



# 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

## APPLICATION

DATED: 6-19-23

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

I (WE) Joan and Robert Bozeman PRESENTLY  
RESIDING AT NUMBER 13 Bridle Path  
TELEPHONE NUMBER 646-623-0170

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:

58-2-3 (TAX MAP DESIGNATION)  
\_\_\_\_ (STREET ADDRESS)  
R2 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

5-2-23

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:

12' x 26'

rear deck

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:

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

X

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 rear deck doesn't encroach on any else's property

- 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 previous owners build the structure and we were stuck with the violations

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

Just a normal size deck

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

It's not connected to any water or electrical sources

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

The structure was built prior to purchasing the house.

0

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Joan & Robert Bozeman*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20 DAY OF June 2023

*Dawnmarie Busweiler*  
NOTARY PUBLIC



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)

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

# 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:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: <b>Robert &amp; Joan BOZEMAN</b>		Telephone: <b>646-623-0170</b>	
Address: <b>13 Bridle Path</b>		E-Mail: <b>Robert BOZEMAN 580@646.com</b>	
City/PO: <b>Newburgh, N.Y.</b>		State: <b>N.Y.</b>	Zip Code: <b>12550</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <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  <input checked="" type="checkbox"/>	YES  <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>ROBERT &amp; JOAN BOZEMAN</u>		Date: <u>06-20-23</u>
Signature: <u>Robert Bozeman</u>		

X

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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" 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

\_\_\_\_\_  
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)

Town of Newburgh  
Section: 58  
Block: 2  
Lot: 3

*Record & Return to:*  
William Burke, Esq.  
O'Neil & Burke  
135 North Water Street  
Poughkeepsie, NY 12601

**BARGAIN AND SALE DEED  
WITH COVENANTS AGAINST GRANTOR'S ACTS**

*THIS INDENTURE* made as of the 25<sup>October</sup> day of ~~September~~, 2021

BETWEEN

ERIC MICHAEL KENNY  
residing at 13 Bridle Path, Newburgh, NY 12550

party of the first part, and

ROBERT BOZEMAN and JOAN MADISON BOZEMAN  
residing at 580 Castle Hill Drive, Apt. 8C, Bronx, NY 10473

party of the second part,

*WITNESSETH* that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, 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 thereof erected, situate, lying and being as more particularly described as follows:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING AND INTENDED TO BE the same premises conveyed to Eric Michael Kenny by Wells Fargo Bank, N.A. by deed dated 4/17/2019 and recorded 5/2/2019 in Liber 14562, page 504 in the Office of the Orange County Clerk.

SUBJECT to covenants, easements, agreements, restrictions, declarations of record, if any.

*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,

2106-X3721

## **SCHEDULE "A"**

*Title #: 21RG-X3721*

**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 shown and designated as Lot No. 3 in Block Q on a certain subdivision map entitled "Meadow Hill Subdivision", filed in the Orange County Clerk's Office on April 27, 1964 as Filed Map No. 2043, being more particularly bounded and described as follows:

**BEGINNING** at a point on the westerly bounds of Bridle Path marked by an iron pin found, said point being the southeasterly corner of Lot No. 2 of said filed map and being located the following two courses and distances from the intersection of the southerly bounds of Paddock Place with the westerly bounds of Bridle Path: along the westerly bounds of Bridle Path, South 22° 39' 00" East 196.78 feet to a point of curvature; thence along the same on a curve to the right having a radius of 1,259.87 feet, an arc length of 92.12 feet, and a chord of South 20° 33' 19" East 92.10 feet to the point or place of beginning; running thence the following courses and distances: along the westerly bounds of Bridle Path, on a curve to the right having a radius of 1,259.87 feet, an arc length of 154.92 feet and a chord of South 14° 56' 17" East 154.82 feet to an iron pin found; thence along the northerly bounds of Lot No. 4R in Block Q on a map entitled "Meadow Hill Subdivision, Amended Metes and Bounds" filed in the Orange County Clerk's Office on November 25, 1964 as Filed Map No. 2092, South 78° 35' 04" West 100.00 feet to an iron pin found; thence along the easterly bounds of Lot No. 19R of said Filed Map No. 2092, North 14° 56' 17" West 142.53 feet to an iron pin found; thence along the southerly bounds of Lot No. 2 of Filed Map No. 2043, North 71° 32' 21" East 100.00 feet to the point or place of **BEGINNING**.

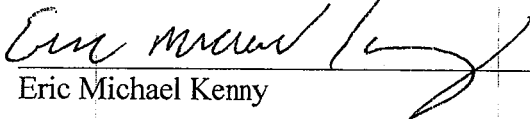
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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 encumbered 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.

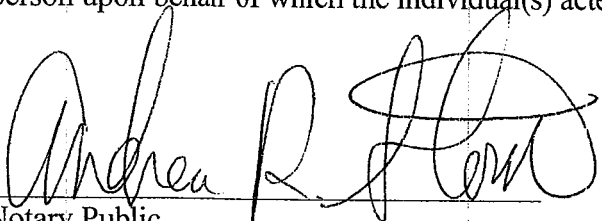
(The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.)

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

  
Eric Michael Kenny

STATE OF NEW YORK )  
  )ss:  
COUNTY OF ORANGE )

On the 24<sup>th</sup> day of September, 2021, before me, the undersigned, a Notary Public in and for said State personally appeared ERIC MICHAEL KENNY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature(s) on the instrument the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public

ANDREA R. STOUT  
Notary Public, State of New York  
No. 4965121  
Qualified in Orange County  
My Commission Expires April 16, 2022



## TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT**  
21 HUDSON VALLEY PROFESSIONAL PLAZA  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

# 3041-23

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 05/02/2023**

**Application No. 23-0451**

**To: Robert Bozeman**  
**13 Bridle Path**  
**Newburgh, NY 12550**

**SBL: 58-2-3**  
**ADDRESS: 13 Bridle Path**

**ZONE: R2**

PLEASE TAKE NOTICE that your application dated 05/01/2023 for permit to keep a 12' x 26' rear deck built without permits or approvals on the premises located at 13 Bridle Path is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

1) Bulk table schedule 4 Requires a 40' minimum side yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

**NAME:**      ROBERT BOZEMAN      **Application #**      23-0451

**ADDRESS:**      13 Bridle Path Newburgh NY 12550

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

**TYPE OF STRUCTURE:**      12' x 26' rear deck

**SBL:**      58-2-3      **ZONE:**      R-2      **ZBA Application #**      3041-23

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'		27'	13'	32.50%
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:**      **Previous owner never completed the variance process.**

**REVIEWED BY:**      Joseph Mattina      **DATE:**      2-May-23













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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Robert + Joan Bozeman, being duly sworn, depose and say that I did on or before

July 13, 2023, post and will thereafter maintain at

13 Bridle Path 58-2-3 R2 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.

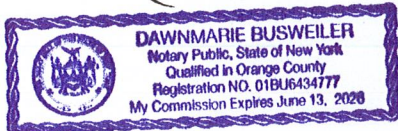
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Joan Bozeman  
Robert Bozeman

Sworn to before me this 13

day of June, 2023.

Dawnmarie Busweiler



13



**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 27th day of July, 2023 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 Joan and Robert Bozeman for an area variance of the rear yard setback to keep a 12' x 26' rear deck built by the previous owners.

PREMISES LOCATED at 13 Bridle Path 58-2-3 R2 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 13th day of July, 2023.

*Robert Bozeman*  
(APPLICANT)