



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#:  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh	Tax Map #:	43-1-1.2
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	JAMES B. ANDERSON	Tax Map #:	
Project Name:		Local File No.:	2448-14
Location of Project Site	153 Fostertown Road	Size of Parcel*:	1.4 acres
Reason for County Review:	ON County Road 86	*If more than one parcel, please include sum of all parcels.	
		Current Zoning District (include any overlays):	R-2

**Type of Review:**

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan      Sq. feet proposed (non-residential only): \_\_\_\_\_

Which approval is the applicant currently seeking?      SKETCH / PRELIM / FINAL (circle one)

Subdivision      Number of lots proposed: \_\_\_\_\_

Which approval is the applicant currently seeking?      SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance      AREA / USE (circle one) \_\_\_\_\_

INTERPRETATION 185-30

Other \_\_\_\_\_

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

*Shane Cardone*      3/18/15      Chairperson  
 Signature of local official      Date      Zoning Board of Appeals  
 Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)

**§ 185-30. Outdoor storage.**

- A. Unless otherwise provided in this chapter, outdoor storage of motor vehicles, trailers, building supplies, raw materials, finished products or machinery and equipment is prohibited, except in accordance with the following:
- (1) Such use shall be an accessory use and shall be located on the same lot as the use to which it is accessory.
  - (2) Such materials or products shall not be stored within the front yard and shall not be closer than 10 feet to any side or rear lot line or 50 feet from a side or rear lot line adjacent to a residence district or lot in residential use.
  - (3) All outdoor storage areas shall be appropriately screened with landscaping so as to provide an opaque sight barrier at least eight feet in height. In no case shall materials be stored so as to exceed the height of the sight barrier.
  - (4) No storage area shall occupy more than 30% of the required side or rear yard.
- B. No material may be stored in such a storage facility that is flammable, combustible, explosive, reactive, corrosive or toxic to humans as defined and quantified in United States Environmental Protection Agency regulations under 40 CFR 116.



# 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: 11 MAR 15

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

I (WE) JAMES B. ANDERSON PRESENTLY

RESIDING AT NUMBER 153 FOSTERTOWN ROAD

TELEPHONE NUMBER 845-562-1977 (CELL=914-805-5678)

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:

43-1-1.2 (TAX MAP DESIGNATION)

153 FOSTERTOWN ROAD (STREET ADDRESS)

R2 (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).

185-30



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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: APPLICATION # 14-0514
- 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: TO PARK COMMERCIAL VEHICLE WITH GVW > 16500 lbs OUTSIDE GARAGE.

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:

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



# TOWN OF NEWBURGH

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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 PARKING OF A TRACTOR TRAILER ON THIS PROPERTY HAS BEEN ONGOING SINCE 1975 BY PROPERTY OWNER, JAMES ANDERSON.

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:

TOOLS FOR REPAIR ARE CONTAINED IN GARAGE ON PREMISES. REPAIRS ARE DONE INSIDE. OFF SITE PARKING IS NOT TIME OR COST EFFECTIVE.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

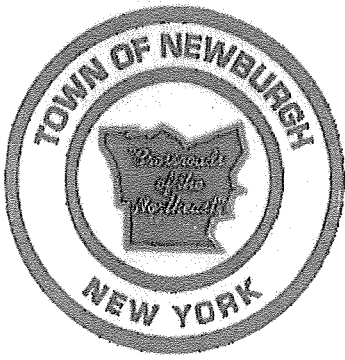
VEHICLE IS PARKED BEHIND EXISTING BARN.

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 VEHICLE COMES AND GOES SEVERAL TIMES PER WEEK, IT MEETS NEW YORK INSPECTION REQUIREMENTS, IT IS PARKED AND ENGINE NOT RUNNING.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

COMMERCIAL VEHICLES HAVE BEEN PARKED ON THIS PROPERTY CONTINUALLY SINCE WW II.  
RE: NELSON SANITATION TRUCKS



# TOWN OF NEWBURGH

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

7. ADDITIONAL REASONS (IF PERTINENT):

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

*James B Anderson*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11<sup>th</sup> DAY OF MARCH 20 15

*Kelly A Tanner*

NOTARY PUBLIC

**KELLY A TANNER**  
**Notary Public - State of New York**  
**No. 01TA6287694**  
**Qualified in Orange County**  
**My Commission Expires Aug. 19, 2017**

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

617.20  
Appendix B  
Short Environmental Assessment Form

**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>			
TRUCK PARKING			
Name of Action or Project:			
153 FOSTERTOWN RD, NEWBURGH, NY 12550			
Project Location (describe, and attach a location map):			
TOWN OF NEWBURGH 43-1-1.2			
Brief Description of Proposed Action:			
CONTINUE TO PARK TRACTOR-TRAILER ALONGSIDE BARN.			
Name of Applicant or Sponsor:		Telephone: 845.562.1977	
JAMES B. ANDERSON		E-Mail:	
Address:			
153 FOSTERTOWN ROAD			
City/PO:		State:	Zip Code:
NEWBURGH		NEW YORK	12550
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.			X
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:			X
3.a. Total acreage of the site of the proposed action?		<u>1.40</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.40</u> 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 checked="" 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 <input checked="" type="checkbox"/>	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	<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"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" 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	
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"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	<input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	 <input checked="" 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 checked="" type="checkbox"/> <input checked="" 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"/>
16. Is the project site located in the 100 year flood plain?	NO	YES	<input checked="" 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? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	   <input checked="" type="checkbox"/>



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
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
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
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>JAMES B. ANDERSON</u>	Date: <u>18 Mar 14</u>	
Signature: <u>James B Anderson</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** 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.

