

# TOWN OF NEWBURGH Crossroads of the Mortheast \_\_\_\_\_

ZONING BOARD OF APPEALS

OFFICE (8

W YORK	OLD TOWN HALL
W ADD.	308 Gardnertown Road Newburgh, New York 12550
	APPLICATION
OF ZONING BOARD 345) 566-4901	DATED: 4/12/18
	BOARD OF APPEALS NEWBURGH, NEW YORK 12550
I (WE) HEATHER	4 CHARLES SALAMONE PRESENTLY
RESIDING AT NUMI	BER 29 PADDOCK PLACE, NEWBURGH, MY
	ER 845-742-9770
HEREBY MAKE APP THE FOLLOWING:	PLICATION TO THE ZONING BOARD OF APPEALS FOR
<del></del>	A USE VARIANCE
A	AN AREA VARIANCE
,	INTERPRETATION OF THE ORDINANCE
manufacion de participa de la compansa de la compa	SPECIAL PERMIT
1. LOCATION O	F THE PROPERTY:
58-6	2-24 (TAX MAP DESIGNATION)
29 PADDOCK	PACE, NEWBURGH (STREET ADDRESS)
<u>,                                      </u>	Z1 (ZONING DISTRICT)
SECTION AND	OF THE ZONING LAW APPLICABLE, (INDICATE THE D SUBSECTION OF THE ZONING LAW APPLICABLE BY NOT QUOTE THE LAW).
	85-15-A



## TOWN OF NEWBURGH Crossroads of the Mortheast \_\_\_\_\_

ZONING BOARD OF APPEALS

OLD TOWN HALL 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
,	TD2 A TX	ADEA WADIANCE IS DECLIESTED.
	IF AIN	AREA VARIANCE IS REQUESTED:
	a)	THE VARIANCE WILL NOT PRODUCE AN UNDESTRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:  The Size of the Shed is small Relative to the house and Similar size sheds  exist in maighborhood
	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:  ON Okea Variance is Required for a Shed this Size.
	c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:  A 10×10 Shed is not Substantial Relative to other sheds in the neighborhood
	d)	THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OF IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:  1+ is a loxlo shed with no waste or means to affect the environment
	e)	THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:  The Shed existed on the property prior to Closing. We only discovered it violated a building code when we applied for the building permit.





### TOWN OF NEWBURGH

... Crossroads of the Northeast.

ZONING BOARD OF APPEALS

OLD TOWN HALL 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

Office Of Zoning Board (845) 566-4901

7. ADDI	TIONAL REASONS (IF PERTINENT):
	PETITIONER (S) SIGNATURE
	EW YORK: COUNTY OF ORANGE: THIS 13 DAY OF 20 18
KELLEY  Notary Public - S  NO. 01PA  Qualified in O	State of New York 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 10 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:	
Project Location (describe, and attach a location map):	
29 Paddrck Place, Newburgh NV	
Brief Description of Proposed Action:	
Adding a 10×10 Shed to the Property	
MODITION OF TO THE PROPERTY	
Name of Applicant or Sponsor:  Telephone: 845-342-9770	
Charles & Heather Salamone B-Mail: heather. Salamone @beightview.	enn.
Address:	_011
29 Paddork Place	
City/PO: State: Zip Code:	
Newburgh Ny 1250	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, NO YES	4.
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.	
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:	
3.a. Total acreage of the site of the proposed action?	
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?	
4. Check all land uses that occur on, adjoining and near the proposed action.	
Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)	
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):	
□ Parkland	
i.	



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5. Is the proposed action, a. A permitted use under the zoning regulations?	NO.	YES	N/A
b. Consistent with the adopted comprehensive plan?	十十		
6. Is the proposed action consistent with the predominant character of the existing built or natural	_LL	NO	YES
landscape?			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Arc If Yes, identify:	ea?	NO	YES
		M	
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?		M	
•		X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed acti	on?	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
		X	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			h
Year and the second sec		M	ابا
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		N	П
To destroy metal protecting transfer steamform.			
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?		×	
		X	
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
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			H
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			<u> </u>
		·	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check al	I that a	pply;	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Barly mid-successio ☐ Wetland ☐ Urban ☐ Suburban	nal	,	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		N	TT
16. Is the project site located in the 100 year flood plain?		NO	YES
		X	
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,	1	NO	YES
a. Will storm water discharges flow to adjacent properties?		X	Ш
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains If Yes, briefly describe:	3)?	.\$	,.
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Page 2 of 5



