

TOWN OF NEWBURGH

Crossroads of the Olortheast ZONING BOARD OF APPEALS 21 Hudson Valley Professional Plaza Newburgh, NY 12550

OFFICE OF ZONING BOARD DARRIN SCALZO, CHAIRMAN SIOBHAN JABLESNIK, SECRETARY

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

APPLICATION

DATED: 1/27/2025

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

I (WE) MIKE O'DONNELL

_____PRESENTLY

RESIDING AT NUMBER 38 SNDER AVE WALDEN NY 12586

TELEPHONE NUMBER 845.728.990/

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:

31-5.6 (TAX MAP DESIGNATION)

38 SNIDEL AVE (STREET ADDRESS)

Z / (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW). 185-15-A-3

- 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: 11/25/2024
 - 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: Lot area surface

Lot area building 10% SIDE YARD COVERAGE

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

Will not change or produce on unkescrable detrimental character to the neighborhood as the proposed ever will be top quality and match the characteristics of our some.

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:

No bagement due to Lake moto levels.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: The the will be man aven that is not used, only mantained. Placed new out utility com and Deptic tank pum estation.
- 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>The placement will be in such an crea where</u> there will be no cleaving of propety and missile yord were to store: tens
- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: Due to the water levels we were not able to have a busent for storage und would like to keep our property dem and protect our property irans)

7. ADDITIONAL REASONS (IF PERTINENT):



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		
O'DONNEL ACCESSORIL RUNNING	· 14	
Name of Action or Project: ACCESSORY BUILDIN	<u>(</u>	-
Accessoly building (SHED)	· .	
Project Location (describe, and attach a location map): 385NIDER AUG JANNY		
RESIDENTIAL	· · · ·	
Brief Description of Proposed Action		
PLACEMENT · Construction of STORAGE	SITED IOXZO ACC	essory Bidg
		-
		•
Name of Applicant or Sponsor:	Telephone: P4C. 778	
MIKE ODONNELL	E-Mail.	9901
Address;	Valley contractingin	CONSA. con
38 SNIDER AVE	V	
City/PO:	State: -	Zip Code:
WALDEN	1110	2586
1. Does the proposed action only involve the legislative adoption of a plan, lo	ocal law, ordinance,	NO YES
If Yes, attach a narrative description of the intent of the proposed action and		
is the second in the memory and proceed to Part 2. If no, continue to	auestion 2	
2. Does the proposed action require a permit, approval or funding from any c	ther governmental A gency?	NO YES
If Yes, list agency(s) name and permit or approval:	÷	INO IES
3.a. Total acreage of the site of the proposed action?	095 lacres 47	
b. Total acreage to be physically disturbed?		
or controlled by the applicant or project sponsor?	66 7 00	
	acres	
4. Check all land uses that occur on, adjoining and near the proposed action.		
	rcial TResidential (suburban)
☐Forest ☐Agriculture ☐Aquatic ☐Other (sp ☐Parkland	pecity):	
		. 1

5. Is the proposed action,		
a. A permitted use under the zoning regulations?		S 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		
xurren output		YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		YES
If Yes, identify:		I ILS
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?	0	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	7	
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:	17	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No describe method for providing suggestions to		A LOLD
If No, describe method for providing wastewater treatment:	$ \mathbf{\Lambda} $	
12 a Does the site contain a structure that is Note 1		Batanod
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES
b. Is the proposed action located in an archeological sensitive area?	7	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	NO	YES
instance of onior waterbourds regulated by a rederal, state or local agency?		
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	i_ polv:	
LEarly mid-successional	cr-J·	
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?	7	
16. Is the project site located in the 100 year flood plain?		
	-	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO T	YES
a. Will storm water discharges flow to adjacent properties?		-
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		
INO YES		
A		

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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)? If Yes, explain purpose and size:	NO	YES
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:		
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:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I KNOWLEDGE	BEST O	FMY
Applicant/sponsor name: Mike O'DOWNEZC Date: 1/27/20	25	·

Agency Use Only [If applicable]

Project: Date:

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.			
		No, or	Moderate
		small	to large
		impact	impact
L		may	may
1.	and the proposed denois create a material conflict with an adopted lond was all	occur	occur
-			
2.	Will the proposed action result in a change in the use or intensity of use of land?	7	
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)?		· [7]
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	
7.	Will the proposed action impact existing: a. public / private water supplies?		
	b. public / private wastewater treatment utilities?	1	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	1	
	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	D	
11.	Will the proposed action create a hazard to environmental resources or human health?	1	
			<u> </u>

Agency Use Only [If applicable]

