



CATANIA, MAHON & RIDER, PLLC

ATTORNEYS AT LAW

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DAVID E. DECKER
MELISSA L. COWAN
JUSTIN W. VAN HOUTEN

(ALSO ADMITTED IN)

* Of Counsel
** Special Counsel

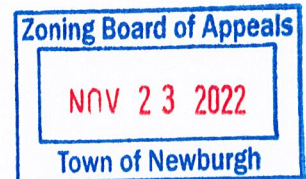
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November 23, 2022

VIA HAND DELIVERY

Town of Newburgh
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



RE: Application No. 22-1108
SBL: 78-5-7
Address: 37 Dogwood Hills Road
Zone: R1
Our File No.: 13414-65933

Dear Board Members:

I am submitting the enclosed Applications on behalf of myself and my husband, Geoffrey L. Brackett, as (i) an appeal of the enclosed Notice of Disapproval of Building Permit Application dated October 18, 2022 (the "Notice of Disapproval") in the above-referenced matter that seeks an interpretation and, potentially, the variances cited by the Town of Newburgh Code Compliance Department and (ii) assuming the ZBA disagrees with the Code Department's interpretation, an Application for two (2) variances relating to the renovation of our garage as an accessory building.

CATANIA, MAHON & RIDER, PLLC

Enclosed are the required materials to accompany the enclosed Applications, all of which are listed on Exhibit "A" to this letter. We thought it would be useful to provide some context for your review of this proposed project. The project involves the renovation of an existing two-story garage which was on the property when my husband purchased the property in 2004. We are not proposing to change the footprint nor the location of the garage. Rather, we are seeking to renovate the garage and add to it additional sleeping space for our family.

I became a co-owner of the property in 2020. Together, my husband and I have five (5) college-aged and adult children, two (2) who live with us and the other three (3) who visit frequently. The primary dwelling on the property has only three (3) bedrooms, which is why we are seeking to expand temporary overnight sleeping space when our children (and, hopefully, ultimately grandchildren) are home on college breaks or visiting. The sleeping space within the garage will NOT contain cooking facilities and will not be suitable for a long term living situation.

As a threshold matter, the title on the architect's drawings is misleading by referring to the project as an "accessory apartment." By definition, the Town of Newburgh Code ("TON Code") defines an "accessory apartment" as a dwelling unit and a "dwelling unit" as "one or more rooms with provisions for living, cooking..... arranged for the use of one family." The renovation of the existing garage is not intended to nor does it result in the construction of a dwelling unit. Rather, our intention and plan has been to seek a building permit and Certificate of Occupancy for the renovation of the existing garage as an accessory building, as permitted by Section 185-15 of the TON Code. The remainder of this letter provides a two part response. Part I seeks to appeal the Town of Newburgh Code Compliance Department's determination that our permit application be viewed as an application for a second Dwelling; Part II provides a proposed analysis of this project as a renovation of our garage and two (2) related variance requests. Enclosed are two (2) separate Applications to the ZBA for consideration of Parts I and II below, respectively.

I. The Notice of Disapproval appears to require a use variance as a result of the Code Compliance Department's analyzing the project as a second Dwelling. Notably, the plans submitted do not qualify this project under the Town's definition of a Dwelling (as defined in Section 185-3 of the TON Code), as there will be no provisions nor facilities for cooking in the accessory building. Notably, "cooking facilities" are expressly mentioned in the definition of a Dwelling. Additionally, the renovation of the garage to include sleeping space for occasional use by our family does not meet the definition of Dwelling Unit in the TON Code. As a result, we are appealing the determination of the Town of Newburgh Code Compliance Department resulting in variances applicable to a second Dwelling, which include a potential use variance and multiple area variances. If our appeal of that determination is unsuccessful, then we respectfully request that the ZBA grant the variances identified in the Notice of Disapproval.

II. Because this project is not intended nor designed to construct a Dwelling nor a Dwelling Unit (as defined in Section 185-3 of the TON Code), we believe it is more appropriate to analyze our building permit application under Section 185-15 of the TON code. Section 185-15(A)(4) provides a limitation for accessory buildings equal to the lesser of (i) 1,000 square feet or (ii) such lower number as computed in that Code section for an "accessory building". The

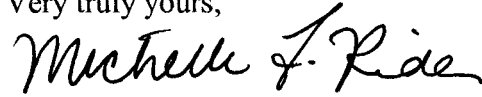
CATANIA, MAHON & RIDER, PLLC

computation of the instant project pursuant to Section 185-15(A)(4) is annexed as Exhibit "B" resulting in a maximum square footage for the proposed accessory building of 1,000 square feet. Our submitted architectural plans provide that the square footage for the building total 872 square feet which is well within the Section 185-15(A)(4) requirements.

