

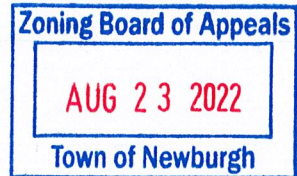


TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 8/18/22

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

I (WE) William & Stacey Lynn PRESENTLY

RESIDING AT NUMBER 312 Lakeside Rd.

TELEPHONE NUMBER 845-742-0029

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:

51-10-1 (TAX MAP DESIGNATION)

272 Lakeside Rd. (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Chapter 185

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:

8/5/22

4. DESCRIPTION OF VARIANCE SOUGHT: Front yard on Lakeside & Gardnertown Rd,
& Lot area

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:

Nothing will change visibly to property

- 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:

Lot is non-conforming

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

We are adding property to our non conforming lot

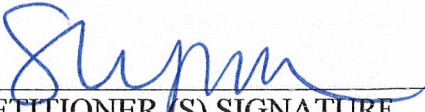
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

only changing lot line- Nothing being built

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

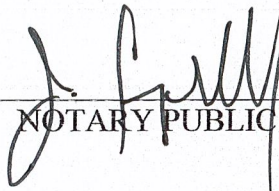
Lot was existing non conforming

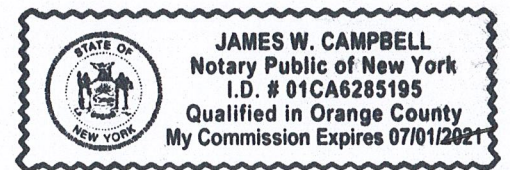
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18TH DAY OF AUGUST 2022


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)

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: <u>Lot Line Change</u>							
Project Location (describe, and attach a location map): <u>272 Lakeside Rd. Newburgh, NY 12550</u>							
Brief Description of Proposed Action: <u>Lot line change to transfer .19 acres to property</u>							
Name of Applicant or Sponsor: <u>William & Stacey Lynn</u>		Telephone: <u>845-742-0029</u>					
Address: <u>312 Lakeside Rd.</u>		E-Mail: <u>S.Lynn722@gmail.com</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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? <u>.19</u> acres b. Total acreage to be physically disturbed? <u>0</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>.516</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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <u>N/A</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			

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>William & Stacey Lynn</u> Date: <u>8/17/22</u> Signature: <u>[Signature]</u>		

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:		
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: 14708 / 502
INSTRUMENT #: 20200012731

Receipt#: 2761607
Clerk: KOD
Rec Date: 02/26/2020 03:43:18 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: A M BAUER LLC
Party2: LYNN WILLIAM D JR
Town: NEWBURGH (TN)
51-10-1

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 422.00

Sub Total: 422.00

Total: 612.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 6410
Transfer Tax
Consideration: 105500.00

Transfer Tax - State 422.00

Total: 422.00

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

Comment: _____

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

BLOOM & BLOOM, PC
530 BLOOMING GROVE TPKE
PO BOX 4323
NEW WINDSOR, NY 12553

Section 51
Block 10
Lot 1

150 65433

Standard N.Y.B.T.U. Form 8007

Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS
INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 24th day of February, Two Thousand Twenty
BETWEEN

A.M. BAUER, LLC, a domestic limited liability company having offices at
498 Lakeside Road, Newburgh, NY 12550

party of the first part, and

WILLIAM D. LYNN, JR. and STACEY LYNN, husband and wife,
residing at 312 Lakeside Road, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 (\$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 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 bounded and described in Schedule "A" annexed hereto and made a part hereof.

BEING the same premises described in a certain deed dated August 5, 2013 from Eileen Tansosch to A.M. Bauer, LLC and recorded in the Orange County Clerk's office on August 14, 2013 in Liber 13630 of Deeds at Page 1280.

This conveyance is made in the normal course of business and does not constitute all or substantially all of the assets of the party of the first part.

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 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:

A.M. BAUER, LLC

BY: Matthew Tansosch, Member

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

On the 24th day of February, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Matthew Tansosch, 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 said individual 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

TODD A. KELSON
Notary Public, State of New York
Qualified in Orange County
No. 4870143
Commission Expires August 11, 192022

[Signature]
Notary Public
Commission Expires:

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
Title No.

A.M. BAUER, LLC

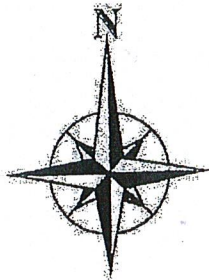
SECTION 51
BLOCK 10
LOT 1
COUNTY OF ORANGE
TOWN OF NEWBURGH

TO

WILLIAM D. LYNN, JR. and
STACEY LYNN

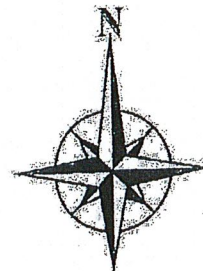
RETURN BY MAIL TO:

DANIEL J. BLOOM, ESQ.
Bloom & Bloom, P.C.
530 Blooming Grove Turnpike
P.O. Box 4323
New Windsor, NY 12553



Schedule A

MARGARET M. HILLRIEGEL
Licensed Land Surveyor
372 OREGON TRAIL
PINE BUSH, NEW YORK 12566
(845) 744-2072



**DESCRIPTION
FOR LANDS TO BE CONVEYED TO
WILLIAM LYNN and STACEY LYNN
272 LAKESIDE ROAD
TOWN OF NEWBURGH,
COUNTY OF ORANGE, STATE OF NEW YORK,**

**ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF
NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK, BEING DESCRIBED AS
FOLLOWS:**

Beginning at a point at the intersection of the Easterly line of Lakeside Road and the Southerly line of Gardnertown Road, said point also being the Northerly most corner of the herein described parcel;

