

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS 21 Hudson Valley Professional Plaza Newburgh, NY 12550

JUN 1 0 2023

Town of Newburgh

OFFICE OF ZONING BOARD

TELEPHONE **845-566-4901** FAX LINE **845-564-7802**

APPLICATION

DATED: 7/1/2023

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

I (WE) Christopher Timmon S PRESENTLY
RESIDING AT NUMBER 16 Savatoga Road Newburgh NY 12550
TELEPHONE NUMBER 845 492 6428
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:
(TAX MAP DESIGNATION)
lo Saratoga Rd (STREET ADDRESS)
Z-2 (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PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB- SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
Requires 40 setback

3.	IF VA	RIANCE TO THE ZONING LAW IS REQUESTED:	
	a)	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILD BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTI	
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TO AN APPLICATION TO THE BOARD, SEE ACCOMPANYING N	OWN OF NEWBURGH OTICE DATED:
4.	DESC	RIPTION OF VARIANCE SOUGHT: Avea Variance	
5.		USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE Z UCE UNNECESSARY HARDSHIP IN THAT:	ONING LAW WOULD
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QU	
		(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL ESTABLISHING SUCH DEPRIVATION)	AL EVIDENCE
	b)	THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTOFTHE DISTRICT OR NEIGHBORHOOD BECAUSE:	TANTIAL PORTION
	c)	THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARAC	CTER OF THE
		NEIGHBORHOOD BECAUSE:	
	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:	

6. IF A	AN AREA VARIANCE IS REQUESTED:
	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIE BECAUSE: Ded currently exists this is an add on This won't cause any disruption to neighbors
1	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: We would like to expand the deck and pring old portion up to code and finish the pallbarrier to complete that permit into a co- as well
(THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: Significant, space still exists on all sides of proposed dock
(THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: add on proposed alck is almost exact dimensions of current dock that's already there
(e	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: or lots are smaller in my area which ingless if difficult
7. ADI	DITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS

DAY OF

July

20 23

NOTARY PUBLIC

MARIA AFONSO
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2345551

MY COMMISSION EXPIRES JUN. 07, 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)

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		
Christopher Timmons		
Name of Action or Project:		
Klay (East cleck add on		
Project Location (describe, and attach a location map):		
Dispusion Ra		
deck add on for more space and to meet requirements to finish permit for pool to get		
requirements totinish permit for pool to get		
CO		
Name of Applicant or Sponsor: Telephone: 845, 492 (9	420	
Christopher Timmons E-Mail: Chris. Timm		400 0 000 1.000
Address:	norts to	(a granton
16 Javatoga Kd		
City/PO: State: Zip Coo	de:	
Vewlarigh NY 12	220	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?) 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.	J L	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?	YES	
If Yes, list agency(s) name and permit or approval:	alml	
	7 -	
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?		
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		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	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 landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Are If Yes, identify:		NO	YES
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?	Ī	X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action	on? L	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:		VO	YES
10. Will the proposed action connect to an existing public/private water supply?	N	Ю	YES
If No, describe method for providing potable water:	_ [X	
11. Will the proposed action connect to existing wastewater utilities?	N	О	YES
If No, describe method for providing wastewater treatment:	- \$	1	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?b. Is the proposed action located in an archeological sensitive area?	No.	0	YES
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 D	<u>×</u> 0 ✓	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		2	
	_		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all the Shoreline Forest Agricultural/grasslands Early mid-successiona Wetland Urban		y:	
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) T	YES
16. Is the project site located in the 100 year flood plain?	NO	√	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NC)	YES
a. Will storm water discharges flow to adjacent properties?	X		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			
	-		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
	 	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	17	
		Ш
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE B	EST O	FMY
Applicant/sponsorname: Chvistophev Timmons Date: 7/7/2018 Signature: Applicant/sponsorname: Chvistophev Timmons Date: 7/7/2018	13	

A	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	Moderate
		small	to large
		impact	impact
		may	may
		occur	occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2.	Will the managed action would in a land in the state of t		<u> </u>
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?		

nly [If applicable]

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***

Recording:

|--|--|

BOOK/PAGE: 14411 / 923 INSTRUMENT #: 20180040562

Receipt#: 2500261

clerk: JM

Rec Date: 06/06/2018 10:33:13 AM

Doc Grp: D Descrip: DEED Num Pgs: 4

Rec'd Frm: GREENACRE ABSTRACT LLC

TISKOWITZ MICHAEL Party1:

TIMMONS CHRISTOPHER P Party2:

NEWBURGH (TN) 19-5-9 Town:

Recording Fee Cultural Ed Records Management - Coun Records Management - Stat TP584 RP5217 Residential/Agricu	40.00 14.25 1.00 4.75 5.00 116.00
RP5217 Residential/Agricu RP5217 - County	116.00 9.00
	100 00

190.00 Sub Total:

Transfer Tax Transfer Tax - State 1360.00

Sub Total: 1360.00

1550.00 Total: **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax ***** Transfer Tax #: 9900

Transfer Tax

Consideration: 340000.00

Transfer Tax - State 1360.00 1360.00 Total:

Payment Type:

Check

Cash

Charge

No Fee

Comment:

Ong 6. Rolled

Ann G. Rabbitt Orange County Clerk

Record and Return To:

MICHELLE ANDERSON, ESQ 5031 ROUTE 9W NEWBURGH, NY 12550

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 29th day of May, 2018

BETWEEN MICHAEL TISKOWITZ, residing at 16 Saratoga Road, Newburgh, New York, 12550, party of the first part, and **CHRISTOPHER TIMMONS**, residing at 26 Crest Road, Apt. 2, Newburgh, New York, 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) Dollars 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 situate, lying and being in the Town of Newburgh, County of Dutchess, and State of New York, being more particularly bounded and described in the Schedule "A" annexed hereto.

Being the same premises conveyed to the party of the first part by deed from Annette M. Mutunga f/k/a Annette M. Melendez dated August 18, 2006 and recorded August 23, 2006, in the Orange County Clerk's Office in as Liber 12238 Page 1528.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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

ALL that certain lot, 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 designated as Lot No. 17 on a certain filed map entitled, "Section III Deercreek" dated April 27, 1990, last revised August 10, 1990, and filed on June 11, 1993 in the Orange County Clerk's Office as Filed Map No. 96-93, bounded and described as follows:

BEGINNING at a point on the southeasterly side of Saratoga Road which said point being the division line between Lot Nos. 16 and 17 on said filed map;

RUNNING THENCE along the southeasterly side of Saratoga Road in a northeasterly direction along a curve to the right having a radius of 115.00 feet and an arc length of 180.64 feet to a point;

THENCE still along the same on a course of South 62° 56' 40" East a distance of 50.91 feet to a point in the division line between Lot Nos. 17 and 18 on said filed map;

THENCE along said division line on a course of South 27° 03' 21" (as per Deed) (20" as per filed map) West a distance of 115.00 feet to a point in the division line between Lot Nos. 16 and 17 on said filed map;

THENCE along the same on a course of North 62° 56' 40" West a distance of 165.91 feet to the point or place of BEGINNING.

On the 29th day of May in the year 2018 before me, the undersigned, personally appeared Michael Tiskowitz, 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 in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RONALD K. FRIEDMAN
Notary Public, State of New York
No. 02FR4680237
Qualified in Dutchess County
Commission Expires June 30, 20

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

Michael Tiskowitz

 ρ TC

Christopher Timmons

Section: 19
Block: 5
Lot: 9

County: Orange

Record and Return To:

Michelle Anderson, Esq. 5031 Route 9W

Newburgh, New York 12550



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

#3054-23

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/23/2023

Application No. 23-0619

To: Chris Timmons 16 Saratoga Rd Newburgh, NY 12550

SBL: 19-5-9

ADDRESS:16 Saratoga Rd

ZONE: R2

PLEASE TAKE NOTICE that your application dated 05/31/2023 for permit to build a 16' x 21' rear deck on the premises located at 16 Saratoga Rd is returned herewith and disapproved on the following grounds:

Towwn of Newburgh municipal code:

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

Joseph Mattina

Cc: Town Clerk & Assessor (500')

