

TOWN OF NEWBURGH

____ Crossroads of the Northeast ____

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

APPLICATION

DATED: 08-13-2020

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

I(WE) Omar R	- Chi	heaher	0.	PRESENTLY	
RESIDING AT NUMBER	101	Hle	lanc	rd	•
TELEPHONE NUMBER	845	8939	474		

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:



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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 DISAPPROVALBY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION, SEE ACCOMPANYING NOTICE DATED: 06-20-20-

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: extended replacement

storage shed behind garage.

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:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:
 - It was an improvement to the previous AD glied that was there, as it was rebuilt
- 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: I did not actually believe there would be ACO an need for an area variance as I was only replacing a previously existing stock re
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

pocessions. brings security to It is

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: <u>It is not damaging any structures or</u> <u>He ATC</u> local former. Instead it will be

20 beneficiary as the I awn can tools stoved.

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: <u>I never imagined that it would be</u> problem Affin the first place, as I was replacing a structure within my property single 7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE STATE OF NEW YORK: COUNTY OF ORANGE: SWORN TO THIS DAY OF HUGUS-20 2 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)

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

PROXY

<u> </u>			, DEPOSES	AND SAYS	THAT
HE/SHE RESIDES	AT	<u> </u>	//		
IN THE COUNTY	OF	AM	O STATE OI	7	
AND THAT HE/SH	IS THE OW	VER IN FEE	OF /		

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS _____ DAY OF _____ 20

NOTARY PUBLIC

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 invertigation 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 ya 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: Omar Chihua	a hua		
Name of Action or Project:	<u>Active</u>		
Storage			
Project Location (describe, and attach a location map):	****		
10 Little Lane Rd., Newburgh NY Brief Description of Proposed Action:	12550 SRI -	53-	4.5
Brief Description of Proposed Action:	JDL.	55	10
		,	
Name of Applicant or Sponsor:	Telephone 845-893	91	1711
Omar chihuahua		201	119
Address:	E-Mail: rruizg bla	9401.	com
10 Little Lane Rd			
Citv/PO:	State: Zi	p Code:	
Newburgh 12550	NV I-	255	0
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 the may be affected in the manifestive description of the intent of the proposed action and the manifestive description of the intent of the proposed action and the manifestive description of the intent of the proposed action and the manifestive description of the intent of the proposed action and the manifestive description of the intent of the proposed action and the proposed action action and the proposed action		-	
may be affected in the municipality and proceed to Part 2. If no, continue to	question 2.	X	
2. Does the proposed action require a permit, approval or funding from any of	other governmental Agency?	NO	YES
If Yes, list agency(s) name and permit or approval:	0.0	processory.	
		X	
3.a. Total acreage of the site of the proposed action?	acres		
b. Total acreage to be physically disturbed?	âCres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
er controlled of the approant of project sponsor:	actes		
4. Check all land uses that occur on, adjoining and near the proposed action.			
Urban IRural (non-agriculture) Industrial SComme	rcial Residential (suburban)		
LIForest LAgriculture LAquatic Other (s	pecify):		
Parkland			

5. Is the proposed action,		·
a. A permitted use under the zoning regulations?		ES N/
b. Consistent with the adopted comprehensive plan?	=+++	
6. Is the proposed action consistent with the predominant character of the existing builtor natural landscape?		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area If Yes, identify:) <u>YE</u>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YE
b. Are public transportation service(s) available at or near the site of the proposed acion?		
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:	ŇO	YES
10 Will the proposed action connected		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water:	Z	
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 Places?		L]
	NO	YES
b. Is the proposed action located in an archeological sensitive area?	4	
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 wetlandor 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 □ Shoreline □ Forest □ Agricultural/grasslands □ Early mid-successional □ Wetland □ Urban	apply:	
15. Does the site of the proposed action contain any species of animal, or associated habilats, listed by the State or Federal government as threatened or endangered?	NO	YES
6. Is the project site located in the 100 year flood plain?	NO	YES
7. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
a. Will storm water discharges flow to adjacent properties?		
b. Will storm water discharges be directed to established conveyance systems (runoff ad storm drains)? If Yes, briefly describe:		·

18. Does the proposed action include construction or other activities that result in the inpoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		1 p - 1 p
19. Has the site of the proposed action or an adjoining property been the location of antictive or closed solid waste management facility?	NO	YES
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remulation (ongoing or completed) for hazardous waste?	NO	VES
f Yes, describe:	171	-
	41	
AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I	BEST OI	FMY
ignature: Date: B-13-2		
ignature:	U	20

Ag	ency Use Only [If applicable]
Project:	

Date:

CL /	
Supre	Environmental Assessment Form
	Thend O T
	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 Part1 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 he proposed action?"

	the proposed action create a material conflict with an adopted log dent	No, or small impäct may occur	Moderate to large impact may occur
2.			
3.	Will the proposed action result in a change in the use or intensity of use of land? Will the proposed action immediate		
.4.	and proposed action impair the character or quality of the existing community?		
	Will the proposed action have an impact on the environmental characteristics that cused 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?		
б.	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, archaelogical, architectural or aesthetic resources?		
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlads, waterbodies, groundwater, air quality, flora and fauna)?		
10.	Will the proposed action result in an increase in the potential for erosion, flooding a drainage problems?		hrussenel
11.	Will the proposed action create a hazard to environmental resources or human health?		
		h	



Agency U	se Only [If applicable]
Project:	
Date:	
L	

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 and cumulative impacts.

environmental impact statement is required	imation and analysis store
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 AND SALE DEED, WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 25^{+} day of April, in the year 2017

BETWEEN U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST having an address at 3701 Regent Boulevard, Irving, TX 75063 (hereinafter called the "Grantor"), and **OMAR CHIHUAHUA**, having an address at 11 East Stone Street, Newburgh, NY 12550 (hereinafter called the "Grantee").

