

TOWN OF NEWBURGH

___Crossroads of the Northeast ___

Zoning Board Of Appeals Old Town Hall 308 Gardnertown Road Newburgh, New York 12550

APPLICATION

Office Of Zoning Board (845) 566-4901

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

I (WE) <u>Orlando & Adviana Silva</u> presently residing at number <u>136 North Dix Ave. Newburgh NY 12550</u> telephone number <u>(845) 461-3491</u>

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



1. LOCATION OF THE PROPERTY:

73 - 7 - 1, 1 (TAX MAP DESIGNATION)

136 N Dix Avenue (STREET ADDRESS)

<u>K3</u> (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A



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- 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: 2 224 7
 - 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: Would like to Keep the

pre-existing shed that was in placed at time of purchase of the house.

- 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: I would have to rent a storage to put my stuff.

(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:**

Is on my property, + doesn't affect my neighborhood

property

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE: 15 on my

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- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: <u>It was there already at time of</u> <u>the purchased of the house</u>
- 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:

Is on my property

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: <u>I</u> wouldn't have a placed to stored my Lawn mowers, snow blowers, generator, bikes and more stuff.
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: Is in My property
- e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: <u>It was there wready at time of</u> <u>The purchased of the nouse</u>.

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7. ADDITIONAL REASONS (IF PERTINENT):

TITIONER (S) SIGNATURE STATE OF NEW YORK: COUNTY OF ORANGE: SWORN TO THIS DAY OF NOTARY RUBLIC NANCY L ELGUETA NOTARY PUBLIC, STATE OF NEW YORK LIC. NO. 01EL6215588 ORANGE COUNTY MY COMMISSION EXPIRES 01-04-201

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)

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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		
Shed Adriang ? Orlando	Silva	
Name of Action or Project:		•
Shed		
Project Location (describe, and attach a location map):		
136 North Dix Ave. Newburgh	n NY 12550	•
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone Oils Land Olio	
	Telephone (845) 401-349 (
Orlando Silva, Adriana Silva	E-Mail: silva adrianal 984@gr	nail.
Address:	Č J	
BeNorth Dix Avenue		
City/PO:	State: Zip Code:	
Nenburgh	NY 12550	
1. Does the proposed action only involve the legislative adoption of a plan administrative rule, or regulation?	, local law, ordinance, NO YES	
If Yes, attach a narrative description of the intent of the proposed action ar	ad 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 an	y other governmental Agency? NO YES	
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?	acres	
c. Total acreage (project site and any contiguous properties) owned		
or controlled by the applicant or project sponsor?	acres	•
4. Check all land uses that occur on, adjoining and near the proposed actic	pin.	
	umercial Residential (suburban)	
	r (specify):	
· · · ·		

5. Is the proposed action, a. A permitted use under the zoning regulations?	YES	N/A
b. Consistent with the adopted comprehensive plan?	╎┝═╡	
6. Is the proposed action consistent with the predominant character of the existing built or natural	NO	YES
landscape?		$\left \right $
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:		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO,	YES
	17	
b. Are public transportation service(s) available at or near the site of the proposed action?		
Prome same postantico available at or near the site of the proposed action?	1V	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	17	
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:		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water: $N \mid \beta$		
Land Longer Inner		
11 Will the proposed patien composition of the		
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No, describe method for providing wastewater treatment:		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic	NO	YES
· Places?		TES
b. Is the proposed action located in an archeological sensitive area?	X	
	X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	NO.	YES
wetlands or other waterbodies regulated by a federal, state or local agency?	X	
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:		
		A 4444 44
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that a	nniv	
Shoreline Forest Agricultural/grasslands Early mid-successional	ppry.	
Wetland Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	NO	TUDO
by the State or Federal government as threatened or endangered?	NO	YES
	Å	
16. Is the project site located in the 100 year flood plain?	NO/	YES
	ISI	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	r	
a. Will storm water discharges flow to adjacent properties?	\mathbb{X}	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe:		
ст. <u>Г</u>		•
		1
		.

in

water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	K	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	\square	
solid waste management facility?		
solid waste management facility?		
solid waste management facility?	and the second second	
solid waste management facility?	NO	YES
11 1 05, ucsol100.		
	XI	
	2	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?		<u> </u>
If Yes, describe:		
	LAI	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE B	EST O	FMV
KNOWLEDGE		
Applicant/sponsor name: Adviana Silva Date: 4/11/17	· · ·	
Signature: Aderand Sulva		

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Agency	Use	Only	l If ai	pplicable	e
Agency.	0.50	Omy	1	ppneaph	¢

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	Moderate to large impact
		may occur	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?		

