

TOWN OF NEWBURGH

Crossroads of the O'Cortheast
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: 13 Oct 2020 TO: THE ZONING BOARD OF APPEALS THE TOWN OF NEWBURGH, NEW YORK 12550 I (WE) Daviel A Martino RESIDING AT NUMBER 16 Delawage Rd, Newburgh, NY 12550 845-416-3402 TELEPHONE NUMBER 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: 534-54-1-9 (TAX MAP DESIGNATION) (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

	IF VA	RIANCE 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:
4.		RIPTION OF VARIANCE SOUGHT: Acca Vacionee
5.		ISE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD UCE 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)	
		ESTABLISHING SUCH DEPRIVATION) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION

a)	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:
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: Its Justa Cont Porch
c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
d)	THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
e)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

6.

7. ADDITIO	NAL REASONS (IF PERTINENT):
	a Alle
	PETITIONER (S) SIGNATURE
STATE OF NEW	YORK: COUNTY OF ORANGE:
SWORN TO THIS	5 16 DAY OF OCTOBER 2020
	NOTARY PUBLIC
	Notary Public, State of New York Registration No. 01476400768 Qualified in Orange County My Commission Expires November 25, 2023

TE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the ing Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be ewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed action to Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

L MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR

L MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR VIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE HT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

PROXY

HE/QUE DEGINES AT		
HE/SHE RESIDES AT		
IN THE COUNTY OF _	AND S	STATE OF
AND THAT HE/SHE IS	THE OWNER IN FEE OI	
tale to the second seco		
WHICH IS THE PREMI	ISES DESCRIBED IN THI	E FOREGOING APPLICA
TION AND THAT HE/S	SHE HAS AUTHORIZED	
TO MAKE THE FOREC	GOING APPLICATION AS	S DESCRIBED THEREIN.
TO A CENTER	22	
DAIED:	-/-	
DAIED:		S SIGNATURE
WITNESS' SIGNAT	OWNER'	
	OWNER'	S SIGNATURE

ENCLOSURES: SUBMIT ALL ITEMS TOGETHER

DECEMPT(C) ICCLIED DV THE TOWN OF EDIZ

- (SEE 1-1-2017 FEE SCHEDULE)	() 🗸
BUILDING INSPECTOR'S DISAPPROVAL OR REFERRAL LETTER FROM PLANNING BOARD	() /
PLOT PLAN, ELEVEN (11) COPIES DRAWN TO SCALE	() ✓
* DEED OR CERTIFIED COPY THEREOF	() ✓
* ASSESSOR'S LIST OF PROPERTY OWNERS - WITHIN 500 FEET OF PROPERTY	()
FOUR PHOTOGRAPHS TAKEN AT DIFFERENT ANGLES	()
* ZONING BOARD APPLICATION WITH SHORT ENVIRONMENTAL ASSESSMENT FORM	() /
* PROXY OR STATEMENT FOR REPRESENTATION THEREOF	()
X SEPTIC DESIGN BY P.E. (IF APPLICABLE)	()
PERCULATION TEST (IF APPLICABLE) ORIGINALS ARE REQUIRED.	()

OTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the tute 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 ification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD FICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT B CONSIDERED THE NIGHT OF THE MEETING).

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:					*******************************
Front Porch					
Project Location (describe, and attach a location map):					anni de la companya d
16 Delaware Road, rewargh, NYI Brief Description of Proposed Action:	7560	•			
Brief Description of Proposed Action:		was forested to the Toronto and the second s			
Brief Description of Proposed Action: Fromt Peach on my house				•	
	,		-		
Name of Applicant or Sponsor:	Telepl	none: 845-416-3	34102	_	
Daviel A Martino	E-Mai	1: durarty 200.	1 @y	ion hoe	com
Address: 16 Delaware Road City/PO: Newburgh					
City/PO:		State:	-	Code:	·
			1	255	
 Does the proposed action only involve the legislative adoption of a plan, Idadeministrative rule, or regulation? 	ocal law	, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to			hat	X	
2. Does the proposed action require a permit, approval or funding from any of	other go	vernmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:				A	
				. لاسما	
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	acres			
4. Check all land uses that occur on, adjoining and near the proposed action.					
		Residential (suburt		0	
	specify)	: None, From	- Ya	rol	
Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?	片	X	+
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<u></u>	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area If Yes, identify:	a?	NO	YES
		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		X	固
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action	n?	X	
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
	-	K	Ш
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:	_	X	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:	_	K	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?	-	K	
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 NO	YES
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:		X	
	_		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all the Shoreline Forest Agricultural/grasslands Early mid-successional Wetland Urban Suburban		ply:	
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?	-		YES
16. Is the project site located in the 100 year flood plain?	- 1 1	NO X	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		W OV	YES
If Yes, a. Will storm water discharges flow to adjacent properties? YES	T.	X	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			
	_		