WITNESSETH, that the Grantor, in consideration of Seventy Seven Thousand Five Hundred and 00/100 (\$77,500.00) and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, the heirs or successors and assigns of Grantee forever, all of its undivided interest and any other right, title or interest it may have or hold in:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of ORANGE, State of New York, commonly known by the address 10 Little Lane Road, Newburgh, NY 12550, and designated as SBL #53-4-5, as more particularly described on Exhibit "A" attached hereto.

Being the same premises described in the deed to the party of the first part herein dated -November 18, 2016 and recorded $\frac{1}{1}$ $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ in the Orange County Clerk's Office in Book <u>1998</u> at page <u>1999</u>.

This conveyance has been made with the unanimous consent in writing of all the stockholders of the party of the first part and does not render the company insolvent.

This transfer does not represent all or substantially all of the assets of the grantor, and is done in the normal course of business.

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 party 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 party of the Grantee forever.

AND the 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.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor 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

ALL that parcel of land situate in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at an iron pin in the center of the Town Road distant south 57 degrees west 52.73 feet from the southwest corner of a brick house on the parcel of land here in described;

THENCE north 34 degrees 09 minutes east 182.6 feet along Moglia's lands to an iron pipe driven into the ground on the south side of a brook;

THENCE south 60 degrees 58 minutes east east 70 feet along Moglia's lands to an iron spike driven in the ground;

THENCE south 28 degrees 04 minutes west 169 feet along Moglia's lands to an iron spike driven in the center of aforementioned Town Road;

THENCE north 69 degrees 12 minutes west 90 feet along the center of said Town Road to the point or place of BEGINNING.

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST

By: Caliber Real Estate Services, LLC as its Attorney in Fact

Signed By:

Signature of Corporate Officer Name of Officer: Heather Sayabouasy Its Authorized Signer

STATE OF	Texas)	
COUNTY OF	Dallas))	SS.:

On the <u>25</u> day of April, in the year 2017, before me, the undersigned, a notary public in and for said State, personally appeared <u>Heather Sayabouasy</u>, of U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust by Caliber Real Estate Services, LLC, Attorney in Fact, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

Notary Public

(Notarial Seal)

My Commission Expires:





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

2846-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/15/2020

Application No. 20-0381

To: Omar Chihuahua 10 Little Lane Newburgh, NY 12550

SBL: 53-4-5 ADDRESS:10 Little Lane Rd

ZONE: B

PLEASE TAKE NOTICE that your application dated 05/18/2020 for permit to keep a 12' x 18' addition built onto an existing accessory building on the premises located at 10 Little Lane Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

12 -1) 185-15-A-4: The maximum allowed sqaure foot for all accessory buildings per the formula is 393 sf.

> 2) 185-19-C-1: Shall not increase the degree of non-conformity. Zero side yard

Joseph Mattina

Cc: Town Clerk & Assessor (500') File

Town of	New	burgh	Cod	e Con	nplian	ce	
OWNER INFORMATION	BUIL	T WITH OU	T A PERMIT	YES	/ NO		
NAME:	Omar Chihua	hua		Building pe	rmit #	20-03	81
ADDRESS:	10 L	ittle lane Rd.	Newburgh N	Y 12550			
PROJECT INFORMATIC	N:	AREA V	ARIANCE	<u></u>	E VARIANCE		
TYPE OF STRUCTURE:		12' x 1	8' Accessor	y building			
SBL : 53-4-5	ZONE:	В	ZE	A Applicatio	n# <u>28</u> 2	10-	70
TOWN WATER: YES /					Ю		
	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE]	
SQUARE FEET	393 sf	432 sf		39 sf	9.00%		
LOT WIDTH							
LOT DEPTH				-t			
FRONT YARD							
REAR YARD							
SIDE YARD	5'	0		5'			
MAX. BUILDING HEIGHT							
BUILDING COVERAGE	Adding or	nto an existing	g non-confforr	ning accessol	ry building		
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 FRONT YARD - 185-15-A YES STORAGE OF MORE THEN 4 VEHICLES HEIGHT MAX. 15 FEET - 185-15-A-1 YES 10% MAXIMUM YARD COVERAGE - 185-15-A-3							
NOTES: The building code requires a 1 hr. rated wall when less than 5' from a property line							
VARIANCE(S) REQUIRED:							
1 185-15-A-4: Maximum square footage allowed per the formula is 393 sf.							
2 185-19-C-1: Shall not incre	ase the degr	ee of non-cor	nformity: Zero	side yard set	back		

3				
4				
REVIEWED BY:	Joseph Mattina	DATE:	15-Jun-20	









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

STATE OF NEW YORK: COUNTY OF ORANGE:

1 Omar Chihukua	being duly sworn, depose and say that I did on or before
-----------------	--

September 10_____, 2020, post and will thereafter maintain at

<u>10 Little Ln Rd</u> 53-4-5 <u>B Zone</u> 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 $\frac{\partial b}{\partial b}$

Jaker ugus) day of

- 74	DONNA MARIA LASHER
NOTA	RY PUBLIC STATE OF NEW YORK
	SULLIVAN COUNTY
000	LIC. #02LA8224941
COMM	EXP. July 19,202