<input type="checkbox"/> 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.	
<input type="checkbox"/> 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
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

33-6574

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

LIBER 2102 PAGE 804

THIS INDENTURE, made the 27<sup>th</sup> day of JUNE, nineteen hundred and seventy-eight,  
BETWEEN CAROLE NELSON, residing at Kings Hill Road, R. D. #1,  
Walden, Orange County, New York,

*Handwritten signatures and initials, including "J.B.A." and "C.N." with dates like "10/22/78".*

party of the first part, and JAMES B. ANDERSON, residing at 90 Gardnertown Road,  
Town of Newburgh, Orange County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 - - - - -  
- - - - - (\$10.00) - - - - - dollars,

lawful money of the United States, and other good and valuable consideration 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, or  
the south side of Fostertown Road, being further described as follows:

COMMENCING at a point in the south side of Fostertown Road, the follow-  
ing course and distances on the south side of Fostertown Road in the  
northwest corner where the lands of Nelson meet the northeast corner  
of lands now or formerly of DeGroff; (1) S 47° 23' 56" E 99.45 feet;  
(2) S 48° 25' 43" E 144 feet; (3) S 48° 25' 43" 35.71 feet, and  
continuing thence from the south line of Fostertown Road, S 48° 56' 24"  
E 200 feet to a point; thence S 42° 53' 08" W 300 feet to a point;  
thence N 48° 56' 24" W 200 feet to a point; thence N 42° 53' 08" E  
300 feet to the point or place of beginning. Being a parcel of land  
1.4 acres more or less in size, and 200 feet front and rear, and 300  
feet on each side.

**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.

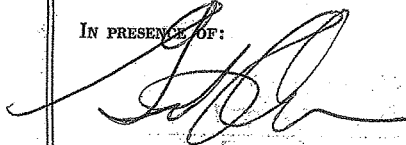
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**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:



Carole Nelson  
CAROLE NELSON

STATE OF NEW YORK, COUNTY OF ORANGE:

STATE OF NEW YORK, COUNTY OF

SS:

On the 27th day of June 1978, before me personally came CAROLE NELSON, of Kings Hill Road, R. D. #1, Walden, Orange County, New York, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

On the day of 19, before me personally came

LIBER 2102 PAGE 806

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

*J. G. ...*  
Notary Public - Orange Co  
Comm Exp 3/20/79

STATE OF NEW YORK, COUNTY OF

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

CAROLE NELSON

TO

JAMES B. ANDERSON

SECTION

BLOCK

LOT

COUNTY OR TOWN

2750  
10

RETURN BY MAIL TO:

Beta H Newman  
337 Fullerton ave  
Newburgh, N.Y. Zip No. 12550

*J. G. ...*

Reserve this space for use of Recording Office.

RECEIVED  
\$27.50  
REAL ESTATE  
JUN 8 1978  
TRANSFER TAX  
ORANGE COUNTY

Orange County Clerk's Office, S.S.

Recorded on the 27th day of June 1978 at 10:01 o'clock P.M. in Liber 2102

and Examined at page 806

and Examined at page 806

and Examined at page 806

and Examined at page 806

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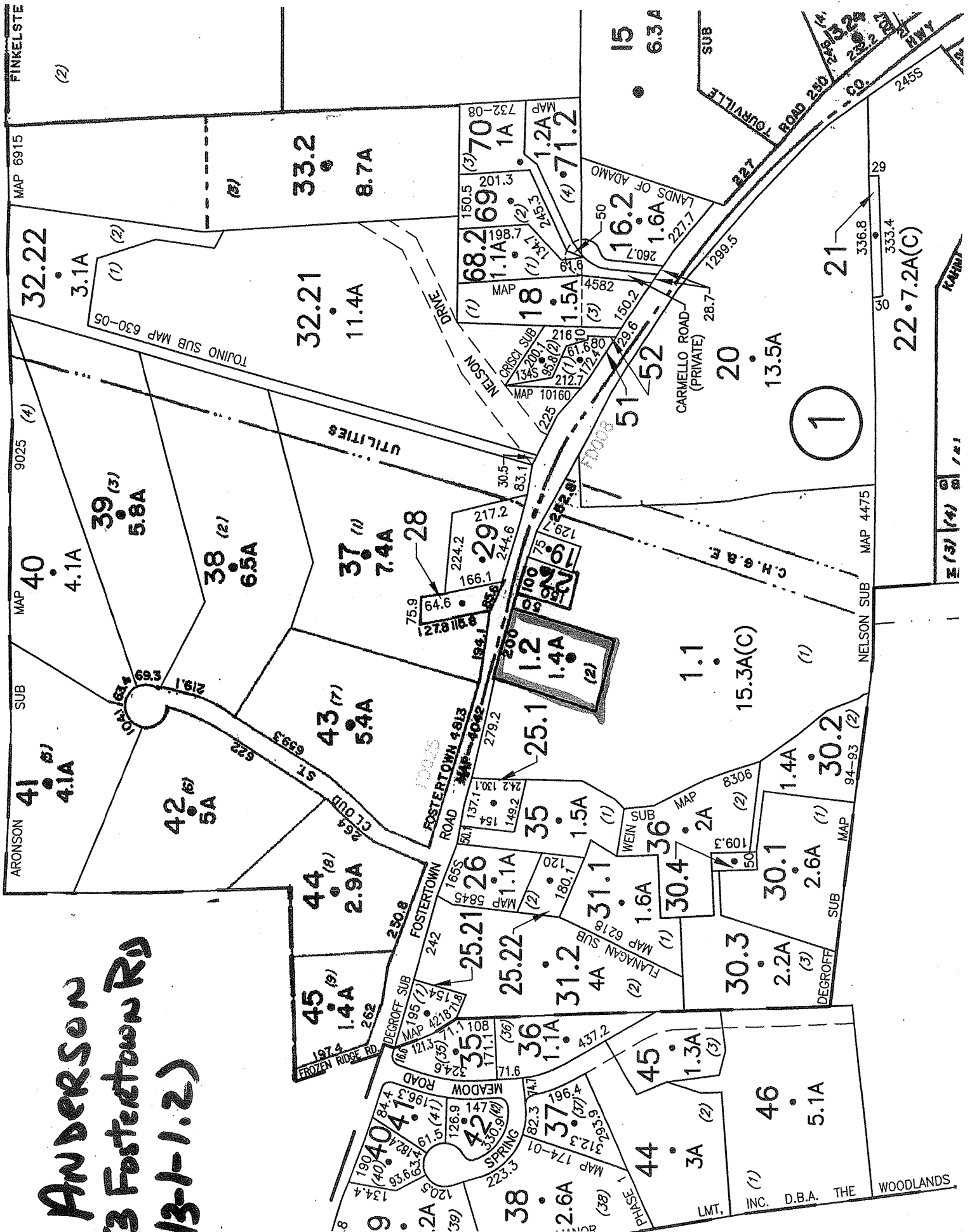
and Examined at page 806

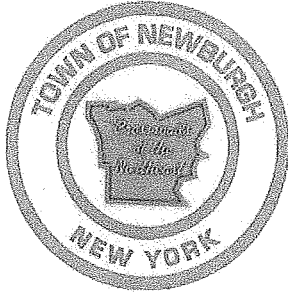
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and Examined at page 806

and Examined at page 806

# Anderson 153 Fostertown Rd (43-1-1.2)





**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

**2448-14**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 08/15/2014**

**Application No. 14-0514**

**To: James Anderson  
153 Fostertown Rd  
Newburgh, NY 12550**

**SBL: 43-1-1.2  
ADDRESS: 153 Fostertown Rd**

**ZONE: R2**

PLEASE TAKE NOTICE that your application dated 07/21/2014 for permit to allow the parking of a commercial vehicle outside of a garage or carport. on the premises located at 153 Fostertown Rd is returned herewith and disapproved on the following grounds:

**use** TOWN OF NEWBURGH MUNICIPAL CODE SECTION: **FOR THIS USE VARIANCE**  
185-13-E-(2) Commercial vehicles shall be totally contained within a garage or carport.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES

NAME: JAMES ANDERSON

244814

ADDRESS: 153 FOSTERTOWN RD NEWBURGH NY 12550

**PROJECT INFORMATION:**

USE VARIANCE

TYPE OF STRUCTURE: PARKING OF A COMMERCIAL VEHICLE GREATER THAN 16,500 LBS.

SBL: 43-1-1.2 ZONE: R-2

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
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: **Requesting a use variance to park a tractor trailer without being contained in a garage or carport.**

**USE**  
**VARIANCE(S) REQUIRED:**

- 1 185-13-E-(2) Commercial vehicles must be contained within a garage or carport
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA DATE: 15-Aug-14



185-B-E-(2)

E.

Off-street parking of commercial and recreation vehicles in all residential districts.  
Commercial vehicles may be parked off street in residential districts, provided that:  
[Amended 9-23-1998 by L.L. No. 10-1998; 3-3-2014 by L.L. No. 3-2014]

(1) The vehicle is engaged in the provision of service, delivery or pickup at a residence.

(2) The vehicle is on a private lot, other than those cited in Subsection E(1) above, and is operated by an occupant of the principal building and the commercial vehicle is totally contained within a garage or carport. Notwithstanding the foregoing and the provisions of § 185-46, one commercial vehicle having a gross vehicle weight of not more than 16,500 pounds, operated by an occupant of the principal building, and not contained in a garage or carport, is permitted to be parked on a private lot, provided that any other commercial vehicle within a carport on the lot is completely screened from view.