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)?	NO	YES
If Yes, explain purpose and size:		
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:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	1	П
		Ш
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE B	BEST O	FMY
KNOWLEDGE		
Applicant/sponsor name: David A Mactino Date: 13 oct 20	320	
Signature:		

Agency I	Jse 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?	L	Leanning
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)?		. []
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?		, Commission
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?		and the second second
7.	Will the proposed action impact existing: a. public / private water supplies?		L
	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)?	Part Constitute	
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:		
j		

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)			

THIS INDENTURE, made the 31st day of January, in the year 2012 BETWEEN

WAYNE A. JURIK & CHRISTIANE JURIK, RESIDING AT 16 DELAWARE ROAD, NEWBURGH, NEW YORK 12550 party of the first part, and

R.

DAVID A. MARTINO & KELLY MARTINO, RESIDING AT 215 AUGUSTA DRIVE, HOPEWELL JUNCTION, NEW YORK 12533 party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars 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, and more particularly described on the annexed Schedule "A".

BEING and intended to be the same premises conveyed by Wayne A. Jurik to Wayne A. Jurik & Christiane Jurik by Deed dated November 15, 2003, and recorded in the Orange County Clerk's Office on November 20, 2003, in Book 11280 Page 1781. Wayne Jurik having previously acquired title by Deed from Andrew M. Cuomo, Secretary of Housing and Urban Development, of Washington D.C., acting by and through the Federal Housing Commissioner, dated August 20, 1999 recorded August 30, 1999 in Liber 5136 page 124

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.

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:

State of New York, County of Orange, ss:

On the 31st day of January in CHRISTIANE JURIK

the year 2012, before me, the undersigned, personally appeared WAYNE A. JURIK 85 CHRISTIANE JURIK personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

> RICHARD 0. FORBES NOTARY PUBLIC, State of New York Qualified in Orange County No. 02F06035004 Commission Expires 12/20/2889- >o

BARGAIN AND SALE DEED ALL **NEW YORK TITLE AGENCY Title** #ANY2011-7423S

RETURN BY MAIL TO

WAYNE A. JURIK & CHRISTIANE JURIK

TO

DAVID A. MARTINO & **KELLY MARTINO**

Section: 54 Block:

1

Lot:

9

County: Orange Newburgh Town:

ALAN AXELROD, ESQ. LARKIN, **AXLEROD INGRASSIA 356 MEADOW** AVENUE **NEWBURGH, NEW YORK 12550**

ALL NEW YORK TITLE AGENCY, INC.

Title No. ANY2011-7423S

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being Lot 9, Block D, as shown on map entitled, "Algonquin Estates", said map filed in the Orange County Clerk's Office on April 9, 1956 as Map No. 1661, bounded and described as follows:

BEGINNING at a point on the westerly line of Delaware Road, said point being the intersection of the westerly line of Delaware Road, with the southerly line of Lot No. 8, Block D, as shown on said Filed Map No. 1661;

THENCE along the westerly line of Delaware Road, South 24 degrees 28'00" West 70.00 feet to a point;

THENCE along Lot No. 10, Block D, as shown on said Filed Map No. 1661, North 65 degrees 32' 00" West 159.00 feet to a point;

THENCE along Lot No. 10, Block I and Lot No, 9, Block I, as shown on a filed map entitled, "Meadow Hill North-Subdivision, Section I" said filed map being filed in the Orange County Clerk's Office as Map No. 2233, and particularly along a stone wall, North 28 degrees 21' 00" East 70.16 feet to a point;

THENCE along Lot No. 8, Block D, as shown on said Filed Map No. 1661, South 65 degrees 32' 00" East 154.26 feet to the point or place of BEGINNING.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT 21 HUDSON VALLEY PROFESSIONAL PLAZA NEWBURGH, NEW YORK 12550

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

2875-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/01/2020

Application No. 18-0239

To: David Martino 16 Delaware Rd Newburgh, NY 12550

- SBL: 54-1-9

ADDRESS:16 Delaware Rd

ZONE: R2

PLEASE TAKE NOTICE that your application dated 04/03/2018 for permit to keep a 4' x 5' front deck built without a permit on the premises located at 16 Delaware Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 4: Requires a 40' minimum front yard setback

