

TOWN OF NEWBURGH

Crossroads of the Northeast

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

September 28, 2000

OFFICE OF ZONING BOARD
(914) 566-4901

THOMAS J. AMODEO, JR.
516 Lakeside Road
Section 14, Block 3, Lot 2
R-1 Zone

Applicant is seeking to construct a four car detached garage on premises located at 516 Lakeside Road in the Town of Newburgh.

The detached garage exceeds the allowable square footage of 1000 sq.ft. and the height limitation of 15 feet for an Accessory Building. The garage will be 1440 sq.ft. and 29 feet high.

All mailings were in order.

Applicant stated that he is proposing to construct a detached garage.

Mrs. Cardone asked what the garage would be used for.

Applicant replied storage. He has his vehicles, kids toys and outdoor furniture he would like to store in the garage.

Mrs. Cardone asked if any kind of business was going to be conducted in the garage.

Applicant replied no business at all, just for his own use.

Mrs. Cardone asked if the garage were going to have electric and plumbing.

Applicant replied just electric.

Mrs. Eaton asked if there was an attached garage on his residence.

Applicant replied he has a three car garage attached to his house. He has vehicles and machinery he wants to keep inside.

Mrs. Cardone asked what type of machinery.

Applicant replied shredders, chippers. Everything that is there he uses himself so its all his own equipment.

Mr. McKelvey asked if he wants the stuff he has parked to the side in the garage.

Applicant replied he would like to put all of it inside.

Mr. Harris asked if this is equipment he uses in his business. He assumed applicant had his own business.

Applicant replied the equipment he wishes to store in the garage he doesn't use in his business.

Mrs. Cardone stated that the proposed garage is a four car garage and you have an existing attached three car garage and asked how many vehicles he had now.

Applicant replied about 10. He has two dump trucks, 2 pickup trucks, his wife's car accessory cars he has built. Right now he has them outside because he doesn't have enough room to store them.

Mrs. Cardone asked if all the vehicles had plates on them.

Applicant replied yes.

Mr. McKelvey asked the height of the proposed garage.

Applicant replied 29 feet. The pitch and the height is to match the house.

Mr. Maher asked what the upstairs would be used for.

Applicant replied storage.

Mrs. Cardone asked if there were further questions from the Board or if there were any questions or comments from the public.

Alan Orphal of 532 Lakeside Road stated his property is adjacent to the Amodeo property and his concern is a spring behind his house between the two properties that might be affected by the construction.

Mrs. Cardone invited Mr. Orphal to come up and point out his property on the map.

Applicant noted that was 75 feet from his property, and it doesn't look like he was in proximity to the stream.

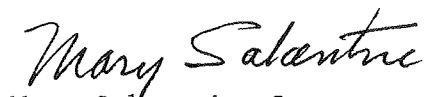
Mr. Orphal wanted to know if he was doing any excavating.

Applicant replied that it wouldn't affect the stream.

Mrs. Cardone asked if there were further questions or comments.

There being no response, she declared this part of the hearing closed.

Submitted by:



Mary Salantrie, Secretary
Zoning Board of Appeals

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

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In the matter of the application of:

THOMAS J. AMODEO, JR.

**DECISION AND
RESOLUTION**

for an area variance to the height and square footage
limitation requirements for an accessory building
of the Town of Newburgh Town Code §185-11,
Table of Use and Bulk Requirements, R-3/0 District

Tax Map #14-3-2
-----X

The property which is the subject of this application is located at 516 Lakeside Road, Newburgh, New York and is designated on the tap map of the Town of Newburgh as Section 14, Block 3, Lot 2. The property is in an R-1 zoning district.

The applicant's property consists of an approximately 5.1 acre lot improved by a single family residence.

The applicant applied to the Code Compliance Office of the Town of Newburgh for a building permit to construct a free-standing garage 36' X 40', 29' in height. The Town of Newburgh Code Compliance Office on September 11, 2000 disapproved the building permit application for the garage as "construction of the garage will exceed the height limitation of 15' and also exceeds the maximum square footage for an accessory building of 1,000 square feet. Garage will be 1,440 square feet in size and 29' high. Article 5, §185-15(a)(1)."

The applicant has requested an area variance from the Town of Newburgh Town Code §185-11, Table of Use and Bulk Requirements, R-1 District: (1) an area variance to height limitation of 29' (15' maximum) and to maximum square footage for an accessory building of 1,000 square feet.

A public hearing on the application was scheduled for September 28, 2000 at the Town of Newburgh Town Hall - 308 Gardnertown Road, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time was duly published and mailed. Proper

affidavits of publication and mailing have been received from the applicant.

The public hearing was held on September 28, 2000. The applicant appeared and testified for the Board. The testimony and exhibits received at the public hearing established the following.

The subject property is located in an existing residential neighborhood and the applicant seeks to construct a free-standing garage 29' in height, 36' X 40' in size which would exceed the height and size limitations of an accessory structure in an R-1 zone of 15'. The applicant advised the proposed garage addition was needed to provide onsite storage of applicant's vehicles and for storage purposes only. No part of the free-standing garage structure would be used for living area. The applicant further advised that all available areas of the existing residence have been completely used for storage.

The Board unanimously determined that the proposed action is a Type II action under SEQRA. The Board determines that this is an application for an area variance and the criteria which the Board must consider in determining whether or not to grant the area variance are the factors established by New York State Town Law §267-b. In considering the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant, the Board has considered the following five factors:

I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?

The proposed accessory building height area variance for the construction of a 36' X 40', 29' high free-standing garage will produce no perceptible changes in the neighborhood and will not be detrimental to nearby properties.

II. WHETHER THE BENEFITS SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The accessory building height limitations of the R-1 district would limit the construction of the garage and not provide adequate storage area for the garage loft for the applicant's residence.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The requested variance is numerically insubstantial. The Board finds no substantial impact will result from grant of the requested variance.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT ON IMPACT OF THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

The Board finds that the variance requested for the proposed 36' X 40' X 29' high free-standing garage will not have an adverse effect on the physical or environmental conditions in the neighborhood.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The Board finds the applicant's difficulty is not self-created. Moreover, the Board notes that even if the applicant's difficulty were considered self-created, on the facts of this case the Board declines to give any significant emphasis to this consideration.

RESOLUTION

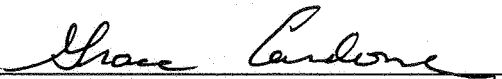
The Board determines that the area variance requested should be granted pursuant to New York State Town Law §267-b and hereby resolves to grant the application for a variance to the Town of Newburgh Town Code §185-11, Table of Use and Bulk Requirements, R-1 district, required height limitation to permit construction of a free-standing garage (accessory building)

on applicant's property with a 29' height, and a square footage of 36' X 40'. The Board finds that such variance is the minimum variance necessary and adequate to address the circumstances of this case.


Present and Voting on this decision:

Grace Cardone	AYE
Richard Harris	AYE
Paul Blanchard	AYE
Ruth Eaton	AYE
Michael Maher	AYE
Frank Galli	AYE
John McKelvey	AYE

Dated: September 28, 2000
Newburgh, New York


GRACE CARDONE, Chairperson
Town of Newburgh Zoning Board
of Appeals

Filed in the Town Clerk's Office
this 2nd day of February, 2000


TOWN CLERK