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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:		
	D	
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?  If Yes, describe:	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I	BEST O	FMY
Applicant/sponsor name: HUATHER & MAY 185 Salamore 4/11/18 Signature: 11 11/18	18	

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A	gency use univ [11 applicable]
roject:	
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?		
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?		. []
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?		
7.	Will the proposed action impact existing: a. public / private water supplies?		
	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)?		
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?		PONICE PER PER PER PER PER PER PER PER PER PE

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

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(my G. Tellas Ann G. Rabbitt Orange County Clerk

Record and Return To:

HANDEL & CARLINI LLP 62 E MAIN STREET WAPPINGERS FALLS, NY 12590

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JE-2-85

Bargain and Sale Deed, with Covenant against Grantor's Acts – Individual RPATS-3563 (Real Property Abstract & Title Services, LLC)

**DEED** made this \_\_\_\_ day of OCTOBER 2017 between

ROBERT SAILER & BARBARA J. SAILER, husband and wife, residing at 29 Paddock Place, Newburgh, NY 12550

party of the first part, and

THOUGH ED. NOT TOLTOLOGUE DEED IV THOUGH. C OT

CHARLES SALAMONE & HEATHER SALAMONE, husband and wife, residing at 1108 Parr Meadow Drive, Newburgh, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar lawful money of the United States 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 land with the buildings and improvements thereon situate in the Town of Newburgh, County of Orange, State of New York, commonly known as 29 Paddock Place, Newburgh, NY 12550, identified on the Orange County Town of Newburgh tax map as section 58 block 2 lot 24, and being more particularly described in an attachment marked "SCHEDULE A".

SUBJECT to all agreements, covenants, restrictions, conditions, and easements of record.

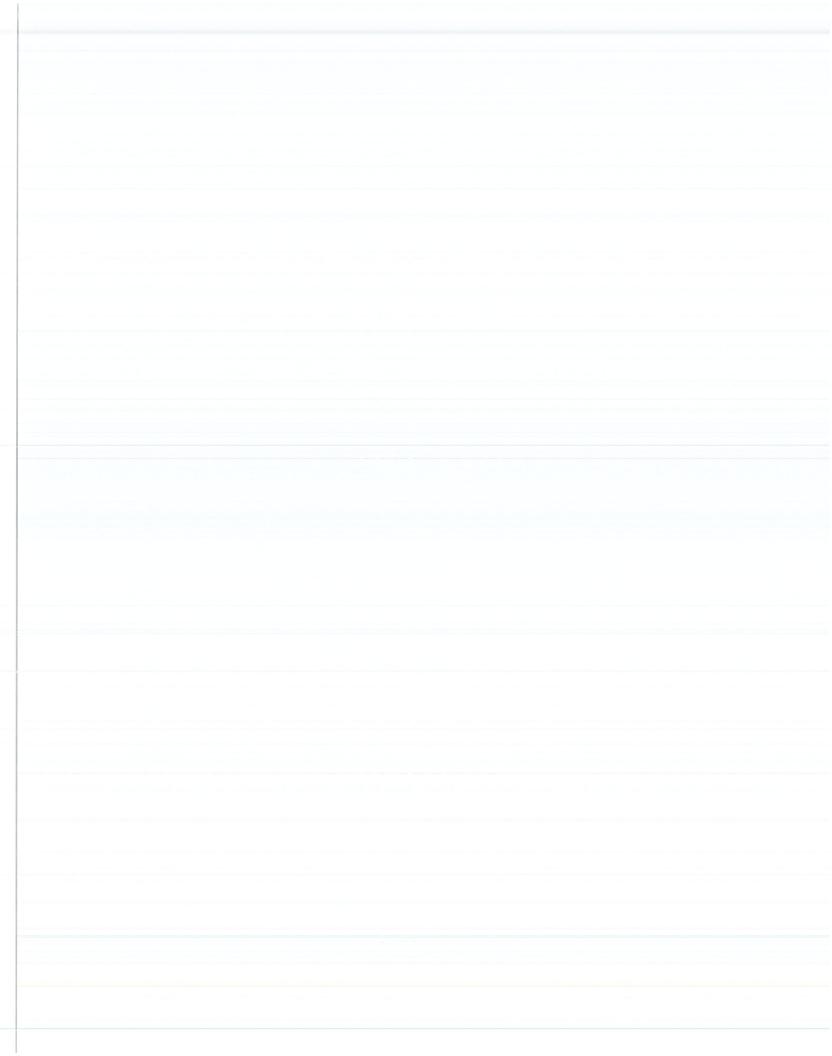
BEING and intended to be the same premises conveyed to the grantor by deed from Barbara J. Meredith, dated 05/09/2002 and recorded 06/13/2002 at Liber 5906 cp 178, in the Orange County Clerk's Office.