Joseph Mattina

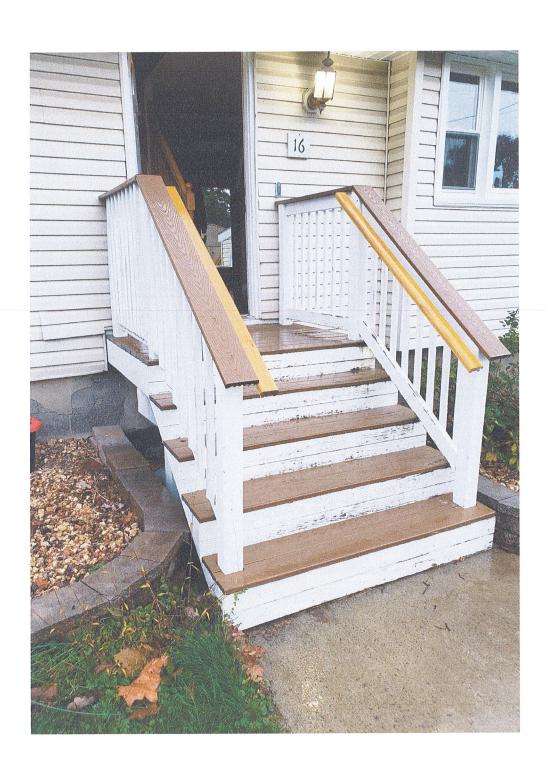
Cc: Town Clerk & Assessor (500')