We respectfully request that the ZBA grant the following variances under this Part II in connection with our submitted plans:

1. Section 185-15 of the TON Code limits the building height of a "permitted accessory building" to 15 feet. The architect's plans for our renovated garage project call for a building height of 19'8" feet. Thus, we request an area variance permitting a height of 19'8" for this accessory building.
2. The setback requirement from any side lot line for an accessory building in Section 185-15(A)(2) is five (5) feet. The existing setback for this long-standing garage is 4.9 feet. Thus, we request an area variance permitting a setback of 4.9 feet for this accessory building.

Very truly yours,


MICHELLE F. RIDER

MFR/mfr/2197594

Enclosures

cc: Dr. Geoffrey Brackett
Kathleen Rifkin
Ken Casamento, CPESC

Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.

EXHIBIT A

Application Enclosures

Application for Appeal of Code Compliance Determination (Part I)

Application for Area Variances (Part II)

Original receipt for \$300 fee paid to Newburgh Town Clerk for Public Hearing and Notice of Hearing

Eleven (11) copies of plot plan

Certified Deed

Original List from Town Assessor of property owners within 500 feet from exterior boundaries of the subject property. *Note that this list contains 45 property owners which we believe is excessively erroneous, but in the interest of expediency we will notify all listed property owners and reserve any right to challenge the accuracy of this list.

Four (4) photographs of the subject property

Notarized proxy statement authorizing legal representation

Short Environmental Assessment Form. *Note that this was not referenced in the Instructions for Applications to the Zoning Board of Appeals, but it was included in the package we received, so we have completed and enclosed it.

EXHIBIT B

Accessory Building calculation

Formula per Code Section 185-15(A)(4): $\frac{A + (B \times C)}{100} = D$

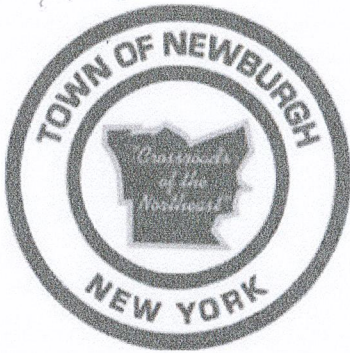
A = Gross Square Footage of Lot (3.2 acres x 43,560 sf/acre = 139,392 sq. ft.)

B = Livable floor area of residence = 2939 sf

C = minimum requirement in the zoning district for 1 side yard = 30'

D = total sq. footage permitted for all accessory buildings.

$$\frac{139,392 + (2939 \times 30)}{100} = 2275.62 \text{ SQ. FT. (exceeds 1000 sq. ft.)}$$



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

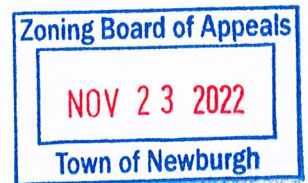
FAX LINE 845-564-7802

(Appeal - Part I - see cover letter)

APPLICATION

DATED: 11/23/2022

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



I (WE) Michelle Rider + Geoffrey Brackett PRESENTLY
RESIDING AT NUMBER 37 Dogwood Hills Rd.
TELEPHONE NUMBER 845-522-1063

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

- 1 USE VARIANCE
- 2 AREA VARIANCE (S)
- 1 INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

78-5-7 (TAX MAP DESIGNATION)
37 Dogwood Hills 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).

185-3 (Dwelling)
Bulk table schedule 3, Column C, line 1

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:
10/18/2022
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: Use Variance for Second Dwelling; Side Yard ^{Area} Variance; Habitable Floor 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:
The expense of adding additional sleeping space to our residence would far exceed the cost of including it in our garage renovation.
(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:
This is a pre-existing structure which has limited visibility by neighboring parcels and is surrounded by mature vegetation.
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
This is a pre-existing structure and we are not changing its footprint. The addition of sleeping space to our garage is not a second dwelling and will be suitable and intended only for intermittent use, not for long-term or permanent living as there are no looking facilities.
- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
The structure is long-standing and pre-existing.

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:

This is a renovation of an existing garage,
and the footprint and surrounding stone walls
will not be changed.

- 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:

This is a renovation of an existing
structure.

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

The footprint and setback of the existing
structure will not be changed. Note that the
habitable square footage is substantially less than
required by the Code for a second dwelling because this is not a second

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

This is a renovation of an existing
garage and has extremely limited visibility
to neighbors. It is surrounded by mature vegetation.

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

The garage accessory building is already
there. We are simply renovating it.

