47 feet to the point or place of beginning.

Said parcel being Lot 1 as depicted on the plat entitled "Manor Subdivision Lands of Philip Passaro" filed in the Orange County Clerk's Office on September 15, 1999 as Map #214-99.

Indy

For conveyance only:

Together with all that right, title and interest of the party of the first part, of, in and to the land lying in the street in front and adjoining said premises.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2574-16

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Application No. 16-0408

Date: 05/26/2016

To: **ANDREW LUPIEN**
305 OAK LANE
NEWBURGH, NY 12550

SBL: 43-3-12.1
ADDRESS: 305 Oak Ln

ZONE: R1

KCS PLEASE TAKE NOTICE that your application dated 05/18/2016 for permit to install a 10' x 16' accessory building in a front yard on the premises located at 305 Oak Ln is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
185-15-A Accessory buildings may be in a required side or rear yard. (corner lot-2 front yards)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: Andrew Lupien

2574-16

ADDRESS: 305 Oak Lane Newburgh NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 10' x 16' accessory building

SBL: 43-3-12.1 ZONE: R-1

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

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

NOTES: 10 x 16 accessory building / corner lot / oak Ln. & Brewer Rd

VARIANCE(S) REQUIRED:

- 1 185-15-A Accessory buildings may be in any required side or rear yard.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

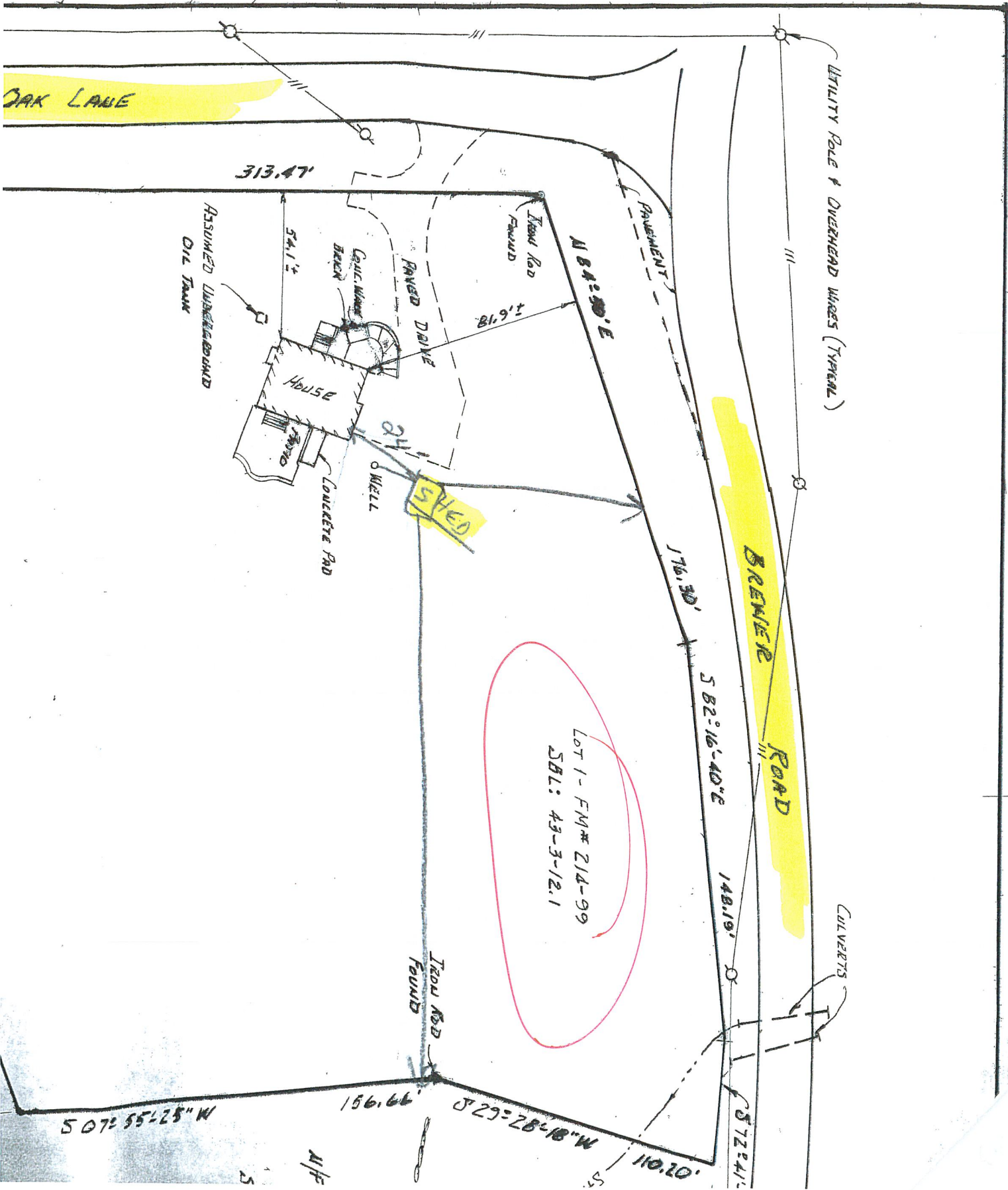
DATE: 26-May-16











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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Christine Lupien, being duly sworn, depose and say that I did on or before
May 14, 2026, post and will thereafter maintain at
305 Oak Ln 43-3-12 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.

Christine Lupien

Sworn to before me this 12th

day of May, 2026.

Cynthia Spinola

