

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: MARCH 4, 2019

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

I (WE) RICHARD ALEN MONKS PRESENTLY

RESIDING AT NUMBER 4 NOVELTY WAY, WALDEN NY 12586

TELEPHONE NUMBER 845-863-3499 (c) 845-446-4283 (w)

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

11-1-114.4 (TAX MAP DESIGNATION)

4 NOVELTY WAY (STREET ADDRESS)

A2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-17-A



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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: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: \_\_\_\_\_

\_\_\_\_\_

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:

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





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

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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:

*connecting deck will provide a visual enhancement to the pool and pool deck*

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 other way to connect existing deck to pool deck.*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*requested deck occupies 288 sq. ft. on a lot of .96 acres.*

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

*deck will be raised off the ground so no environmental changes due to runoff or puddling of ground water will occur*

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

*house with existing attached deck pre-date current set back requirements*





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(845) 566-4901

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

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

*[Handwritten Signature]*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5 DAY OF March 2019

*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

JUNE PATTERSON  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 01PA6146631  
Commission Expires May 22, 2022

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)



## 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: <b>DECK + CONNECTION</b>			
Project Location (describe, and attach a location map): <b>4 NOVEMBER WAY, WALDEN NY 12586</b>			
Brief Description of Proposed Action: <b>CONSTRUCTION OF INTERMEDIATE DECK TO CONNECT HOUSE DECK AND POOL DECK</b>			
Name of Applicant or Sponsor: <b>RICHARD ALLEN MONKS</b>		Telephone: <b>845-863-3499</b>	
Address: <b>4 NOVEMBER WAY</b>		E-Mail: <b>allen.monks@gmail.com</b>	
City/PO: <b>WALDEN</b>		State: <b>NY</b>	Zip Code: <b>12586</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: <b>TOWN OF NEWBURGH BUILDING DEPT. 19-0027</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<b>.96</b> acres	
b. Total acreage to be physically disturbed?		<b>.01</b> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<b>.96</b> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<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			







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
	<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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>PHILIP ALTON MONKS</u>	Date: <u>3/4/2019</u>	
Signature: <u>[Handwritten Signature]</u>		



Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>



Agency Use Only [If applicable]

Project:	
Date:	

*Short Environmental Assessment Form  
Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
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Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
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Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)
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## PROXY

RICHARD ALLEN MONKS, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 4 NOVELTY WAY, WARDEN NY 12586  
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF 4 NOVELTY WAY  
WARDEN NY 12586

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED MARK GARRISON  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/4/2019 Richard Allen Monks

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5 DAY OF March 20 19

JUNE PATTERSON  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 01PA6146631  
Commission Expires May 22, 20 22

Janet  
NOTARY PUBLIC





## 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

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 02/08/2019**

**Application No. 19-0027**

**To: Richard Allen Monks  
4 Novelty Way  
Walden, NY 12586**

**SBL: 11-1-114.4  
ADDRESS: 4 Novelty Way**

**ZONE: AR**

PLEASE TAKE NOTICE that your application dated 01/15/2019 for permit to build an intermediate deck that connects the house deck to the pool deck on the premises located at 4 Novelty Way is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 2 requires a minimum side yard setback of 30'.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*      YES / **NO**

**NAME:** Richard Allen Monks      Building Application # 19-0027

**ADDRESS:** 4 Novelty Way Walden NY 12586

**PROJECT INFORMATION:**      **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:** 12' x 24' deck

**SBL:** 11-1-114.4      **ZONE:** AR      **ZBA Application #** \_\_\_\_\_

**TOWN WATER:** YES / **NO**      **TOWN SEWER:** YES / **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	30'		12'	18'	60.00%
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 \_\_\_\_\_ YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY \_\_\_\_\_ YES / NO  
 CORNER LOT - 185-17-A \_\_\_\_\_ **YES** / NO

**ACCESSORY STRUCTURE:**  
 GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 \_\_\_\_\_ YES / NO  
 FRONT YARD - 185-15-A \_\_\_\_\_ YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES \_\_\_\_\_ YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 \_\_\_\_\_ YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 \_\_\_\_\_ YES / NO

**NOTES:** The proposed middle deck will connect to the house deck and the pool deck creating a side yard setback violation.

- VARIANCE(S) REQUIRED:**
- 1 Bulk table schedule 2 / Requires a 30' minimum side yard setback. \_\_\_\_\_
  - 2 \_\_\_\_\_
  - 3 \_\_\_\_\_
  - 4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 8-Feb-19





















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: 14216 / 1237  
 INSTRUMENT #: 20170026635  
 Receipt#: 2302862  
 Clerk: JM  
 Rec Date: 04/13/2017 03:56:25 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: ROCKLAND ABSTRACT CORP, NY

Party1: GRANIERI MICHAEL J  
 Party2: MONKS RICHARD ALLEN  
 Town: NEWBURGH (TN)  
 11-1-114.4

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: 190.00

Transfer Tax  
 Transfer Tax - State 1120.00

Sub Total: 1120.00

Total: 1310.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 8244  
 Transfer Tax  
 Consideration: 280000.00

Transfer Tax - State 1120.00

Total: 1120.00

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

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

*Ann G. Rabbitt*

Ann G. Rabbitt  
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE





## SCHEDULE A - LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot Number 4 on a map entitled, "Subdivision Plan, Lands of East Rock Corp", dated August 24, 1988, last revised September 9, 1988 and filed in the Orange County Clerk's Office November 1, 1988 as Map Number 9173, being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of the existing East Rock Cut Road, said point being on the division between Lot Number 1 of the above mentioned filed map, lands now or formerly of Bell, on the Northwest and Lot Number 4 herein described on the southeast, said point also being in the centerline of an existing 50 foot wide right-of-way and private road, known as Novelty Way, as shown on the aforesaid filed map;

THENCE along the last mentioned division line and the centerline of Novelty Way, North  $31^{\circ}15'59''$  East, 160.00 feet to a point on the division line between Lot Number 3 of the above mentioned filed map, lands now of formerly of East Rock Corp., on the north and Lot Number 4 herein described on the south;

THENCE along the last mentioned division line, South  $70^{\circ}49'26''$  East, 254.93 feet to a point on the division line between the lands now or formerly of Clydesdale on the southeast and Lot Number 4 herein described on the northwest;

Thence along the last mentioned division line, South  $27^{\circ}43'02''$  West, 182.79 feet to a point in the aforementioned northerly line of East Rock Cut Road;

THENCE along the last mentioned line of the following two (2) courses:

1. North  $71^{\circ}55'04''$  West, 138.21 feet; and
2. North  $74^{\circ}52'04''$  West, 120.92 feet to a point or place of BEGINNING.



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I RICHARD ALLEN MONKS, being duly sworn, depose and say that I did on or before

March 14, 2019, post and will thereafter maintain at

4 Novelty Way 11-1-114.4 AR-Zone in the Town of Newburgh, New York, at or near the front

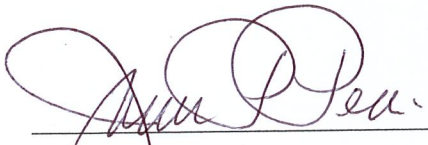
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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.

Richard Allen Monks

Sworn to before me this 11

day of MARCH, 2019.

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

JOSEPH P. PEDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01PE6370913  
Qualified in Orange County  
Commission Expires February 12, 2022



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]







