

**OFFICE OF ZONING BOARD** 

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

# TOWN OF NEWBURGH

\_Crossroads of the Northeast\_ ZONING BOARD OF APPEALS 21 Hudson Valley Professional Plaza Newburgh, NY 12550

Zoning Board of Appeals APR 0 7 2022 Town of Newburgh

**APPLICATION** 

DATED:

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

I (WE) GKACIANA IKAGT ZAWO PRESENTLY RESIDING AT NUMBER 283 CARTER AVENUE, NEWBURGH, NY 12550 TELEPHONE NUMBER 343-543-686

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:

SECTION #26 (TAX MAP DESIGNATION)

283 CARTER AVENUE (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- 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: 3822
  - 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:

DEGREE OF NON - CONFORMITY OF SECOND KRASE IHR DUELLING UNIT

- 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:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:



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

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

### 6. IF AN AREA VARIANCE IS REQUESTED:

IN 1993 BV

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

THE ENLAR GENENT WILL OLOR AT THE REAR OF THE EXISTING STRUCTURE NO EXPANSION WILL OCCUR WITTHIN THE FRONT YARD

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:

THR EXISTING STRUCTURE RELATED TO MATET THE RAMENTS

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: 1<u>TONLY INCRASED</u> THE DUD ING CONRAGE <u>BY 76 SQFT. WITH A 110 SQFTMISTORY</u> POLSIER AT THE REAR OF THE STRUCTURE
- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

NO RIVCROACHMENTS SHALL BRE MADE IN

ave. VIOUS

THE FIXISTING FRONT YARD TOWARDS THE STREET OR YARD) TOWARDS NEIGHBORTHE PROPOSED EXPONSION WILL INCREASE

THE LOT BUILDING COVERDGE FROM 7.2% TO 7.4% WILL BERWALLOWABLE e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: COVERAGE THE FIXISTING STRUCTURE WAS CONSTRUCTED

CUNARC

### 7. ADDITIONAL REASONS (IF PERTINENT):

		×	•	······································	
•		PET	ITIONER (S)	A. SIGNATURE	
STATE OF NI	EW YORK: CO	UNTY OF OR	ANGE:		
SWORN TO T	THIS Y	DAY OF	april	2022	
NOTARY PUBI	(N FARRINGTON LIC STATE OF NEW DUTCHESS #01FA6084049 EXP. December 2, 20	$\subseteq$	NOTAR	Jem to	

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				
Name of Action or Project:				
ZAINO CARLIAGE HOUSE RENOVATION Project Location (describe, and attach a location map):				
Project Location (describe, and attach a location map):				
283 CARTER AVE, NEWBURGH, NY 1255	0			
Brief Description of Proposed Action				
RENOVATION/ALTERATION OF EXISTING	2- STORY STRUC	TURE		
Name of Applicant or Sponsor:	Telephone: 217 CU2	1011		
GRACIANA ZANO	Telephone: 347-543-6861 E-Mail: 244			
Address:	E-Mail: graciana zo gmail.com	ainoe		
283 CARTER AVE	gmail. Con			
City/PO:	State:	Zip Code:		
NEWBURGH	Diate.	12550		
1. Does the proposed action only involve the legislative adoption of a plan, lo	ocal law, ordinance	NO YES		
administrative rule, or regulation?				
If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to	the environmental resources the	nat		
2. Does the proposed action require a permit, approval or funding from any o	<u>^</u>	peopleman and microsoft		
If Yes, list agency(s) name and permit or approval:	Sther governmental Agency?	NO YES		
AREA VARIANCE - ZONING BOARD				
BUILDING PERMIT- TOWN OF NEWBURGH BUILDING DET		Emperator		
<ul><li>3.a. Total acreage of the site of the proposed action?</li><li>b. Total acreage to be physically disturbed?</li></ul>	• 83 acres			
c. Total acreage (project site and any contiguous properties) owned				
or controlled by the applicant or project sponsor?	.83 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.				
Urban Rural (non-agriculture) Industrial Comme	ercial Residential (suburb	(ap)		
Generation Generatio Generation Generation Generation Generation Generation G		unity and a second s		
		· · · · ·		

