



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

12-4

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

TONZBA TOWN OF Newburgh
MUNICIPALITY: ZONING BOARD of Appeals TAX MAP ID: 60-3-14.2
(Section-Block-Lot)

Local File #: 2259-11 Project Name:

Applicant: Brian McCutcheon / BC&N Carpet
Address: 179 South Plank Road Newburgh NY 12550

Attorney, Engineer, Architect:
Location of Site: 179 South Plank Road (Rt 52)
(Street, highway, nearest intersection)

Size of Parcel: 19X210 Existing Lots: Proposed Lots/Units

Present Zoning District: B

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):

AREA (AV): to erect additional signage

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch Preliminary Final

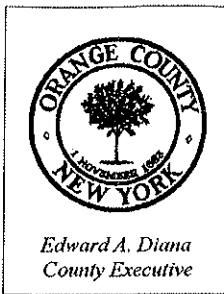
DATE: 1/12/12

Grace Cardone

CHAIRPERSON, Signature and Title
ZONING BOARD of Appeals

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY
County ID #



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Newburgh Zoning Board

Referral ID #: NBT06-12M

Applicant: Brian McCutcheon/BC&N Carpets

Tax Map #: 60-3-14.2

Project Name: None Provided

Local File #: 2259-11

Proposed Action: Area Variance related to maximum allowable sign square footage.

Reason for County Review: Project Site is within 500 feet of N.Y.S. Route 52.

Date of Full Statement: January 13, 2012

Comments:

County Planning is in receipt of the GML §239 referral for the above referenced Project. Based upon our review of the submitted materials, our office has found no evidence that significant inter-municipal or county-wide impacts would result from its approval. County Planning recommends that the Board make a decision only after weighing the balance to be realized by the applicant against the potential detriment to the health safety and general welfare of the neighborhood and/or community. Our office would like to include the following as advisory comments:

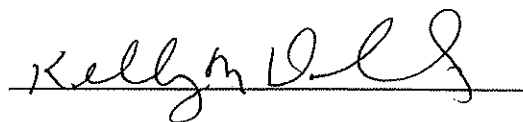
1. County Planning recommends the Board ensure the variance being applied for is sufficient. According to the Code Compliance Disapproval the applicant is looking to add eighty-eight square feet of signage to the existing building at a size of forty-eight (48) inches by twenty-two (22) feet. Based upon the information submitted by Paul Signs, there are no dimensions related to the length and width of the store name sign superimposed on the buildings canopy at the top of the page, our office assumes that the aforementioned dimensions related to that signage.

Our offices understanding of the *Zoning Law* 185-14B(1)(c), the two (2) twenty-eight (28) inch by an unknown length signs associated with the exterior window graphics depicted at the bottom of the page would also be included in the total square footage. Therefore, the variance may be significantly above that stated in the Code Compliance Disapproval.

County Recommendation: Local Determination

Date: January 23, 2011

Prepared by: Chad M. Wade, R.L.A. ,
Planner


for **David Church, AICP**
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: 12-28-11

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

Brian McCutcheon
I (WE) BC+N Carpets, Inc PRESENTLY
RESIDING AT NUMBER 179 South Plank Rd.
Newburgh, NY 12550
TELEPHONE NUMBER 845-5705-7500

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

- A USE VARIANCE
 AN AREA VARIANCE
 INTERPRETATION OF THE ORDINANCE
 ACCESSORY APARTMENT

1. LOCATION OF THE PROPERTY:

60-3-14.2 (TAX MAP DESIGNATION)
179 South Plank Rd (STREET ADDRESS)
B (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).

185-14-B-1-C

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: 10-31-11
- 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: _____

Additional Signage on Face of Building

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:

Every Building on the street has a sign above the entrance of their store

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:

Our business needs a sign on building. It's required by Benjamin Moore. We were rejected when we applied for a permit

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

We don't have enough visibility. Other Buildings in area have signs on the face of their building

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

Other Business' have signage on their building

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

We are required by Benjamin Moore to put a sign on the business where we operate

7. ADDITIONAL REASONS (IF PERTINENT) :

Sign on business is something Benjamin Moore
requires us to have in order to be allowed
with them.

