



TOWN OF NEWBURGH

Crossroads of the Northeast

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: 4/30/2024

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

I (WE) Thomas D. Weddell PRESENTLY

RESIDING AT NUMBER 12 Heritage Lane, Rock Tavern, NY 12575

TELEPHONE NUMBER 845 527-5125

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:

SBL: 89-1-10.1 (TAX MAP DESIGNATION)

6 Heritage Lane (STREET ADDRESS)

R-1 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-11 Utilization of Bulk Table R-1 District Schedule 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:

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

April 21, 2024_____

4. DESCRIPTION OF VARIANCE SOUGHT: Area variance allowing a lot area of 31,203 square feet where 40,000 square feet is required, and allowing a front yard setback of 23.3 feet where 50 feet is required.

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:

NA

(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:

NA

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

NA

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

NA

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:

There are no proposed physical changes to the properties. The non-conformities pertain to an existing building and lot. Although a lot line is being revised, the lot area will remain unchanged pre- and post- lot line change. The existing non-conformities are not being made more non-conforming. In fact, the lot line changes proposed will eliminate three existing nonconformities on S/B/L 89-1- 77.2 and an existing driveway encroachment on S/B/L 89-1-10.2; thereby, benefitting the neighborhood. The five parcels located on Heritage Lane are owned by members of the Weddell family. Therefore, the only parcels affected are the applicant's or the applicant's family members.

- 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:

The adjacent parcel to the north has no land available to provide the required front yard setback to the subject lot without making the adjacent parcel's front yard more non-conforming. The adjacent lots have no land available that would make the subject lot's area conforming and uniform in appearance while still achieving the objective of the lot line change. Therefore, a variance is the only option.

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

The requested variances sought are all existing deficiencies related to an existing building. The variances produce no undesirable change to the neighborhood.

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

The non-conformities are existing and are not made any more non-conforming by the proposed lot line change.

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

This is an existing lot and building, and the non-conformities to the zoning bulk regulations are pre-existing. The subdivision that created this lot was done in 1980. At that time the parcel was zoned R-3 and the lot area was conforming. In 2006 the Town rezoned the area from R-3 to R-1, causing the lot to be non-conforming.

7. ADDITIONAL REASONS (IF PERTINENT):

This project previously received ZBA approval for the requested variances in December 22, 2015. The lot line change received Town of Newburgh Planning Board approval on March 17, 2016. However, the condition of final approval requiring a Common Driveway Easement and Maintenance agreement be reviewed and approved by the Planning Board attorney was never satisfied and the approval has lapsed. The current proposal is exactly the same as the application approved by the ZBA in 2015 and the Planning Board in 2016.


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2 DAY OF MAY 2027


NOTARY PUBLIC

THOMAS R. DIGOVANNI
Notary Public-State of New York
No. 01D14502406
Qualified in Orange County
Commission Expires March 30, 26

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

Thomas D. Weddell, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 12 Heritage Lane, Rock Tavern

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

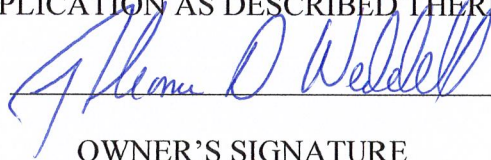
Tax Parcel Section 89 Block 1 Lot 10.1

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-


TION AND THAT HE/SHE HAS AUTHORIZED Darren C. Doce

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/2/24



OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2 DAY OF MAY 2024



NOTARY PUBLIC

THOMAS R. DIGIOVANNI
Notary Public - State of New York
No. 014502406
Qualifies in Orange County
Commission Expires 26