File

Town of Newburgh Code Compliance

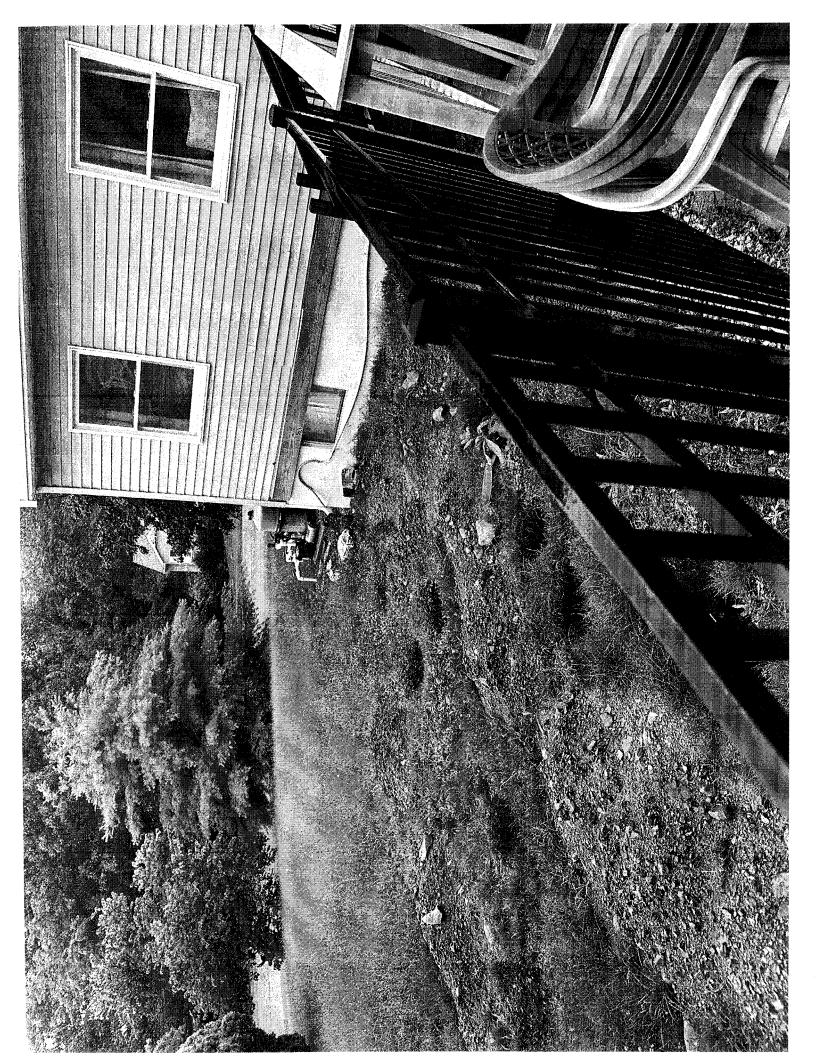
OWNER INFORMATION	BUIL	T WITH OU	TA PERMIT	YES	/ NO	
NAME:	CHRIS TIMMONS			Applicati	Application #	
ADDRESS:	16 SAR	ATOGA LANE	NEWBURG	H NY 12550		
PROJECT INFORMATIO	ON:	AREA VA	RIANCE	<u>us</u>	SE VARIANO	<u>:E</u>
TYPE OF STRUCTURE:	16' X 21' REAR DECK					
SBL :19-5-9	ZONE:	R2	ZB	A Application	on # 305°	4.23.
TOWN WATER: YES /						
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE	
LOT AREA						
LOT WIDTH						
LOT DEPTH						
FRONT YARD						
REAR YARD	40'		21.42'	18.58'	46.44%	
SIDE YARD						
MAX. BUILDING HEIGHT						
BUILDING COVERAGE						
SURFACE COVERAGE						
INCREASING DEGREE OF N 2 OR MORE FRONT YARDS CORNER LOT - 185-17-A		ROPERTY				YES / NO YES / NO YES / NO
ACCESSORY STRUCTU GREATER THEN 1000 S.F. C FRONT YARD - 185-15-A STORAGE OF MORE THEN HEIGHT MAX. 15 FEET - 185 10% MAXIMUM YARD COVE	R BY FORM 4 VEHICLES	3	-A-4			/ES / NO /ES / NO /ES / NO /ES / NO /ES / NO
NOTES:						



REVIEWED BY:	Joseph Mattina	DATE:	23-Jun-23









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

STATE OF NEW YORK: COUNTY OF ORANGE:
I Christopher Timmons, being duly sworn, depose and say that I did on or before
July 13, 2023, post and will thereafter maintain at
16 Saratoga Rd 19-5-9 R2 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time. Sworn to before me this April 1
RACHEL VAZQUEZ Notary Piblic State of New York



40.0' EXISTING

io or

TOO Y MAY AS

ROAL

16'-0 1/2" NH HECK

DECK NEM 51.-0..

VERIFY IN FIELD * LOT 17

±80.0'

180.081

±21.42

WOOD FENCE 2.5'± NORTH OF LINE

FENCE 0.8'± SOUTH OF LINE

N 62° 56' 40" W

PLOT PLAN

19-5-8 * LOT 16

SCALE: [" = 30"

NOTE: PLOT PLAN INFORMATION TAKEN FROM DRAWING ENTILED: SURVEY PREPARED FOR, CHRISTOPHER TIMMONS TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK. DATED: MAY 18, 20188
BY: W.E. JAMES ENGINEERING AND LAND SURVEYING PLLC