PETITIONER(S) SIGNATURE

STATE OF NEW YORK : COUNTY OR ORANGE :

SWORN TO THIS 6 DAY OF January 20 12

NOTARY PUBLIC

ERNEST H. PICONE
Notary Public, State of New York
No. 01104317
Commission Expires 11/02/2013

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Brian McCutcheon
BC+N Carpets, Inc., DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 474 Route 32, Wallkill

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF BC+N

Carpets, Inc.

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Daniel Goette

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 1/6/12 

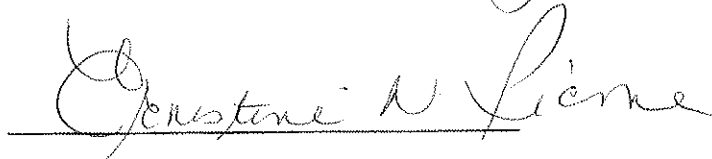
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6 DAY OF January 20 12



NOTARY PUBLIC

REGISTRATION NO. 100815
Notary Public - State of New York
NY 2010-2013-07
Qualified in this County
My Commission Exp. 1/2/2013

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 <i>Man McCutcheon / BC&N Caskets, Inc</i>	2. PROJECT NAME <i>Building Sign</i>
3. PROJECT LOCATION: Municipality <i>Newburgh Town</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>179 South Plank Rd</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>New Sign on Building</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u> 0 </u> acres Ultimately <u> 0 </u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
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: _____ Date: <i>1-12-12</i> Signature: <i>[Signature]</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

OVER

1

Reset

TOWN OF NEWBURGH

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2259-11

Date: October 31, 2011

To: BRIAN McCUTCHEON
179 SOUTH PLANK ROAD
NEWBURGH, NY 12550

SBL 60-3-14.2
ADD: 179 SO. PLANK ROAD
ZONE B

PLEASE TAKE NOTICE that your application dated August 16,
20 11 for permit to erect additional signage
At the premises located at 179 So Plank Rd-Village Paint Supply

Is returned herewith and disapproved on the following grounds:

185 - 14 - B - 1 - (c) -
TOTAL SIGN AREA SHALL NOT EXCEED 1 / 2 OF STREET FRONTAGE


JOSEPH MATTINA

Cc: Town Clerk
File

2259-11

Town of Newburgh Code Compliance

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

NAME: DANIEL GOETZE / VILLAGE PAINT

ADDRESS: 179 SOUTH PLANK RD, OWNER BRIAN MCCUTCHEON

PROJECT INFORMATION:

TYPE OF STRUCTURE: ADDITIONAL SIGNAGE 48" X 22' = 88 SQUARE FEET

SBL: 60-3-14.2 ZONE: B

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
SIGNAGE	98.74 S.F.	98.74 S.F.	186.74 S.F.	88 S.F.	89.2%

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: PERMIT # 20711 WAS ISSUED FOR 98.74 SQUARE FEET DOUBLE SIDED FREE STANDING SIGN.

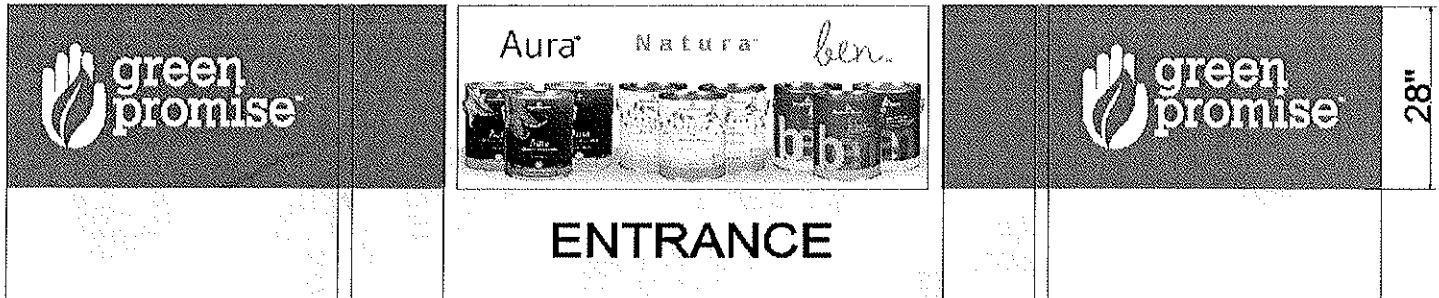
VARIANCE(S) REQUIRED:

- 1 185-14-B-1-C TOTAL SIGN AREA SHALL NOT EXCEED 1/2 OF STREET FRONTAGE
- 2 _____
- 3 _____
- 4 _____

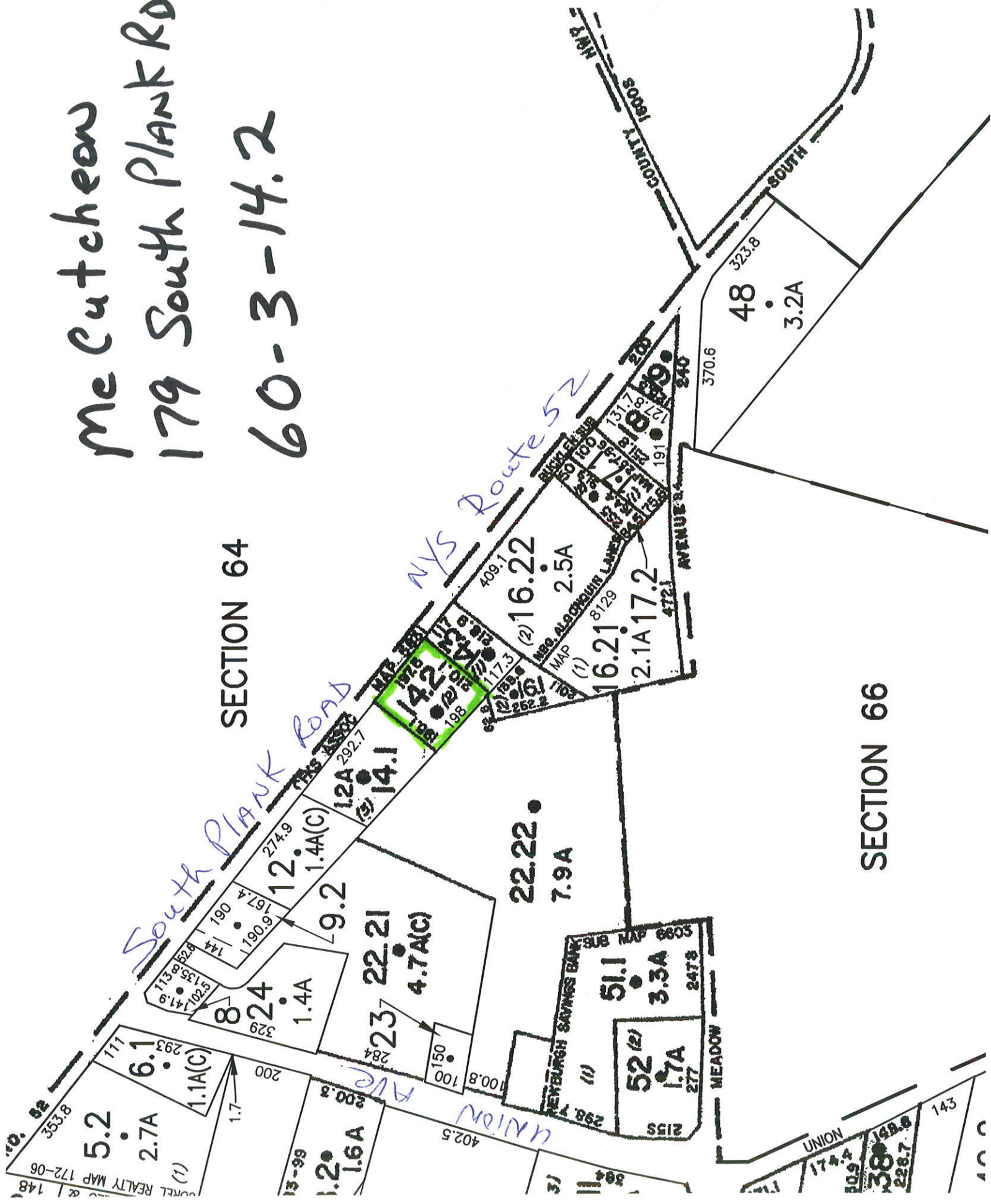
REVIEWED BY: JOSEPH MATTINA DATE: 31-Oct-11



Digital Exterior Window Graphics



Mc Cutchew
179 South Plank Rd
60-3-14.2



SECTION 64

SECTION 66

South Plank Road

NYS Route 52

AVENUE

MEADOW

NEWBURGH SAVINGS BANK

CORREL REALTY MAP 172-06

MAP

MAP

MAP

MAP

MAP

MAP

MAP

MAP