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

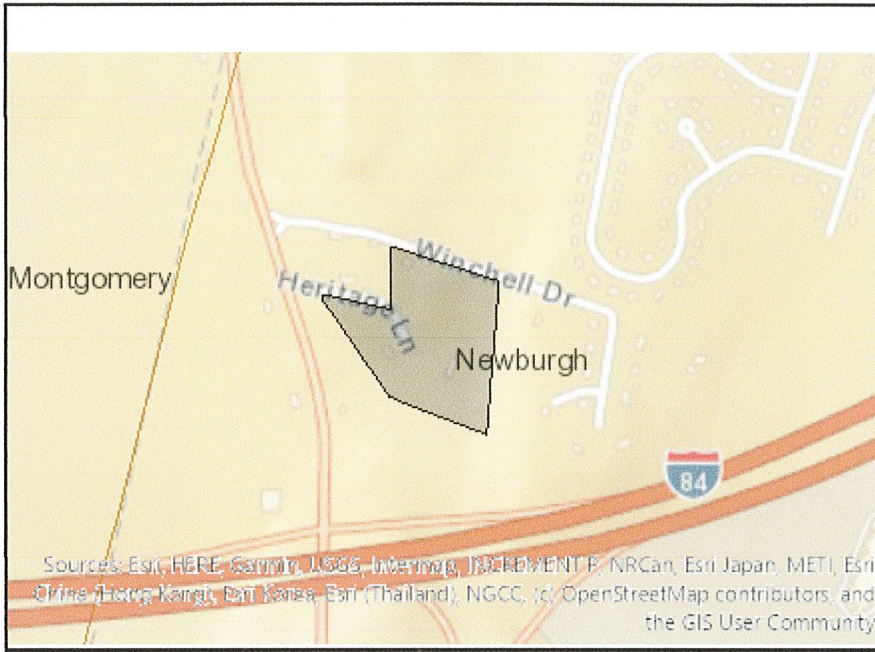
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

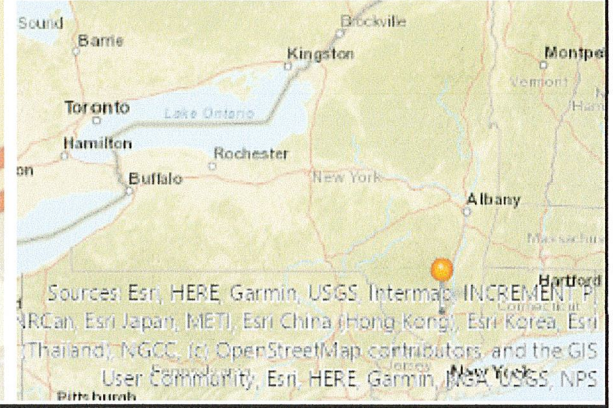
Part 1 – Project and Sponsor Information			
Name of Action or Project: Lot Line Revision Plan lands of Weddell			
Project Location (describe, and attach a location map): 6, 7, 12 and 14 Heritage Lane, Town of Newburgh, Orange County			
Brief Description of Proposed Action: Lot line revision affecting four existing Town of Newburgh residential parcels. Tax parcels affected: SBL 89-1-10.1, SBL 89-1-10.2, SBL 89-1-77.1 and SBL 89-1-77.2. Tax Parcel SBL 89-1-10.1 (6 Heritage Lane) is an existing non-conforming lot and requires area variances for lot area and front yard setback to address existing non-conformities.			
Name of Applicant or Sponsor: Thomas D. Weddell		Telephone: 845 527-5125 E-Mail: tweddell@rbtcpas.com	
Address: 12 Heritage Lane			
City/PO: Rock Tavern		State: NY	Zip Code: 12574
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 checked="" type="checkbox"/>	YES <input 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 Planning Board lot line revision approval		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		8.75 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.75 acres	
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 checked="" 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The parcels have existing individual residential wells. _____	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: _____ The parcels have existing individual sewage disposal systems. _____	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"/>	
	<input type="checkbox"/>	<input checked="" 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? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" 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"/>
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"/>
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"/>
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: _____ Stewart International Airport - Code 336088	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Thomas D. Weddell/Darren C. Doce</u> Date: <u>4/21/2024</u> Signature: <u><i>Darren C. Doce</i></u> Title: <u>PE</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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]	Yes
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

MICHAEL WEDDELL &
DANIELLE WEDDELL
(f/k/a CAMPANALE)

TO

THOMAS D. WEDDELL

SECTION 89 BLOCK 1 LOT 10.1

RECORD AND RETURN TO:
(name and address)