	/
5. Is the proposed action, a. A permitted use under the zoning regulations?	O 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 Area? 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?	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	
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
10. Will the proposed action connect to an existing public/private water supply?	NO YES
If No, describe method for providing potable water:	
11. Will the proposed action connect to existing wastewater utilities?	NO YES
If No, describe method for providing wastewater treatment: <u>SEPTIC</u>	
<ul><li>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic</li><li>Places?</li><li>b. Is the proposed action located in an archeological sensitive area?</li></ul>	NO 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 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:	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that a Shoreline Forest Agricultural/grasslands Early mid-successional Wetland Urban	pply:
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO YES
16. Is the project site located in the 100 year flood plain?	NO YES
<ul> <li>17. Will the proposed action create storm water discharge, either from point or non-point sources?</li> <li>f Yes,</li> <li>a. Will storm water discharges flow to adjacent properties?</li> </ul>	NO YES
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? f 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:		1
19. Has the site of the proposed action on an at the	-	
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:	1	
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:		Productioning
	ferieser	Lanad
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE INFORMATE ABOVE IS TRUE AND ACCURATE ABOVE IS TRUE ABOVE IS TRUE AND ACCURATE ABOVE IS TRUE ABOVE	BEST O	FMY
Applicant/sponsor name:		
Signature:		

Agency Use	Only	[][	applicable]
	Non-		the search of the second s

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?"

1			
ľ		No, or small	Moderate to large
1		impäct	impact
		may	may
1	Will the proposed action grante a material of the tal	occur	occur
	regulations?		
2.	proposed denote restrict in a ontargo in the use of intensity of use of land?		
3.		$\Box$	
•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?	I.	
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?	V	

Agency Use Only [If applicable]					
Project:					
Date:					
1					

# 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)

Bargain & Sale Deed with Covenants against Grantor. THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 13<sup>th</sup> day of August, 2014.

BETWEEN ROBERT J. RAMPPEN, SR. and ANNE P. RAMPPEN, his wife, bo residing at 283 Carter Avenue, Newburgh, Orange County, New York 12550

Grantor

.)Z (7I And JOSEPH ZAINO and GRACIANA IRIART, both residing at 9115 Ridge Surrivorship Boulevard, Apt. 4C, Brooklyn, New York 11209

#### Grantee

WITNESSETH, that the Grantor, in consideration of TEN AND NO/100 (\$10.00) Dollars, paid by the Grantee hereby grants and releases unto the Grantee, the heirs or successors and assigns of the Grantee 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, more particularly described in Schedule "A" attached hereto and made a part hereof.

BEING AND INTENDED TO BE the same premises described in a Deed dated May 12, 1993 made by Alfie Pakenham and Barbara A. Pakenham to Robert J. Ramppen, Sr. and Anne P. Ramppen, the grantors herein, and recorded in the Orange County Clerk's Office on May 14, 1993 in Liber 3813 of Deeds at page 280.

Also known as 283 Carter Avenue, Newburgh, Orange County, New York 12550 (Town of Newburgh Tax Map Designation: Section 26 -Block 4 Lot 24.1)

The premises are improved by a one or two family residence dwelling only.

TOGETHER with all right, title and interest, if any, of the Grantor 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 Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of the Grantee forever.

AND Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

The words "Grantor" and "Grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the Grantor has executed this deed the day and year first above written.

In presence of:

<u>Robert J. Romppen, Sr.</u> L.S. <u>Come C. Langue</u> L.S.

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

On the 13<sup>th</sup> day of August, in the year 2014, before me, the undersigned, personally appeared Robert J. Ramppen, Sr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Public JEFFREY AIBARA Notary Public - State of New York No. 02A16081063 **Qualified in Westchester County** My Commission Expires:09/30/2014

STATE OF NEW YORK ) :ss COUNTY OF ORANGE )

On the 13<sup>th</sup> day of August, in the year 2014, before me, the undersigned, personally appeared Anne P. Ramppen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Norary Problic JEFFREY AIBARA Notary Public - State of New York No. 02AI6081063 **Qualified in Westchester County** My Commission Expires:09/30/2014

