



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:

11/4/2024  
\_\_\_\_\_

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: 32.3' front yard set back

217.7 ft. area variance on array.

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:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

(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:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

All sides of the property have substantial existing screening to prevent neighbors and traveling vehicles from being able to see the Ground Mounted Solar Array. We are proposing 4 additional Green Giants to avoid visual impact. 2 on the North and 2 on the South of the array.

- 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:

Installation of a roof mounted solar system will not be sufficient for the Homeowner due to the size of the roof, the directions it faces, the obstructions on the roof and fire set backs required.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The current required front set back is 250', however the length of the yard from the front side on Latintown Rd to the pool and house is 204 ft. The opposite side of the house contains the septic system and the array cannot be installed on this. Given the location of the home we believe this is the most screened and inconspicuous location for the array.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

There is substantial screening currently existing on the property and to ensure there is no impact to to the neighbors to the North and South of the home we are proposing 4 Green Giant Evergreens to help conceal the Ground Mounted Solar array.

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

The requested front yard variance is not self created due to the size of the parcel and limitations on the parcel. The request variance on the size of the Ground Mounted solar is a result in the increased rates by Central Hudson.


7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14<sup>th</sup> DAY OF November 20 20

  
\_\_\_\_\_  
NOTARY PUBLIC  
COURTNEY ELIZABETH ROBERTS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RO6439611  
Qualified in Dutchess County  
My Commission Expires 08-29-2026

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)

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Sean Dabroski, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 5 Jessica Ct. Newburgh, NY 12550  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 5 Jessica Ct. Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Patrick Canty of Empire Solar Solutions  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/14/2024

Sean Dabroski

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14<sup>th</sup> DAY OF November 2024

COURTNEY ELIZABETH ROBERTS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01R06439611  
Qualified in Dutchess County  
My Commission Expires 08-29-2026

[Signature]  
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 investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

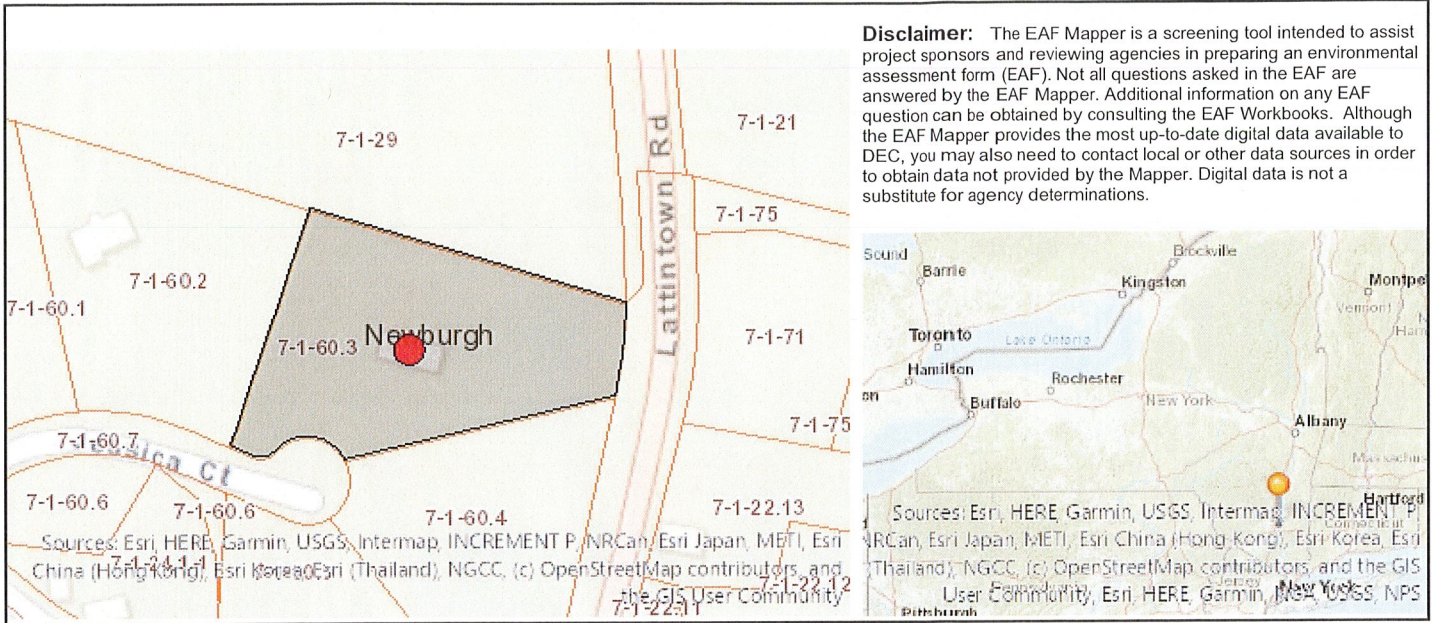
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Dabroski Ground Mounted Solar			
Project Location (describe, and attach a location map): 5 Jessica Ct. Newburgh, NY 12550			
Brief Description of Proposed Action: New install of a 12.88kW Ground Mounted Solar system. (28) 460W REC panels w/ 1 SolarEdge SE11,400H-US Inverter.			
Name of Applicant or Sponsor: Empire Solar solutions, LLC		Telephone: (845) 317-8019 E-Mail: Courtney@empiresolarny.com	
Address: 2-8 Johnes St.			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Building Department Town of Newburgh Zoning			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <span style="float: right;">2.10 acres</span>			
b. Total acreage to be physically disturbed? <span style="float: right;">0.01456979 acres</span>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">2.10 acres</span>			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If 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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Patrick Canty</u> Date: <u>11/25/2024</u>		
Signature: <u><i>Patrick Canty</i></u> Title: <u>Operations Specialist</u>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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\*\*\*