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 parties of the second part, the heirs or successors and assigns of the parties 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 New York 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

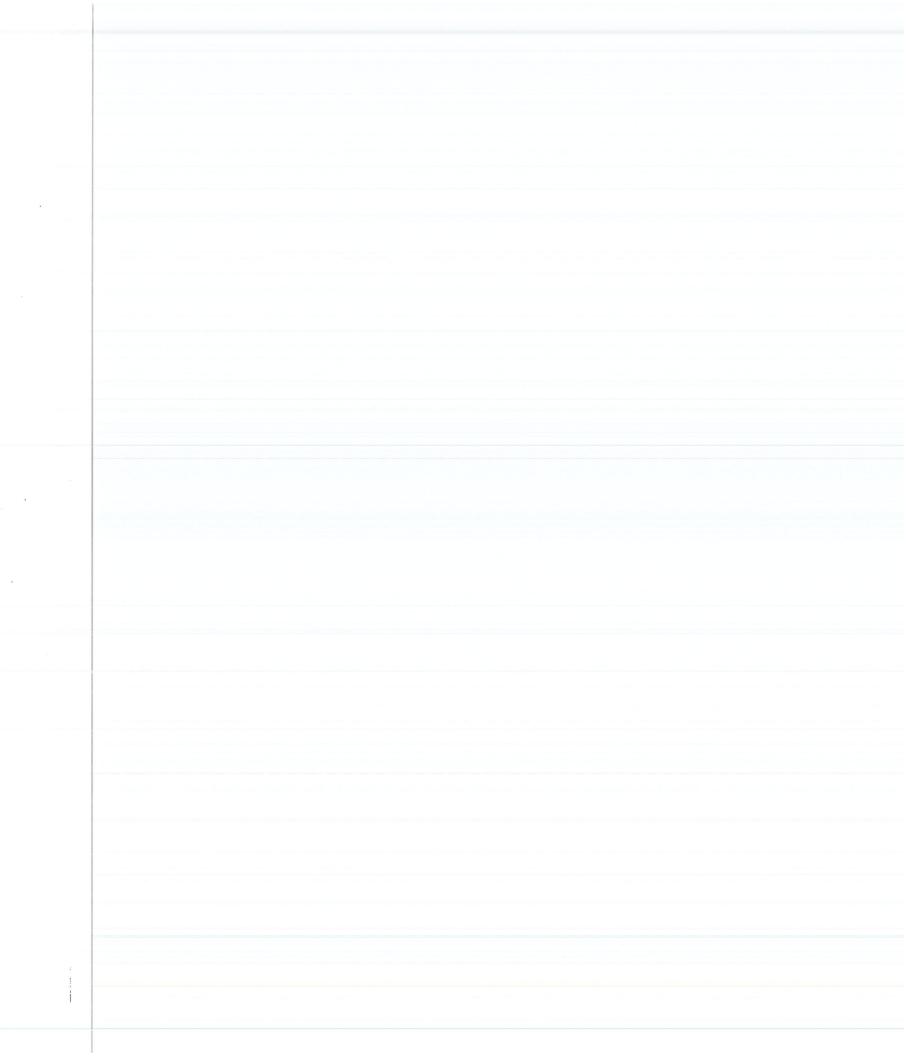


#### **Schedule A Description**

Title Number RPATS-3563 Page 1

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 known and shown as Lot Number 24R, Block "Q" on Amended Map of Meadow Hill Subdivision, Town of Newburgh, County of Orange, New York, made October 8, 1964, by Herbert L. Kartiganer, P.E., L.S., and filed in the Orange County Clerk's Office on November 25, 1964, as Filed Map Number 2092, and which amended map constitutes an amendment of the metes and bounds descriptions of lots shown thereon in amendment of Map of Meadow Hill Subdivision which was filed in the Orange County Clerk's Office on April 27, 1964, as Filed Map Number 2043, and which said Lot Number 24R, Block "Q" on said amended map of Meadow Hill Subdivision being known by street number as Number 6 of Stirrup Drive, is more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Paddock Place, said point being at the intersection of said street line with the easterly line of Stirrup Drive, and running thence along said southerly line of Paddock Place, North 69° 30' 30" East 144.58 feet to a point; thence along Lot Number 25R as shown on said subdivision plan, South 20° 29' 30" East 85.00 feet to a point; thence along Lot Humber 23R as shown on said subdivision plan. South 44° 32' 57" west 118.29 feet to a point in the easterly line of Stirrup Drive; thence along said line on a curve to the right having a radius of 262.44 feet, a chord of North 35° 57' 33" West 139.98 feet and an arc of 141.70 feet to the point or place of beginning.



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.

ROBERT SAILER

ARBARA J/SAILER

STATE OF NEW YORK COUNTY OF ORANGE

SS.:

On the \_\_\_\_ day of OCTOBER 2017 before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT SAILER & BARBARA J. SAILER, 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, and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Carl Darrigo, Esq.

Notary Public, State of New York Qualified in Orange County

Reg. No.: 02DA5069651

My Commission Expires 11/25/2018

Record & Return to:

Handel & Carlini, LLP 62 East Main Street Wappingers Falls, NY 12590



### TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

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