#### SCHEDULE "A" (description)

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, designated as Lot 1 as shown on a map entitled "Sub-Division Map Lands of Pakenham", filed in the Orange County Clerk's Office on January 28, 1993 as map #05-93 and being more particularly bounded and described as follows:

BEGINNING at a point marked by an iron rod found at the intersection of the Northwesterly line of Carter Avenue and the Southwesterly line of Park Place, a private road as shown on a map entitled "Lands of M & E Development LLC", filed in the Orange County Clerk's Office on May 4, 1999 as map #101-99;

THENCE South 30 degrees 00 minutes 30 seconds West for a distance of 166.36 feet along the Northwesterly line of Carter Avenue to a point;

THENCE North 59 degrees 48 minutes 00 seconds West for a distance of 232.48 feet along the Northeasterly bounds of lands now or formerly of Alfidi, Liber 5673, Page 344 to a point;

THENCE North 41 degrees 00 minutes 00 seconds East for a distance of 170.75 feet along the Southeasterly line of Lot 4 of filed map #101-99, being the Southeasterly bounds of lands now or formerly of Mule, Liber 5300, Page 330 to a point in the Southwesterly line of Park Place, also being the Southwesterly line of the afore-mentioned Lot 4 and the Southwesterly bounds of the afore-mentioned lands of Mule;

THENCE South 59 degrees 24 minutes 29 seconds East for a distance of 199.93 feet along the same to the POINT OR PLACE OF BEGINNING.

#### FOR CONVEYANCE PURPOSES ONLY:

TOGETHER WITH a non-exclusive casement for ingress and egress by motor vehicles from Carter Avenue and as further specified in Liber 3813, Page 280.



# **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

# 2978-22.

# NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/08/2022

Application No. 22-0104

To: Graciana Iriart Zaino 283 Carter Avenue Newburgh, NY 12550

SBL: 26-4-24.1 ADDRESS:283 Carter Ave

### ZONE: R3

PLEASE TAKE NOTICE that your application dated 02/09/2022 for permit to expand and renovate the second dwelling unit on the premises located at 283 Carter Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (Building: Front yard) (Park Place) 2) 185-19-C-1: Shall not increase the degree of non-conformity. (Expanding second dwelling unit)

Joseph Mattina

Cc: Town Clerk & Assessor (500') File

Town of	New	burgh	Cod	<u>e Com</u>	nplia	ince
OWNER INFORMATION	BUIL	T WITH OUT	T A PERMIT	YES	/ NO	
NAME: GRAG	T ZAINO		Applicatio	on #	22-0104	
ADDRESS:	283 C/	ARTER AVE I	NEWBURGH	NY 12550		for the second second second
PROJECT INFORMATIC	DN:	AREA V	AREA VARIANCE			NCE
TYPE OF STRUCTURE:		SECO	ND DWELL	ING UNIT		
<b>SBL:</b> 26-4-24.1						78-22
TOWN WATER: YES /						
	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANC PERCENTA	E GE
DWELLING UNITS	1 PER	2.00	INCRE	ASING THE DE	EGREE	
LOT WIDTH		<u>к.</u>	· .			
LOT DEPTH	1					
FRONT YARD	40'	12'		ASING THE DE		
REAR YARD						
SIDE YARD		96. 2				e
MAX. BUILDING HEIGHT						
BUILDING COVERAGE						<b>e</b> 0
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: THE SECOND DWELLING UNIT IS EXISTING NON-CONFORMING. THESE ALTERATIONS WILL INCREASE THE DEGREE OF NON-CONFORMITY BY EXPAND THE BUILDING AND LIVING SPACE.						
		2 FR(	ONT YARDS			

# CARTER AVE & PARK PLACE









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

STATE OF NEW YORK: COUNTY OF ORANGE:

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\_\_\_\_\_April 14 \_\_\_\_\_, 2022, post and will thereafter maintain at

283 Carter Ave 26-2-24.1 R3 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.

Kom 7 am

Sworn to before me this

day of World , 2022.

TARYN FARRINGTON NOTARY PUBLIC STATE OF NEW YORK DUTCHESS LIC. #01FA6084049 COMM. EXP. December 2, 20 22