7. ADDITIONAL REASONS (IF PERTINENT):

Jeffrey L. Zimm
Michelle L. Rice
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF November 20 22

Geelun

NOTARY PUBLIC

George L. Kiamos
Notary Public, State of New York
No. 02K16373300
Qualified in Orange County
Commission Expires 04/09/2026

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**

Geoffrey L. Brackett PROXY
and Michelle F. Rider, DEPOSES AND SAYS THAT

~~HE/SHE~~ ^{they} RESIDES AT 37 Dogwood Hills Rd., Newburgh

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT ~~HE/SHE IS~~ ^{they are} THE OWNER [§] IN FEE OF 37 Dogwood Hills Rd., Newburgh, NY (SBL 78-5-7)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION

AND THAT ~~HE/SHE HAS~~ ^{they have} AUTHORIZED the firm of Catania, Mahon + Rider, PLLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/23/22

Michelle F. Rider
[Signature]
OWNER'S SIGNATURE

Gerri A. Turner

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF November 20 22

George L Kiamos
Notary Public, State of New York
No. 02K16373300
Qualified in Orange County
Commission Expires 04/09/20 26

[Signature]
NOTARY PUBLIC



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OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

(Part II - see cover letter)

APPLICATION

DATED: 11/23/2022

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

I (WE) Michelle F. Rider + Geoffrey L. Brackett PRESENTLY

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TELEPHONE NUMBER 845-522-1063

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

- _____
2 USE VARIANCE

AREA VARIANCE (S)

INTERPRETATION OF THE ORDINANCE

SPECIAL PERMIT

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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

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Side Yard Setback; Area Variance for Height

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(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:

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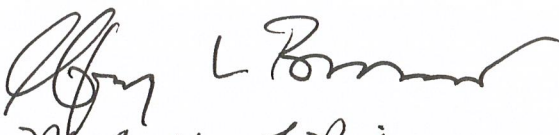
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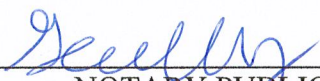
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Michelle F. Riden
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF November 2022


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George L Kiamos
Notary Public, State of New York
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Qualified in Orange County
Commission Expires 04/09/2026

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WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION

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TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/23/22

Michelle F. Rider
by 1 Rider
OWNER'S SIGNATURE

George A Turner

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF November 20 22

George L. Kiamos
NOTARY PUBLIC

George L. Kiamos
Notary Public, State of New York
No. 02K16373300
Qualified in Orange County
Commission Expires 04/09/2026

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: Garage Renovation			
Project Location (describe, and attach a location map): 37 Dogwood Hills Rd., Newburgh, NY 12550			
Brief Description of Proposed Action: Renovate garage and addition of accessory apartment			
Name of Applicant or Sponsor: Michelle F. Rider + Geoffrey L. Brackett		Telephone: 845-522-1063	
		E-Mail: mrider@cmrlaw.com	
Address: 37 Dogwood Hills Rd.			
City/PO: Newburgh		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?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.2 acres	
b. Total acreage to be physically disturbed?		0.1 acres (approx.)	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.2 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?	<input type="checkbox"/>	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: _____	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO <input 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"/>	<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"/>	<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: _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	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>New septic to be installed</u>	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input 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"/>	<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?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	NO <input 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 type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>

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>Michelle F. Rider & Geoffrey L. Brackett</u> Date: <u>11/23/2022</u> Signature: <u>Michelle F. Rider</u> <u>Geoffrey L. Brackett</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: 14793 / 1902
 INSTRUMENT #: 20200044812

Receipt#: 2805353
 Clerk: JM
 Rec Date: 08/27/2020 02:12:32 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: HILL-N-DALE ABSTRACTERS, INC.

Party1: BRACKETT GEOFFREY L
 Party2: BRACKETT GEOFFREY L
 Town: NEWBURGH (TN)
 78-5-7

Recording:

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

Sub Total: 200.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 200.00

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

***** Transfer Tax *****

Transfer Tax #: 736
 Transfer Tax
 Consideration: 0.00

Total: 0.00

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

Comment: _____

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
 I, KELLY A. ESKEW, COUNTY CLERK AND CLERK OF THE
 SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
 HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
 THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
 ON 8-27-2020 AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Kelly A. Eskew 11-2-22
 COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
 ORANGE COUNTY

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

SBL: 78-5-7

HW 66471

BARGAIN & SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 14th day of August, Two Thousand and Twenty

BETWEEN Geoffrey L. Brackett, residing at 37 Dogwood Hills Road, Newburgh, New York 12550

party of the first part, and

Geoffrey L. Brackett and Michelle F. Rider, residing at 37 Dogwood Hills Road, Newburgh, New York 12550, as joint tenants with rights of survivorship,

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 further bounded and described in Schedule A attached hereto.

SUBJECT to all covenants, easements and restrictions of record, if any, affecting said premises;

BEING and intended to be the same premises conveyed to the party of the first part in a certain deed dated May 28, 2019 by Geoffrey L. Brackett and Danyelle K. Means and recorded in the office of the Orange County Clerk in Liber 14581 of deeds at page 687 on June 17, 2019.