Philip W. Schunk, P.C.
P.O. Box 10009
Newburgh, NY 12552-0009



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289	MONTGOMERY (TN)	NO PAGES <u>4</u> CROSS REF. _____
2001 WASHINGTONVILLE (VLG)	4201	MAYBROOK (VLG)	CERT. COPY _____ ADD'L X-REF. _____
2289 CHESTER (TN)	4203	MONTGOMERY (VLG)	MAP# _____ PGS. _____
2201 CHESTER (VLG)	4205	WALDEN (VLG)	
2489 CORNWALL (TN)	4489	MOUNT HOPE (TN)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
2401 CORNWALL (VLG)	4401	OTISVILLE (VLG)	CASH <input type="checkbox"/>
2600 CRAWFORD (TN)	4600	NEWBURGH (TN)	CHARGE _____
2800 DEERPARK (TN)	4800	NEW WINDSOR (TN)	NO FEE _____
3089 GOSHEN (TN)	5089	TUXEDO (TN)	Taxable
3001 GOSHEN (VLG)	5001	TUXEDO PARK (VLG)	CONSIDERATION \$ <u>162,500.00</u>
3003 FLORIDA (VLG)	5200	WALKKILL (TN)	TAX EXEMPT _____
3005 CHESTER (VLG)	5489	WARWICK (TN)	Taxable
3200 GREENVILLE (TN)	5401	FLORIDA (VLG)	MORTGAGE AMT. \$ _____
3489 HAMPTONBURGH (TN)	5403	GREENWOOD LAKE (VLG)	DATE _____
3401 MAYBROOK (VLG)	5405	WARWICK (VLG)	
3689 HIGHLANDS (TN)	5600	WAWAYANDA (TN)	MORTGAGE TAX TYPE:
3601 HIGHLAND FALLS (VLG)	5889	WOODBURY (TN)	____ (A) COMMERCIAL/FULL 1%
3889 MINISINK (TN)	5801	HARRIMAN (VLG)	____ (B) 1 OR 2 FAMILY
3801 UNIONVILLE (VLG)			____ (C) UNDER \$10,000
4089 MONROE (TN)			____ (E) EXEMPT
4001 MONROE (VLG)	0900	MIDDLETOWN	____ (F) 3 TO 6 UNITS
4003 HARRIMAN (VLG)	1100	NEWBURGH	____ (I) NAT.PERSON/CR. UNION
4005 KIRYAS JOEL (VLG)	1300	PORT JERVIS	____ (J) NAT.PER-CR.UN/1 OR 2
			____ (K) CONDO
	9999	HOLD	

Ann G. Rabbitt
ANN G. RABBITT
ORANGE COUNTY CLERK

RECEIVED FROM: Hudson Valley Abstract

RECORDED/FILED
08/20/2014/ 10:10:10
ANN G. RABBITT
County Clerk
ORANGE COUNTY, NY
FILE#20140070406
DEED R / BK 13785P6 1625
RECORDING FEES 190.00
TTX# 000424 T TAX 650.00
Receipt#1802039 rose

STATE OF NEW YORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, County Clerk and Clerk of the Supreme and County Courts, Orange County, do hereby certify that I have compared this copy with the original thereof filed or recorded in my office 8/20/2014 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 05/01/2024.

Kelly A. Eskew
County Clerk & Clerk of the Supreme County Courts
Orange County



DEED

THIS INDENTURE, made the 31st day of July, 2014, by and between

MICHAEL WEDDELL and DANIELLE WEDDELL (f/k/a CAMPANALE), whose address is 6 Heritage Lane, Rock Tavern, New York 12575, parties of the first part, and

THOMAS D. WEDDELL, whose address is 12 Heritage Lane, Rock Tavern, New York 12575, party of the second part

WITNESSETH, that the parties of the first part, in consideration of Ten and no/100 Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, his heirs and assigns forever, the 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, as described in Schedule A attached hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the parties of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

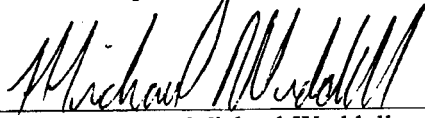
TOGETHER with the appurtenances and also and all the estate and rights of the parties of the first part in and to said premises,

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

AND the parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the parties of the first part, in compliance with Section 13 of the Lien Law, covenant that they 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.


IN WITNESS WHEREOF, the parties of the first part have duly executed this deed the day and year first above written


Michael Weddell


Danielle Weddell (fka Campanale)

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

On this 31st day of July in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL WEDDELL**, 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.



Notary Public

PHILIP W. SCHUNK
Notary Public, State of New York
No. 02806040616
Qualified in Ulster County
Commission Expires May 15, 2015

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

On this 31st day of July in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared **DANIELLE WEDDELL** (~~aka CAMPANALE~~), 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.