BOOK/PAGE: 14249 / 1967  
 INSTRUMENT #: 20170044499  
 Receipt#: 2340479  
 Clerk: KS  
 Rec Date: 06/27/2017 11:05:15 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: KAHL PAUL  
 Party2: DABROSKI SEAN  
 Town: NEWBURGH (TN)  
 7-1-60.3

Recording:	
Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00
Sub Total:	<u>190.00</u>
Transfer Tax	
Transfer Tax - State	1600.00
Sub Total:	<u>1600.00</u>
Total:	<u>1790.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 10584	
Transfer Tax	
Consideration: 400000.00	
Transfer Tax - State	1600.00
Total:	<u>1600.00</u>

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

JOHNSON & BLOOMER LLP  
 264 N. PLANK RD  
 NEWBURGH, NY 12550-1772

A 291 - Standard N.Y. B.T.U. F. 8007  
Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp.,11-98.

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

THIS INDENTURE, made on June 26, 2017

**BETWEEN**

**PAUL KAHL & NORMA KAHL, RESIDING AT 5 JESSICA COURT,  
NEWBURGH, NEW YORK, 12550, party of the first part, and**

**SEAN DABROSKI & MEGAN DABROSKI, RESIDING AT 47 BUENA VISTA  
AVENUE, WALLKILL, NEW YORK, 12589, party of the second part, \* as husband and wife ©**

Section 7 Block 1 Lot 60.3

**WITNESSETH**, that the party of the first part, in consideration of  
TEN AND XX/XX----- dollars, good and lawful  
consideration of the United States, 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, with the buildings and improvements thereon  
erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York,  
and more particularly described in the Schedule A attached hereto and made a part thereof:

Being and intended to be the same premises conveyed by deed from Englewood  
Contracting Inc., dated 3/12/10, recorded 3/24/10 in Liber 12982 page 1338 in the Orange  
County Clerk's Office.

Being same premises commonly known as 5 Jessica Court, Newburgh, New York.