Thence along the Southerly line of said Gardnertown Road, South Seventy-Two Degrees, Forty-Seven Minutes, Twenty-Eight Seconds East One Hundred Sixty-One Feet (S 72°47'28" E 161.00') to a found 5/8" iron rod, 2" above grade, said point being located North 72°47'28" West 576.23' from a found 1" iron pin, buried 6" deep;

Thence long lands now or formerly Dan Leghorn Fire Company of Orange Lake, Inc., Liber 1944, Page 37, the following Two (2) courses and distances:

1. South Thirty-Five Degrees, Seventeen Minutes, Four Seconds West Two Hundred Sixteen and Thirty-Four Hundredths Feet (S 35°17'04" W 216.34') to a found 5/8" iron rod 6" above grade;
2. North Twenty-Five Degrees, Forty-One Minutes, Twenty-Eight Seconds West One Hundred Sixty-Five and Seventy-Three Hundredths Feet (N 25°41'28" W 165.73') partially along a stonewall to spike set in the Easterly line of Lakeside Road;

Thence along the Easterly side of said Lakeside Road, North Twenty-Nine Degrees, Fifty-Two Minutes, Thirty-Seven Seconds East Eighty-Six and Thirty-Six Hundredths Feet (N 29°52'37" E 86.36') to the point or place of beginning and containing 0.516 Acres of land, as surveyed by Margaret M. Hillriegel, L.S.

Hill N Dale Abstracters, Inc.
20 Scotchtown Avenue
PO Box 547
Goshen, NY 10924
(845) 294-5110
(845) 294-9581 fax

DRAKE LOEB^{PLLC}

ATTORNEYS AT LAW

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235

www.drakeloeb.com

August 5, 2022

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Dan Leghorn Fire Engine Co. Lot Line Change / Planning Board Project No. 22-19

Dear Chairman Scalzo and Board Members:

At the Planning Board's August 4, 2022 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals.

The proposed project involves a realignment of lot lines and transfer of property to the fire district for the existing fire training center. The project also seeks to resolve an encroachment from the adjoining residential lot. Unfortunately the adjoining residential lot is an existing nonconforming lot. Although the lot line change will decrease the amount of nonconformity for the residential lot, it will remain a nonconforming lot.

The existing residential lot has three bulk area nonconformities: there is (1) an insufficient front yard setback along Lakeside Road (50 feet required where 46 feet exists), (2) an insufficient front yard setback along Gardnertown Road (50 feet required where 12 feet exists), and (3) an insufficient lot area (40,000 square feet required where 30,866 is proposed). It should be noted that the proposed expansion will decrease the degree of the existing nonconformity, and no new structures are proposed.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: DAN LEGHORN FIRE ENGINE CO. – LOT LINE CHANGE
PROJECT NO.: 22-19
PROJECT LOCATION: LAKESIDE ROAD & GARDNERTOWN ROAD
SECTION 51, BLOCK 10, LOT 1, 10 & 11.2
REVIEW DATE: 29 JULY 2022
MEETING DATE: 4 AUGUST 2022
PROJECT REPRESENTATIVE: MECURIO-NORTON-TAROLLI-MARSHALL

1. The Orange Lake Fire District operates a Fire Training Facility located off of Lakeside Road adjacent to the Dan Leghorn Engine Company. The Fire Company intends on transferring ownership of the Fire Training Facility to the Fire District. Fire Districts are separate political subdivision in the State of New York. The balance of the project subject to the lot Line change, which is in common ownership with the Fire Company will be transferred to the Fire Company lot located at Lakeside Road creating a 9.88 total parcel area.
2. Under the lot line change the Dan Leghorn Fire Company is also transferring .19 acres of property to an adjoining residential lot in order to clean up a former encroachments of the driveway and provide some additional buffer between the proposed Fire District Lot.
3. The lot Line change with Tax Map Parcel 1 requires approval from the ZBA for pre-existing, non-conforming bulk requirements on that lot. The lot has two front yards, Lakeside Road 46 feet and Gardnertown Road 12 feet where 50 is required. In addition, the lot size in the R-1 Zone requires 40,000 square feet where 30,886 square feet is proposed.
4. No construction is proposed with the exception of a relocation of a shed on to the Fire District Lot.
5. Adjoiners Notices must be submitted.
6. Lot line changes are Type 2 Actions under SEQRA.
7. The Chart contained in the Narrative should be added to the plan depicting existing and proposed lot sizes.

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

Respectfully submitted,

MHE Engineering, D.P.C.



Patrick J. Hines
Principal

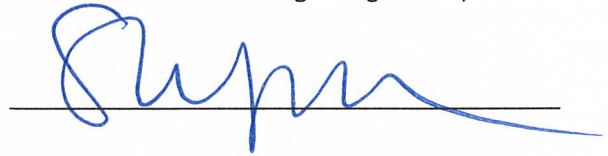
PJH/em

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

STATE OF NEW YORK: COUNTY OF ORANGE:

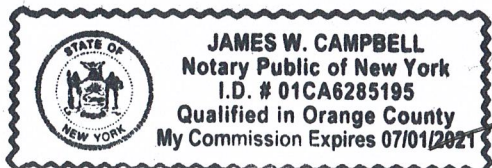
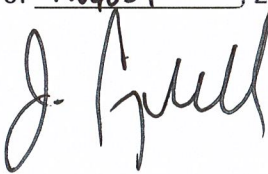
I Stacey Lynn, being duly sworn, depose and say that I did on or before
September 8, 2022, post and will thereafter maintain at
272 Lakeside Rd 51-10-1 R1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of 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.



Sworn to before me this 23RD

day of AUGUST, 2022.



2025