Project: Date:

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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 probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term and cumulative impacts.

environmental impact statement is required	
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)

Barrien & Salewith Covenant Against Grantor

Section: 31 Block: 5 Lot: 6

31-5-18

THIS INDENTURE

MADE the 16th day of November, 2022 between Valley Contracting, Inc., with offices at 444 S Plank Road, Newburgh, New York 12550, party of the first part, and Michael J. O'Donnell and Sherri L. O'Donnell, residing at 4 Plank Road, Newburgh, New York 12550, party 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, its heirs, successors and assigns forever,

(See Schedule "A" description attached hereto)

BEING and intended to be the same premises described in a Deed dated June 8, 2017 from Marianne Hedberg Allyn and Congers Realty Development, LLC to Valley Contracting, Inc. and recorded in the Office of the Orange County Clerk on June 15, 2017 in Liber 14245 at Page 99.

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 the said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its heirs, successors and assigns forever.

AND the said party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

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 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. IN WITNESS WHEREOF, the party of the first part has hereunto set hand and seal the gand year first above written.



ACKINOWLEDGEMENU

COUNTY OF ORANGE

TRAVIE OF NEW YORK

On the 16th day of November in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Sherri O'Donnell 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.

ELIZABETH A. STRADAR Notary Public, State of New York No. 02ST5019955 Qualified in Orange County Commission Expires November 1, 2025

Notary Public

Record & Return To: Elizabeth A. Stradar, Esq. Northrop & Stradar, P.C. 11 Balmville Road, Suite 2 South P.O. Box 2395 Newburgh, New York 12550

Schedule "A"

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, known and designated as Lot Nos. 593, 594, 595 and 596 on a certain map entitled, "Section No. 1, Map of Orange Lake Estates, located in the Town of Newburgh, Orange County, New York, Butler-Foman Realty Corporation, owners and developers," prepared by Blake & Woodhull, Licensed Engineers and Surveyors, dated March 20, 1928 and filed April 10, 1928 in the Orange County Clerk's Office in Plan File of Maps, Pocket 15, Folder 45, as Filed Map No. 975, bounded and described as follows:

BEGINNING at a point in the southeasterly line of Snider Avenue, said point marking the most northerly corner of lands now or formerly of Kuprych (Liber 1568 Page 91) and the most westerly corner of the herein described parcel of land;

RUNNING THENCE from said point of beginning and along Snider Avenue, North 28 degrees 55' 30" East, 100.00 feet to the lands now or formerly of Hahn (Liber 2098 Page 541);

THENCE along the lands of Hahn and following a fence line, South 61 degrees 04' 30" East, 180.69 feet to a point in Orange Lake;

THENCE through Orange Lake, South 31 degrees 59' 56" West, 100.14 feet to the aforementioned lands of Kuprych;

THENCE along the lands of Kuprych and following a fence line, North 61 degrees 04' 30" West, 175.32 feet to the place of BEGINNING.

Subject to and together with, the benefits and burdens of record in the Orange County Clerk's Office affecting the above premises.

2042.003\EASaw\111622\S:\Clients\O'Donnell, Sherri and Michael\Misc\Deed.docx











TOWN OF NEWBURGH

~Crossroads of the Northeast~

21 HUDSON VALLEY PROFESSIONAL PLAZA NEWBURGH, NEW YORK 12550

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

2024-66

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 11/25/2024

Application No. 24-1265

To: Michael J. O'Donnell 36 Snider Avenue Walden, NY 12586

SBL: 31-5-6 ADDRESS:38 Snider Ave

ZONE: R1

PLEASE TAKE NOTICE that your application dated 11/06/2024 for permit to install a 10' x 20' accessory building on the premises located at 38 Snider Ave is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code sections:

- 1) 185-15-A-3: Maximum allowed yard coverage is 10%
- 2) Bulk table schedule 3: 10% maximum allowed building surface coverage.
- 3) Bulk table schedule 3: 20% maximum allowed lot surface coverage.

oseph Mattina

Cc: Town Clerk & Assessor (500') File



TOWN OF NEWBURGH ZONING CHART

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

STATE OF NEW YORK: COUNTY OF ORANGE:

Mike ODmel(_____, being duly sworn, depose and say that I did on or before

____February 13____, 2025, post and will thereafter maintain at

_38 Snider Ave _31-5-6 R1 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.

All

Sworn to before me this

day of 2025 DAWNMARIE BUSWEILER Notary Public, State of New York Qualified In Orange County Registration NO. 01BU6434777 Commission Expires June 13, 2020

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DOS OF ORLYOS LARS				