**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 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.

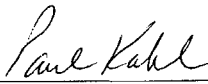
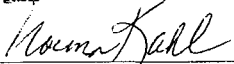
ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being shown and designated as Lot 13 on a certain map entitled, "Subdivision Plat of Lot 6 of Filed Map No. 276-02, Rocky Heights Estates, Section III," which map was filed in the Orange County Clerk's Office as Filed Map No. 733-06.

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.

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

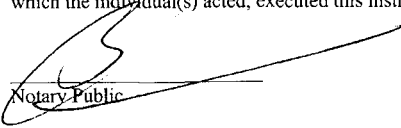
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
\_\_\_\_\_  
Paul Kahl  
  
\_\_\_\_\_  
Norma Kahl

State of New York, County of Orange ss.:

On the 26 day of June 2017, before me personally came Paul Kahl & Norma Kahl, 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 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 person upon behalf of which the individual(s) acted, executed this instrument.

  
\_\_\_\_\_  
Notary Public

MARC KERCHMAN  
Notary Public, State of New York  
No. 02-4763908  
Qualified in Dutchess County  
Commission Expires October 31, 2018

~~Bargain and Sale Deed~~  
WITH COVENANT AGAINST GRANTOR'S ACTS  
Title Number GA-174337-O By Greenacre Abstract, LLC

\_\_\_\_\_  
PAUL KAHL & NORMA KAHL

TO

SEAN DABROSKI & MEGAN DABROSKI

Section 7  
Block 1  
Lot 60.3  
COUNTY OF ORANGE  
Town of Newburgh

RETURN BY MAIL TO:  
Roland A. Bloomer, Esq.  
Johnson & Bloomer  
264 North Plank Road  
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

# 2024-63.

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 11/04/2024**

**Application No. 24-1234**

**To: Empire Solar Solutions, LLC**  
2-8 Johnes Street  
Newburgh, NY 12550

**SBL: 7-1-60.3**  
**ADDRESS: 5 Jessica Ct**

**ZONE: AR**

PLEASE TAKE NOTICE that your application dated 10/30/2024 for permit to ground mounted solar array in the front yard on the premises located at 5 Jessica Ct is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-81-D-3-(b)-[3]: Minimum front yard setback is 250'.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# TOWN OF NEWBURGH ZONING CHART



NAME: Sean Dabrowski

ADDRESS: 5 Jessica Ct

STRUCTURE: Ground mounted solar array

TYPE OF VARIANCE: AREA

S:B:L: 7-1-60.3

ZONE: AR

TOWN WATER: NO

TOWN SEWER: NO

VARIANCE DISCRPTION	CODE SECTION	MINIMUM	REQUESTED	VARIANCE	%
Front yard setback	185-81-D-3-(b)-[3]	250'	32.3'	217.7'	87%

COMMENTS:

REVIEWED BY: JOSEPH MATINA      DATE: 11-4-2024      APPLICATION: 24-1234

*ZMA 2021-03*

**Sean Dabroski Residence**

**5 Jessica Ct. Newburgh, NY 12550**



**FRONT OF HOUSE**



**Sean Dabroski Residence**

**5 Jessica Ct. Newburgh, NY 12550**



**HOME**

**Sean Dabroski Residence**

**5 Jessica Ct. Newburgh, NY 12550**



**VIEW TO JESSICA CT. FROM GROUND MOUNT LOCATION (CANNOT BE SEEN)**

**Sean Dabroski Residence**

**5 Jessica Ct. Newburgh, NY 12550**



**VIEW BEHIND 5 JESSICA CT.**

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Patrick Canty, being duly sworn, depose and say that I did on or before

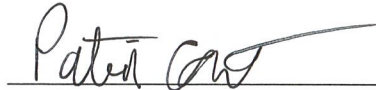
December 12, 2024, post and will thereafter maintain at

5 Jessica Ct 7-1-60.3 AR 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 5<sup>th</sup>

day of December, 2024.



COURTNEY ELIZABETH ROBERTS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RO6439611  
Qualified in Dutchess County  
My Commission Expires 08-29-2026