2673-18

#### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/23/2018

Application No. 18-0126

To: Charles Salamone 29 Paddock Pl Newburgh, NY 12550

SBL: 58-2-24

ADDRESS:29 Paddock PI

ZONE: R2

PLEASE TAKE NOTICE that your application dated 02/22/2018 for permit to keep a 10' x 10' accessory building installed without approvals or permits on the premises located at 29 Paddock PI is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal code section:

1) 185-15-A / Accessory building may be located in a side or rear yard.

Joseph Mattina

Cc: Town Clerk & Assessor (500')

File

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### Town of Newburgh Code Compliance

OWNER INFORMATION	BUIL	T WITH OUT	A PERMIT	YES	/ NO	
NAME: Charles Salamone			E	Building Application # 18-0126		
ADDRESS: 29 Paddock Place Newbwurgh NY 12550						
PROJECT INFORMATION:  AREA VARIANCE  USE VARIANCE						
TYPE OF STRUCTURE:		10' x 10	)' accessor	ry building		
SBL: 58-2-24	ZONE:	R-2	ZE	BA Application	on# <b>267</b>	3-18
TOWN WATER: YES /	NO		SEWER:		NO	
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE	
LOT AREA						
LOT WIDTH						
LOT DEPTH		2 front yards, p	laced structure	e in a front yard	i l	
FRONT YARD						
REAR YARD	pepilar sambatan nonclusiva natar sacroment in prese risporte superior.	e tri stantini si con como specio se fato de diferimentali sono con contractivo de della como contractivo della contractivo dell	unt granneren artische entredesseren von erhalte verschannel der vollet als de entsche		da - Mara Alich (con a britte) de celle di Alice de ceperation de celebratico de celebratico de celebratico de	
SIDE YARD						
MAX. BUILDING HEIGHT			<del> </del>			
BUILDING COVERAGE			***************************************			
SURFACE COVERAGE						
INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  2 OR MORE FRONT YARDS FOR THIS PROPERTY  CORNER LOT - 185-17-A  YES / NO  YES / NO						
ACCESSORY STRUCTURE:  GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4  FRONT YARD - 185-15-A  STORAGE OF MORE THEN 4 VEHICLES  HEIGHT MAX. 15 FEET - 185-15-A-1  10% MAXIMUM YARD COVERAGE - 185-15-A-3  YES / NO						
NOTES: Corner lot Paddock Place / Stirrup Dr. Order to Remedy issued #18-0015						
VARIANCE(S) REQUIRED:						
1 185-15-A / Accessory building may be located in a side or rear yard.						
2						
3				The second second second second second		atte til verken fri de fra som gelenn krypen redne fri de mellen geligen særende des til ville.
4						
REVIEWED BY:	Joseph Ma	attina	DA	ATE:	23-Feb-18	