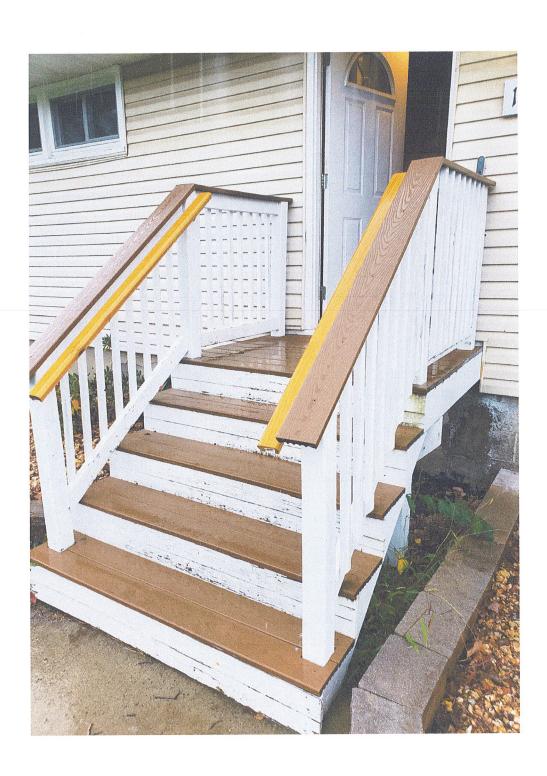
File

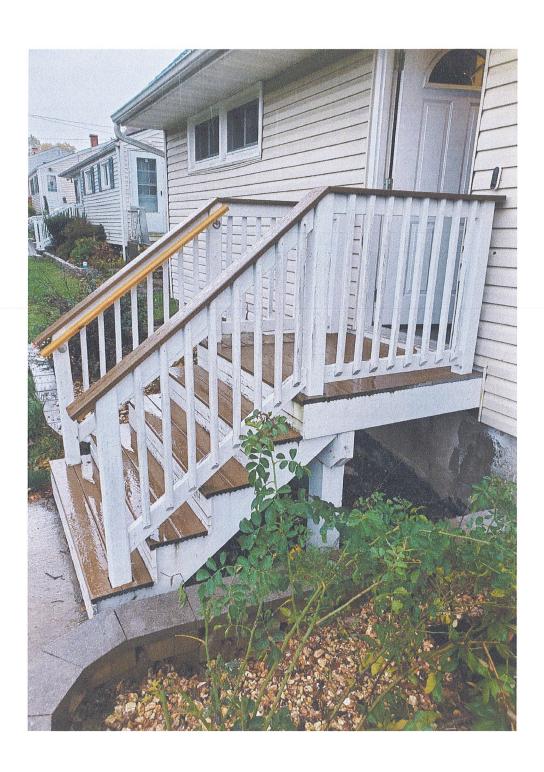
Town of Newburgh Code Compliance

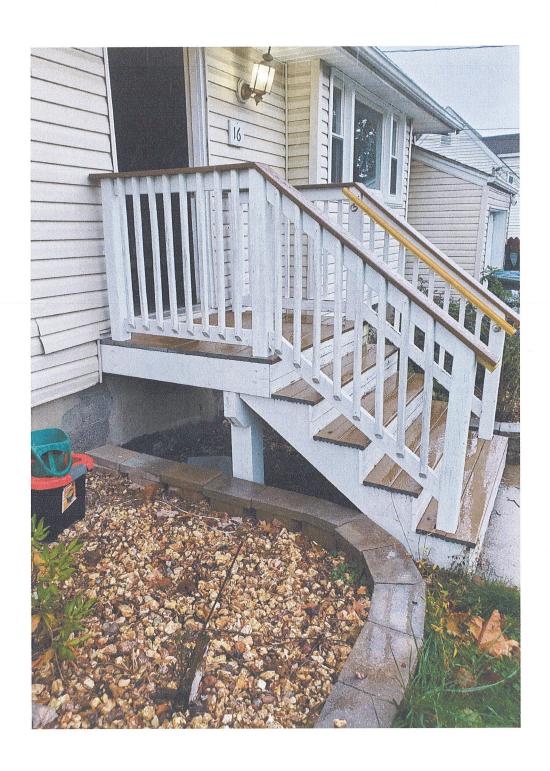
VES / NO

OWNER INFORMATION	BUIL	T WITH OU	T A PERMIT	VES	/ <i>NO</i>		
NAME:	DAVID MARTINO			Building permit #18			39
ADDRESS:	16 DEL	AWARE RD	NEWBURGH	NY 12550			
PROJECT INFORMATIO		_		,	E VARIANC	E	
TYPE OF STRUCTURE:		5' 2	4' FRONT	DECK		- Europi de Adolf de la company de Andre	
SB *54-19	ZONE:	R-2	ZE	BA Application	on # 78	15-	20
TOWN WATER: YES /						N/A	
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE		
LOT AREA							
LOT WIDTH							
LOT DEPTH							
FRONT YARD	40'	35.3'	A	4.7'	11.75%		
REAR YARD							
SIDE YARD							
MAX. BUILDING HEIGHT							
BUILDING COVERAGE							
SURFACE COVERAGE							
INCREASING DEGREE OF N 2 OR MORE FRONT YARDS CORNER LOT - 185-17-A						/ES / /ES / /ES /	NO NO NO
ACCESSORY STRUCTO GREATER THEN 1000 S.F. OF FRONT YARD - 185-15-A STORAGE OF MORE THEN HEIGHT MAX. 15 FEET - 185 10% MAXIMUM YARD COVE	OR BY FORM 4 VEHICLE 5-15-A-1	s	5-A-4		,	YES / YES / YES / YES /	NO NO NO NO
NOTES:	P	RIOR BUILT	FRONT DEC	K 4' X 5'			
REVIEWED BY:	Joseph Mattina			ATE:	1-Oct-20		







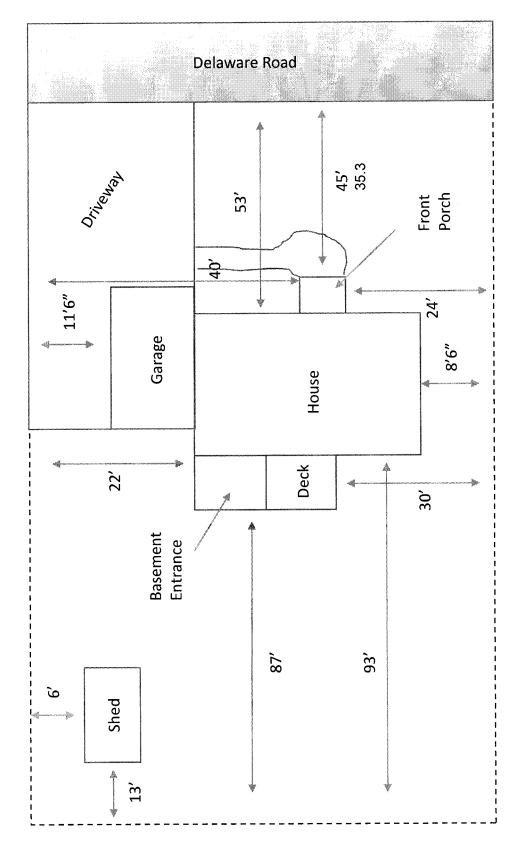


AFFIDAVIT OF POSTING(S) OF NOTICE OF PUBLIC HEARING AT THE PROPERTY

STATE OF NEW YORK: COUNTY OF ORANGE:
1 David A Mactino , being duly sworn, depose and say that I did on or before
November 10, 2020, post and will thereafter maintain at
16 Delaware Rd 54-1-9 R2 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 field open for additional time.
Sworn to before me this
day of OCtober, 2020.
Asa-n

LISA M. AYERS
Notary Public, Stater of New York
Registration No. 014/6400766
Qualified in Orange County
My Commission Expires November 25, 2023





Survey 16 Delaware Rd