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.

Schedule A DescriptionTitle Number **HN 66471**Page **1**

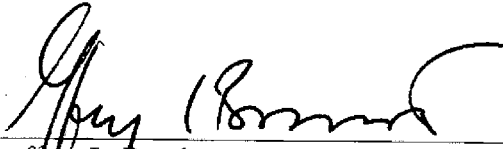
All that certain lot piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, and being more accurately bounded and described as follows:

BEGINNING at a buried railroad spike found in the apparent southeasterly line of Dogwood Hills Road at the westerly most corner of the herein described parcel; thence from the said point or place of beginning and following along the apparent southeasterly line of Dogwood Hills Road, North 73 degrees 40 minutes 00 seconds East, 35.23 feet to a railroad spike found; thence along the line of lands of Janofsky and passing over an iron pipe found on line, North 20 degrees 49 minutes 00 seconds East, 267.83 feet to a point; thence along the line of lands of Hughes, South 62 degrees 20 minutes 00 seconds East, 146.42 (deed 154.00) feet to a point; thence along the line of lands of Bretteney & Bernard, South 47 degrees 02 minutes 00 seconds East, 271.94 feet to a point; thence along the line of lands of Graham, South 18 degrees 00 minutes 00 seconds West, 257.56 feet to a point; thence along the line of lands of Baratta, North 86 degrees 07 minutes 00 seconds West, 129.57 feet to an iron pipe found; thence along the line of lands of Doris, North 65 degrees 41 minutes 00 seconds West, 184.77 feet to a buried iron pin found; thence along the line of lands of Embler and passing over an iron pin found on line, North 27 degrees 42 minutes 00 seconds West, 173.00 feet to the point or place of BEGINNING.

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:



Geoffrey L. Brackett

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

On the 14th day of AUGUST, in the year 2020, before me, the undersigned, a Notary Public in and for the State, personally appeared Geoffrey L. Brackett 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



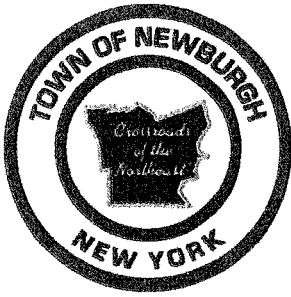
Notary Public

ADDRESS: 37 Dogwood Hills Road, Newburgh, NY 12550
SBL: 78-5-7

JOHN M. WOOD
Notary Public, State of New York
Qualified in Orange County
Commission Expires
November 23, 2021

RECORD & RETURN BY MAIL TO:

Catania, Mahon & Rider, PLLC
One Corwin Court/PO Box 1479
Newburgh, NY 12550
Attn. Michelle F. Rider, Esq.
File#: 13414-65933



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

3010-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/18/2022

Application No. 22-1108

To: Michelle Rider
37 Dogwood Hills Rd
Newburgh, NY 12550

SBL: 78-5-7
ADDRESS: 37 Dogwood Hills Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 10/06/2022 for permit to convert an existing non-conforming accessory building into a second dwelling unit on the premises located at 37 Dogwood Hills Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh municipal code:

- 1) Bulk table schedule 3 Column C permits only 1 dwelling unit per lot. (Use)
- 2) Bulk table schedule 3 Requires a 1500 square foot habitable floor area. (Area)
- 3) Bulk table schedule 3 Requires a 30' side yard setback. (Area)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES / NO

NAME: MICHELLE RIDER Application # 22-1108

ADDRESS: 37 DOGWOOD HILLS RD NEWBURGH NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: CONVERTING NON-CONFORMING SHED INTO A DWELLING UNIT

SBL: 78-5-7 ZONE: R-1 ZBA Application # 3010-22

TOWN WATER: YES / ☐ NO TOWN SEWER: YES / ☐ NO N/A

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
DWELLING UNITS PER LOT	1.00		2.00		100.00%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD	30'		4.9'	25.1'	83.66%
HABITABLE FLOOR AREA	1500 SF		744 SF	756 SF	50.40%
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:

**CONVERTING A NON-CONFORMING ACCESSORY BUILDING INTO A SINGLE FAMILY
DWELLING UNIT. 744 HABITABLE SPACE / 951 SF GROSS AREA**

REVIEWED BY: Joseph Mattina

DATE: 18-Oct-22





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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Michelle F. Rider, being duly sworn, depose and say that I did on or before

December 8, 2022, post and will thereafter maintain at

37 Dogwood Hills Rd 78-5-7 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.

Michelle F. Rider

Sworn to before me this 1st

day of December, 2022.

Karen M Foster

KAREN M. FOSTER
Notary Public, State of New York
Qualified in Orange County
Registration No. 01FO6188110
Commission Expires June 2, 2024