Agen	cy Use Only [If applicable]	
roject:		
Date:		1

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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)



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

2624 -

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/22/2017

Application No. 17-0101

To: Orlando Silva 136 North Dix Ave Newburgh , NY 12550

SBL: 73-7-1.1 ADDRESS:136 N Dix Ave

ZONE: R3

PLEASE TAKE NOTICE that your application dated 02/21/2017 for permit to keep a prior built 10' x 12' accessory building on the premises located at 136 N Dix Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section: 185-15-A Such building may be located in a side or rear yard

Joseph Mattina

Cc: Town Clerk & Assessor (500') File

OWNER INFORMATION	BUIL	T WITH OU	T A PERMIT	YES		
NAME:	Orlando Sil	va			-	
ADDRESS:	136 NO	RTH DIX AVI	E NEWBURG	H NY 12550		
PROJECT INFORMATIO		Print and and a second s	AREA V			
TYPE OF STRUCTURE:			ACCESSOR			1 -
SBL:73-7-1.1	ZONE:	R-3			3624	
TOWN WATER: YES /	NO	тош	SEWER:	YES / N	10	
Γ	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE	
LOT AREA					FERCENTAGE	
LOT WIDTH						
LOT DEPTH						
FRONT YARD			and the second			
REAR YARD						
SIDE YARD						
MAX. BUILDING HEIGHT						
BUILDING COVERAGE			*			
SURFACE COVERAGE						
ORNER LOT - 185-17-A	OR THIS PR	OPERTY	9-C-1		YES YES YES	
ACCESSORY STRUCTU GREATER THEN 1000 S.F. OF RONT YARD - 185-15-A STORAGE OF MORE THEN 4		ILA - 185-15-/ 	۹-4 		YES	/ /
IEIGHT MAX. 15 FEET - 185-1 0% MAXIMUM YARD COVER	15-A-1 AGE - 185-1	5-A-3			YES YES	/ /
			yards / North			1
ARIANCE(S) REQUIRE						•
1 185-15-A May be located in	a side or rea	yard.				
2						
•						
3						



Consideration: 215000.00

Fransfer Tax - State 860.0	ransfer	State	860.00
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Total:

860.00

Payment Type:

Cash _____ Charge ____ No Fee

Check

Comment:

Chy G. Rather

Ann G. Rabbitt Orange County Clerk

Record and Return To:

JT ABSTRACT 717 BROADWAY NEWBURGH, NY 12550

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE made on the 12th day of March Two Thousand Fifteen.

BETWEEN, Sherry Averill Larsen and Edward Peter Larsen, their residence at 136 North Dix Ave. Newburgh NY 12550 party of the first part, and Orlando Silva and Adrianna Adrianna Adrianna Silva, Husband and Wife, residing at 60 Henry St Newburgh NY 12550, parties 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 situate, lying and being in the and Town Of Newburgh, County of Orange and State of New York and more particularly described on Schedule "A" attached hereto and made a part hereof.

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 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.

73 7

AND the party of the first part covenants that the party of the first part had 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.

BEING AND INTENDED TO BE the same premises that Sherry Averill Larsen and Edward Peter Larsen acquired by deed from Wayne R Averill and Barbara Averill dated May 27,1988 and recorded in the Orange County Clerk's office at Liber 2945 page 248

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

Schedule A Description

le Number JT-WC1668

Page 1

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, shown and designated as Lots 510, 511, 524, 525 and a portion of Lots 512 and 523 as shown on a map entitled "Map of Newburgh Gardens" dated June 1, 1912 and filed n the Orange County Clerk's Office on October 14, 1912; said parcel is more particularly described as follows:

BEGINNING at a point on the easterly road line of Dix Avenue marking the northwesterly corner of the herein described parcel and the southeasterly corner of the other lands of Averill, said point of beginning being distant southerly 328.00 feet from the angle point marking the intersection of the easterly road line of Dix Avenue with the southwesterly road line of Wall Street (paper street);

THENCE easterly along the division line between the herein described parcel and the other lands of Averill and through Lots 523 and 512 as shown on said Filed Map, North 75-23-00 East 200.00 feet to a stone wall at the intersection of the road line of Wilson Avenue (paper street) with the southeasterly corner of Wall Street marking the northwesterly corner of the herein described parcel and the southeasterly corner of the other lands of Averill;

THENCE southerly along the stone wall and the westerly road line of Wilson Avenue (paper street) South 15-37-00 East 76.00 feet to a point marking the southeasterly corner of the other lands of Averill;

THENCE southerly along the stone wall and the westerly road line of Wilson Avenue (paper street) South 15-37-00 East 76.00 feet to a point marking the southeasterly corner of the herein described (Lot 510) parcel and the northeasterly corner of the lands of Wayne Winkler (Liber 2254 page 635) (Lot 509);

THENCE westerly along the division line between the herein described parcel (Lot 510 and 525) and the lands of Winkler (Lots 509 and 526) South 74-23-00 West 200.00 feet to a point on the easterly road line of Dix Avenue marking the southwesterly corner of the herein described parcel and the northwesterly corner of the lands of Winkler;

THENCE northerly along the easterly road line of Dix Avenue North 15-37-00 West 76.00 feet to the point of beginning.

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

Sherry Averill Larsen

Edwad Peter Farsn

Edward Peter Larsen

)

STATE OF NEW YORK

COUNTY OF ORANGE

)) ss:

On the 12th day of March in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Sherry Averill Larsen and Edward Peter Larsen known to me or proved to me on this 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 persons upon behalf of which individual(s) acted, executed the instrument.

CHRISTOPHER M. SHUST Notary Public, State of New York No. 02SH5056428 Qualified in Orange County 2018 Commission Expires March 4, 2018

Notary Public

J T Abstract Co Inc

717 Broadway Newburgh New York 12550 845-562-8855 fax 845-562-0056 <u>JTAbstract@verizon.net</u> WC668

Section 73 Block 7 Lot 1.1