Notary Public

PHILIP W. SCHUNK
Notary Public, State of New York
No. 02806040616
Qualified in Ulster County
Commission Expires May 15, 2015

750-0-11174/20, 588A
HUDSON VALLEY ABSTRACT
COMPANY, INCORPORATED
Seven Innis Avenue, PO Box 220
New Paltz, NY 12561
Telephone: 845-255-0007

SCHEDULE A

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, bounded and described as follows:

BEGINNING at a point in the south line of lands of McGibbon at the point where the east line of the Catskill Aqueduct property intersects the same (at a concrete fence post) and running thence easterly along the south line of said McGibbon lands about 321 feet to the center of a stone wall fence at an angle in the line of the said McGibbon lands; thence southerly along the westerly line of said McGibbon lands being the center line of a stone wall fence about 380 feet to a point in the east line of the said Catskill Aqueduct property at another concrete fence post; and thence northerly along the easterly line of the said Catskill Aqueduct property about 556 feet to the point or place of beginning, containing all within said bounds.

TOGETHER with such right of way as the party of the first part has from the property herein described over and across the said Catskill Aqueduct property to the public highway, such right of way being located near the north end of the course last described.

EXCEPTING that portion of the above said parcel which was heretofore conveyed to Thomas D. Weddell and Michelle Weddell by deed recorded in the Orange County Clerk's Office in Liber 2170 of deeds at page 646.

BEING a portion of the premises acquired by Thomas D. Weddell under the terms of the Last Will and Testament of Ida J. Felter, which was admitted to Probate in the Orange County Surrogate's Court on September 9, 1963.

EXCEPTING and reserving to Thomas D. Weddell, his heirs and assigns, a right of way over the Northeast corner of the above described premises to the Drury Lane highway.

BEING the premises conveyed by Thomas D. Weddell to Catherine E. Weddell by deed dated November 20, 1986 and recorded in the Orange County Clerk's Office on November 25, 1986 in Liber 2612 of Deeds at page 323.

BEING the premises conveyed by Catherine E. Weddell to Michael Weddell and Danielle Campanale by deed dated February 26, 2009 and recorded in the Orange County Clerk's Office on March 3, 2009 in liber 12787 of Deeds at page 1821 under File No. 20090019271.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield **
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

**Member NY & NJ Bar

April 21, 2024

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Lands of Weddell // ZBA referral
Planning Board Project No. 2024-10 (formerly 2015.27)

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's April 18, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances that are required for this lot line revision application for the Lands of Weddell located on Heritage Lane, including the following parcels: Section 89, Block 1, Lots 10.1, 10.2, 77.1 and 77.2.

The project previously received variances for lot area and front yard setback for Lot 89-1-10.1, which is an existing nonconforming lot. The required lot area for a single-family dwelling in the R-1 zone is 40,000 square feet (0.92 acres). The area of this parcel is 0.70 acres. The parcel contains an existing single-family home that does not meet the required front yard setback or lot width as per the existing zoning law. As a result of the lot line revision, the area of this parcel will remain 0.70 acres. However, the lot width will now be conforming. The lot line revision will not increase the degree of or create any new non-conformity. On December 22, 2015, the ZBA granted area variances for lot area and front yard setback.

Subsequent to the grant of the variances, the project previously obtaining planning board conditional final approval on March 17, 2016. However, the applicant failed to satisfy the conditions of the approval, and the approval was allowed to expire. The applicant has now reapplied for the same lot line revision approval. Since the Planning Board approval has lapsed, it appears that the ZBA approval has likewise lapsed given that it only remains in effect as long as the applicant "diligently pursues" the related planning board approval. That did not occur here.

This lot line revision application is a type II action under SEQRA, and as such, the Planning Board has taken no action under SEQRA.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer



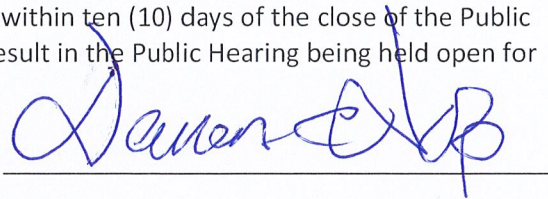


**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

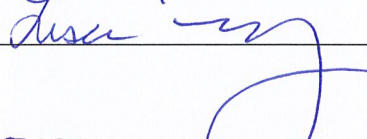
I DARREN C DOCE, being duly sworn, depose and say that I did on or before
May 9, 2024, post and will thereafter maintain at
6 Heritage Ln 89-1-10.1 R1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public 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.



