

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: Oct 3 2012

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

I (WE) Alan McQuire PRESENTLY

RESIDING AT NUMBER 61 Taft Avenue

TELEPHONE NUMBER 845-742-9097

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:

73-5-21.1 (TAX MAP DESIGNATION)

61 Taft Ave (STREET ADDRESS)

R-3 ~~with water~~ (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

~~Bulk Table Section 185 Attachment 9 A1~~
Bulk Table schedule 5

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED: Sept. 20, 2012

- 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: Area Variance for front and rear^{AM} yard setback, and lot surface 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:

The home is existing and Proposed construction will improve home and neighborhoods aesthetic appeal

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:

Porch and overhang cannot be constructed without obtaining the requested area variances.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The existing structures on the subject parcel already encroach on front and rear yard setbacks, and are over lot surface coverage Allowances

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

No new lots are being created and will not require additional town services

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

The front and rear^{an} setbacks have not changed since the lot was purchased by the current owner, and encroachments were existing at time of purchase

7. ADDITIONAL REASONS (IF PERTINENT):

The Existing roof requires Reconstruction for structural and aesthetic purposes; The applicant would like to make the requested improvements simultaneously, so the construction costs are controlled

Alan McNeil
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 4th DAY OF October 2012

Eileen V. Allen
NOTARY PUBLIC

EILEEN V ALLEN
Lic. #01AL6001858
Notary Public-State of New York
Qualified In Orange
My Commission Expires JANUARY 26, 2014

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.

617.20
Appendix C
 State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME <i>McGuire roof replacement</i>
3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>construction of new roof structure along with front/side porch for existing resident</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>.01</i> acres Ultimately <i>.01</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>front and rear yard, and lot coverage variances required</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <i>Adjoining properties fronting on Taft Avenue are existing single family residences.</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>Existing home has a valid certificate of occupancy (CO)</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Allen L. McGuire Jr.</i> Date: <i>10/3/12</i> Signature: <i>Allen McGuire</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



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NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2318-12 Date: September 20, 2012

To: ALAN McGUIRE SBL 73-5-21.1
61 TAFT AVENUE ADD: 61 TAFT AVENUE
NEWBURGH, NY 12550 ZONE R-3

PLEASE TAKE NOTICE that your Building Permit dated May 21,
20 12 for permit to build a new roof and wraparound front porch.

At the premises located at 61 Taft Avenue

Building Permit # 24414-12

Is returned herewith and disapproved on the following grounds:

**BULK TABLE - SCHEDULE 5 - DID NOT BUILD WHAT WAS PREVIOUSLY
APPROVED BY THE ZONING BOARD OF APPEALS**


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES

NAME: ALAN MCGUIRE

ADDRESS: 61 TAFT AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: RAISING EXISTING ROOF

SBL: 73-5-21.1 ZONE: R / 3

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

Has Town Sewer since '96 Dept as per Walter Dept 10/5/12 BG

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'	5'		35'	87.5%
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE	15.0%		16 %	1%	6.6%
SURFACE COVERAGE	30.0%		34%	4%	13.5%

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: 3 VARIANCES GRANTED 11-22-2011. DECISION #1 AUTHORIZES CONSTRUCTION OF WHAT IS SHOWN ON THE PLANS OR DESCRIBED WITH IN THE APPLICATION.

VARIANCE(S) REQUIRED:

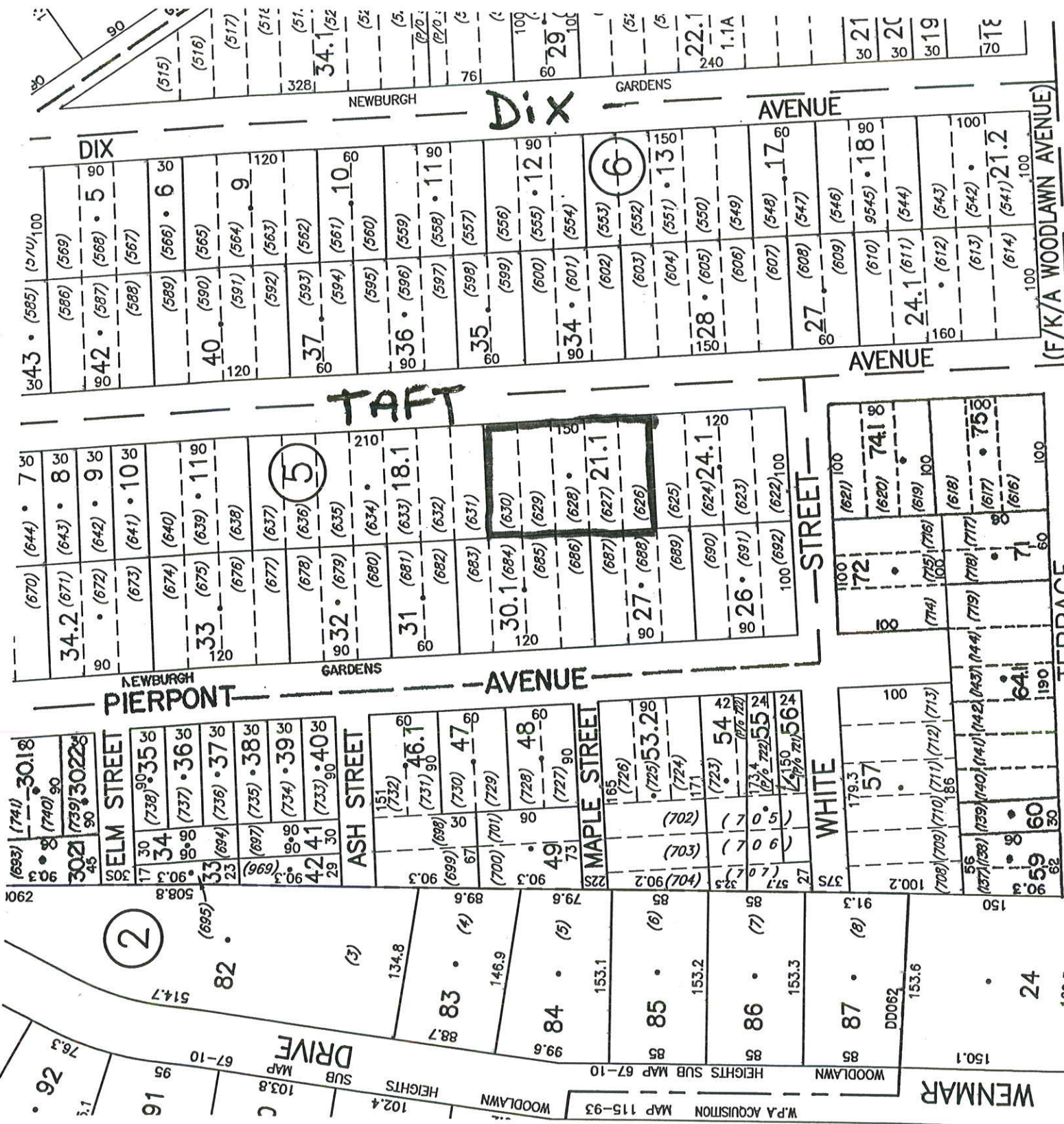
- 1 BULK TABLE SCHEDULE 5 REQUIRES A FRONT YARD SETBACK OF 40'
- 2 BULK TABLE SCHEDULE 5 ALLOWS A MAXIMUM LOT BUILDING COVERAGE OF 15%
- 3 BULK TABLE SCHEDULE 5 ALLOWS A MAXIMUM LOT SURFACE COVERAGE OF 30%
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 19-Sep-12

McGuire
61 TAFT AVENUE

73-5-21.1



2

5

6

WENMAR

WPA ACQUISITION MAP 115-93
HEIGHTS SUB MAP 67-10

WOODLAWN

DRIVE
SUB MAP
103.8

HEIGHTS
102.4

WOODLAWN

TERRACE

(F/K/A WOODLAWN AVENUE)