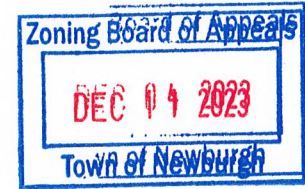




TOWN OF NEWBURGH

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: NOVEMBER 20, 2023

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

I (WE) HUMBERTO RESTREPO PRESENTLY

RESIDING AT NUMBER 158-11 JEWEL AVE, FLUSHING, NY

TELEPHONE NUMBER 203-994-7689

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:

11-1-61 (TAX MAP DESIGNATION)

576 ROCK CUT ROAD (STREET ADDRESS)

R1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-24(B)4,8-A BULK RESTRICTIONS, EDUCATION FACILITY IN THE EDUCATION FACILITY

OVERLAY DISTRICT - FRONT YARD, ONE SIDE YARD, BUILDING HEIGHT & DISTANCE BETWEEN BUILDINGS

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:

11-17-23

4. DESCRIPTION OF VARIANCE SOUGHT: 66' FRONT YARD, 5' ONE SIDE YARD

47' DISTANCE BETWEEN BUILDINGS, AND 1' BUILDING HEIGHT

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: N/A

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 VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE THE BUILDINGS ARE EXISTING.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY ANOTHER METHOD BECAUSE THE BUILDINGS ARE EXISTING AND THE APPLICANT WISHES TO USE THE EXISTING BUILDINGS.

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

THE VARIANCE IS NOT SEEN AS SUBSTANTIAL BECAUSE THE BUILDINGS ARE EXISTING AND THE APPLICATION IS NOT CREATING ANY NEW NONCONFORMANCES.

- 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 PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS OF THE NEIGHBORHOOD OR DISTRICT BECAUSE THE BUILDINGS ARE EXISTING.

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

THE HARDSHIP IS SEEN AS SELF-CREATED BECAUSE THE APPLICATION REQUIRES THE USE OF THE EDUCATION FACILITY OVERLAY DISTRICT FOR THE PROPOSED USE, HOWEVER BECAUSE THE BUILDINGS ARE EXISTING THE BULK REQUIREMENTS OF THE EDUCATION FACILITY OVERLAY DISTRICT CANNOT BE MET.

7. ADDITIONAL REASONS (IF PERTINENT):

THE APPLICANT WISHES TO CONTINUE THE EXISTING DAY CAMP USE DURING THE MONTHS OF JUNE THROUGH AUGUST AND IS PROPOSING A NEW EDUCATIONAL USE TO RUN FROM SEPTEMBER THROUGH MAY, UTILIZING THE EXISTING BUILDINGS.

Humberto Restrepo
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF November 2023

[Signature]
NOTARY PUBLIC

DAVID N. CHENAPHUN
Notary Public, State of New York
No. 01CH6309261
Qualified in Queens County
Commission Expires April 2023

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

HUMBERTO RESTREPO, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 158-11 JEWEL AVE, FLUSHING
IN THE COUNTY OF QUEENS AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF 576 ROCK CUT ROAD
WALDEN, NY 12586

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED DAY STOKOSA ENGINEERING, MARK DAY
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/28/23 Humberto Restrepo

OWNER'S SIGNATURE

Deana Clark

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF November 20 23

[Signature]

NOTARY PUBLIC

DAVID N. CHENAPHUN
Notary Public, State of New York
No. 01CH6309261
Qualified in Queens County
Commission Expires 01-12-2025

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: E & C PROPERTY HOLDINGS SITE PLAN			
Project Location (describe, and attach a location map): 576 ROCK CUT ROAD, WALDEN, NY 12586			
Brief Description of Proposed Action: The project is a Site Plan for the Camp Integrity site. The parcel is a 37.64-acre parcel in the R1 residential zone located on Rock Cut Road in the Town of Newburgh, Orange County, New York. The lot is designated for tax purposes as Town of Newburgh section 11 – block 1 – lot 61. The site is served by a private well and septic. The applicant, E&C Property Holdings, Inc, is proposing to continue to utilize the existing day camp during the months of June through August for (4) 2-week sessions. There will be approximately 75 campers and staff members during this time. The campers will be dropped off at the site. Some of the campers will stay in the existing wood-frame bungalows on the site. Meals are prepared on site. The Applicant is proposing to convert a 12,000 square foot building (currently used for indoor tennis courts) to a facility which will house equipment used for training emergency response personnel for oceanic rescue of persons working on wind turbines. The training sessions will run from 8am to 4pm Monday through Friday from September through May. The application will required 4 area variances, a 66' Front Yard Variance, a 5' One Side, Side Yard Variance, a 47' Distance Between Buildings Variance, and 1' Building Height Variance.			
Name of Applicant or Sponsor: E & C PROPERTY HOLDINGS, JOE DOCETI		Telephone: 203-994-7689 E-Mail: JDOCETI@JIBEI.COM	
Address: 158-11 JEWEL AVE.			
City/PO: FLUSHING		State: NEW YORK	Zip Code: 11365
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
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: BUILDING DEPARTMENT-BUILDING PERMIT, BOH-WATER/SEWER, PLANNING BOARD-SITE PLAN		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		37.64 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		37.64 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

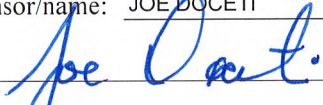
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services 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 the 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

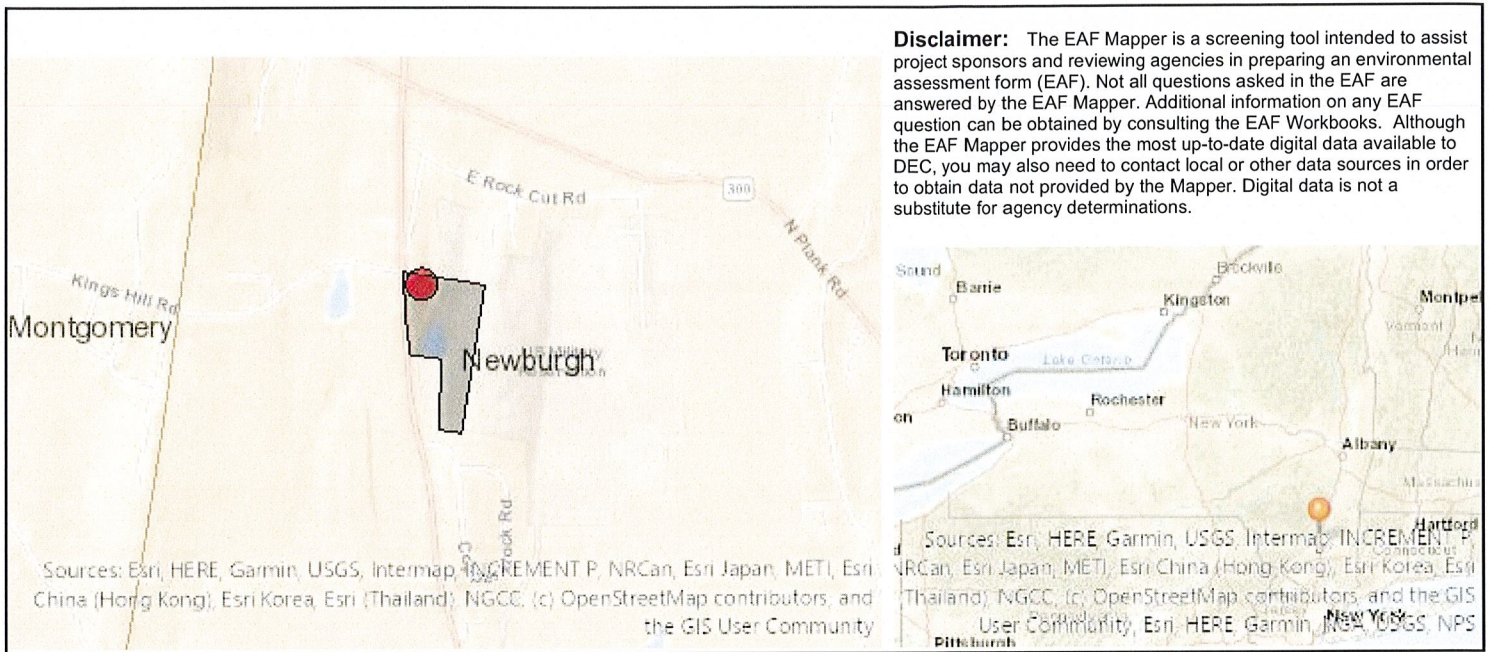
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

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
	<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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>JOE DOCETI</u> Date: <u>11/28/23</u>		
Signature: <u></u> Title: <u>APPLICANT</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
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]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be 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

**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 7th day of January, 2021,

BETWEEN Elizabeth Dabroski, of 15 Church Street, Wallkill, New York 12589,

party of the first part, and

E & C Property Holdings North, Inc., with an address of 158-11 Harry Van Arsdale Jr. Avenue,
Flushing, NY 11365,

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 the same premises as conveyed by a deed from Richard G. Barger to Elizabeth Dabroski by deed dated October 24, 1979 and recorded on October 26, 1979 in Liber 2147 page 122 in the office of the Orange County Clerk.

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.

METROPOLIS TITLE SERVICES LLC

as Agent for
Stewart Title Insurance Company

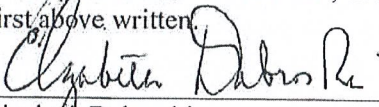
SCHEDULE A (Description)

Title Number: **MTS-30563**

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 being designated as Lot No. 2 on a certain map entitled "Property Survey & 2 Lot Subdivision, Lands of Joseph L. & Elizabeth Dabroski" prepared by Daniel P. Yanosh, N.Y.S.L.S. being dated 12-11-01 and filed in the Office of the Orange County Clerk on 8/1/05 as Map No. 2005/583

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

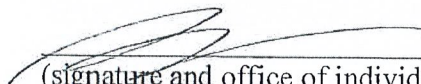
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


By: Elizabeth Dabroski

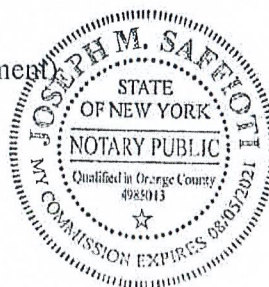
Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 5th day of January in the year 2021, before me, the undersigned, personally appeared **Elizabeth Dabroski**, 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 she executed the same in her capacity(ies), and that by her 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)

Record and Return to:
Charles E. Frankel, Esq.
PO Box 2280
Newburgh, NY 12550



November 17, 2023

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.
Alana R. Bartley**
Aaron C. Fitch

Judith A. Waye
Sarah N. Wilson
Michael J. Barfield**
Meghan R. LoCicero

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

**Member NJ & NY Bar

BY EMAIL ONLY

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

Re: Camp Integrity // ZBA referral
Planning Board Project No. 2023-22

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's November 16, 2023 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for this proposed modification to the existing camp site located on Rock Cut Road. The applicant seeks to convert a 12,000 sq.ft. existing structure to house equipment to train personnel for oceanic rescue of persons working on wind turbines. The site has existing nonconformities that require area variances as a result of the proposed modified use of the site.

Section 185-24(B)(8-A) contains unique bulk requirements for Educational Facilities. Several existing setbacks do not meet these requirements:

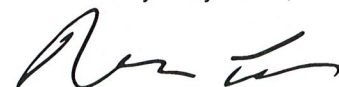
- Front yard: Required 75; Existing 31.8
- One side yard: Required 100; Existing 45.5
- Building Height: Max 35 ft.; Proposed 36 ft.

Section 185-24(B)(4) requires a fifty foot separation distance between buildings. The applicant should confirm whether compliance with Section 185-24 B(4) exists on the site as two buildings appear to be connected by a breezeway and might be considered one building by the Code Enforcement Department.

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









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

STATE OF NEW YORK: COUNTY OF ORANGE:

Jennifer Maraday, being duly sworn, depose and say that I did on or before

December 14, 2023, post and will thereafter maintain at

576 Rock Cut Rd 11-1-61 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.

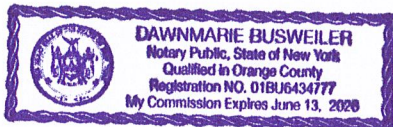
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Jennifer Maraday

Sworn to before me this 11

day of December 2023.

Ralph Busweiler





Sent from my iPhone