Sworn to before me this 6

day of MAY, 2024.







334600 89-1-77.2 *APPLICANT*
Weddell, Thomas D
7 Heritage Ln
Rock Tavern NY, 12575

334600 89-1-11.3
Molnar, Steven
112 Calusa Way
Crawfordville FL, 32327

334600 89-1-10.1 *APPLICANT*
Weddell, Thomas D
12 Heritage Ln
Rock Tavern NY, 12575

334600 126-3-3
Washington, Barry Jr.
85 Wildwood Dr
Rock Tavern NY, 12575

334600 89-1-20
NYC Dept of Water Supply G&E
71 Smith Ave
Kingston NY, 12401

334600 89-1-10.2
Weddell, Michele
12 Heritage Ln
Rock Tavern NY, 12575

334600 126-3-4
Sanchez, Judith
83 Wildwood Dr
Rock Tavern NY, 12575

334600 89-1-80.1
Newburgh Park Associates Inc
351 Rugg Rd
Schylerville NY, 12871

334600 89-1-77.1
Weddell, Catherine E
14 Heritage Ln
Rock Tavern NY, 12575

334600 89-1-8.22
Martin, Monte C
7 Bittles Pl
Rock Tavern NY, 12575

334600 89-1-80.3 *APPLICANT*
Weddell, Thomas D
12 Heritage Ln
Rock Tavern NY, 12575

334600 126-1-45
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

Done what?


334600 89-1-81
Junction Development LLC
16 East 41st Street 7th Fl
New York NY, 10017

334600 126-3-2
Tejeda, Ramon J
87 Wildwood Dr
Rock Tavern NY, 12575

334600 126-3-1 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 126-1-47 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 89-1-7.11
Cush, Kenneth J
12 Winchell Dr
Rock Tavern NY, 12575

334600 126-1-49 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 126-1-50 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 89-1-11.1
Sbordone, Virginia A
571 International Blvd
Rock Tavern NY, 12575

334600 126-7-1 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 89-1-19.21 *COPY*
Sbordone, Virginia A
571 International Blvd
Rock Tavern NY, 12575

334600 126-7-2 *COPY*
Starlight Holdings, LLC
74 Lafayette Ave Ste 501
Suffern NY, 10901

334600 89-1-22.2
Deleon, David
4 Winchell Dr
Rock Tavern NY, 12575

334600 89-1-11.2
Shader, Richard H
577 International Blvd
Rock Tavern NY, 12575

334600 89-1-9.12
Weddell, Michael D
5 Heritage Ln
Rock Tavern NY, 12575

**Town of Newburgh
Office of the Assessor
1496 Route 300
Newburgh, NY 12550**



SEC 89 BLK 1 LOT 10.1

pg. 1 of 1



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

NOTICE OF HEARING

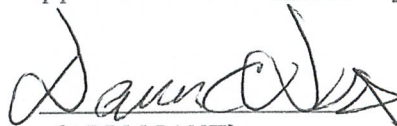
NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 23rd day of May, 2024 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Thomas Weddell (Planning Board Referral) for area variances of lot area and the front yard setback of an existing non-conforming lot for a lot line revision for parcels 89-1-10.1, 89-1-10.2, 89-1-77.1 and 89-1-77.2.

PREMISES LOCATED at 6 Heritage Ln 89-1-10.1 R1 Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 9th day of May, 2024.


(APPLICANT)

***** RECEIPT *****

Date: 05/02/24

Receipt#: 91770

Quantity	Transactions	Reference	Subtotal
1	Public Hearing		\$50.00
1	Zba Applic. & Advertising		\$250.00
Total Paid:			\$300.00

Notes: 12 Heritage Lane12 Heritage Lane

Payment Type	Amount	Paid By
CK #7740 & 7741	\$300.00	Weddell, Thomas

**LISA M. VANCE AYERS TOWN CLERK
TOWN OF NEWBURGH
1496 ROUTE 300
NEWBURGH, NY 12550**

Name: Weddell, Thomas
12 Heritage Lane
Rock Tavern, NY 12575

Clerk ID: COUNTER

Internal ID: