



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

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: 2-1-24  
(Section-Block-Lot)

Local File #: 2277-12 Project Name: \_\_\_\_\_

Applicant: Michael & Ruth Chanowitz

Address: 55 Old Mill Road, Wallkill, NY

Attorney, Engineer, Architect: LINDA ZWART

Location of Site: 55 Old Mill Road, Wallkill I 87  
(Street, highway, nearest intersection)

Size of Parcel: 1.7 Acres Existing Lots: \_\_\_\_\_ Proposed Lots/Units \_\_\_\_\_

Present Zoning District: R/R

TYPE OF REVIEW:

Special Use Permit\* (SUP): \_\_\_\_\_

Variance\* USE (VU): \_\_\_\_\_

AREA (AV): LOT AREA, FRONT YARD SETBACK  
INCREASING DEGREE OF NON CONF OF FRONT YARD

Zone Change\* FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Zoning Amendment\*\* To Section: \_\_\_\_\_

Subdivision Major \_\_\_\_\_ Minor \_\_\_\_\_

Sketch  Preliminary  Final

DATE: 3/28/12

Gina Cardone

CHAIRPERSON, ZONING BOARD OF APPEALS  
Signature and Title

\*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID # \_\_\_\_\_

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

OFFICE OF ZONING BOARD  
(845) 566-4901

## APPLICATION

DATED: 3-26-12

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

I (WE) Michael & Ruth Chanowitz PRESENTLY  
RESIDING AT NUMBER 55 Old Mill Rd, Wallkill, NY 12589  
TELEPHONE NUMBER (845) 564-4397

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

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

1. LOCATION OF THE PROPERTY:

2-1-24 (TAX MAP DESIGNATION)  
55 Old Mill Rd, Wallkill, NY (STREET ADDRESS)  
RR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 Schedule 1 requires lot area of 2 acres minimum  
Bulk Table Schedule 1 requires A front yard of 60' minimum  
185-19-C-1 shall not increase the degree of non conformity  
(front yard)

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: MARCH 22, 2012
- 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: 2nd Floor addition and front porch, front yard set setback

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:

Aging parents/needs constant care  
Looking to increase size of non-conforming house to accommodate

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

It will stay a single family house, the addition will make the home look newer, increasing value of other homes in the neighborhood.

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

Natural occurring  
Pre-existing non-conforming situation

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 addition will be finished, look new, and  
the houses in the neighborhood are older

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:

This is a non conforming ~~to~~ house therefore  
any addition will need a variance

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

we are building up, and not a little only  
minimal footage area

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

we are build a 2nd story

NO

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

natural occurring or

pre-existing non-conforming ~~to~~ structure

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Michael Paul*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 27 DAY OF March 2012

*Andrew J. Zarutskie*  
\_\_\_\_\_  
NOTARY PUBLIC  
ANDREW J. ZARUTSKIE  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 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. 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.

## 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>Michael &amp; Ruth Chanowitz</i>	2. PROJECT NAME
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)  <i>55 Old Mill Road Wallkill N.Y. 12589</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:  <i>Adding 2nd floor to half of existing house 3' fat porch</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u><i>1.7</i></u> acres    Ultimately <u><i>1.7</i></u> 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>we need avariance</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>Used as Residential</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 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: <u><i>Michael Chanowitz</i></u>	Date: <u><i>3-28-12</i></u>
Signature: <u><i>Michael S. Chanowitz</i></u>	

**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

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**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <span style="float: right;">If yes, coordinate the review process and use the FULL EAF.</span>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <span style="float: right;">If No, a negative declaration may be superseded by another involved agency.</span>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No <span style="float: right;">If Yes, explain briefly:</span>
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No <span style="float: right;">If Yes, explain briefly:</span>

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<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 <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
_____	_____
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)

**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. 2277-12

Date: March 22, 2012

To: MICHAEL & RUTH CHANOWITZ

SBL 2-1-24

55 OLD MILL ROAD

ADD: 55 Old Mill Road, Wallkill

WALLKILL, NY 12589

ZONE R / R

PLEASE TAKE NOTICE that your application dated March 19,

20 12 for permit to build 2nd flr addition & front porch - accessory apartment

At the premises located at 55 Old Mill Road, Wallkill

(185-38-C-2-Accessory apts must meet Bulk Table requirements for single-fam dwell'g)

Is returned herewith and disapproved on the following grounds:

**BULK TABLE - SCHEDULE 1 -**  
REQUIRES A LOT AREA OF (2) TWO ACRES MINIMUM.  
REQUIRES A MINIMUM FRONT YARD SETBACK OF 60 FT.  
**185 - 19 - C - 1-**  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (FRONT YARD  
SETBACK)  
(I - 87 ABUTS REAR YARD)

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*

*NO*

**NAME:** MICHAEL & RUTH CHANOWITZ

**ADDRESS:** 55 OLD MILL RD WALLKILL NY 12589

**PROJECT INFORMATION:**

**TYPE OF STRUCTURE:** 6 X 15 FRONT PORCH & 2ND FLOOR ADDITION

**SBL:** 2-1-24      **ZONE:** R / R

**TOWN WATER:** NO

**TOWN SEWER:** NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA	2 ACRES 87120 SF	1.7 ACRES 71115 SF		16005 SF	18.37 %
LOT WIDTH					
LOT DEPTH					
FRONT YARD	60'	40'	INCREASING THE DEGREE OF NON CONFORMITY OF THE FRONT YARD		
REAR YARD	NEW COVERED FRONT PORCH WILL SETBACK 44' FROM MILL ST.				
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY I-87 ABUTS REAR YARD YES  
 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: 185-38-C-2 ACCESSORY APARTMENTS MUST MEET THE BULK TABLE REQUIREMENTS FOR SINGLE FAMILY DWELLING**

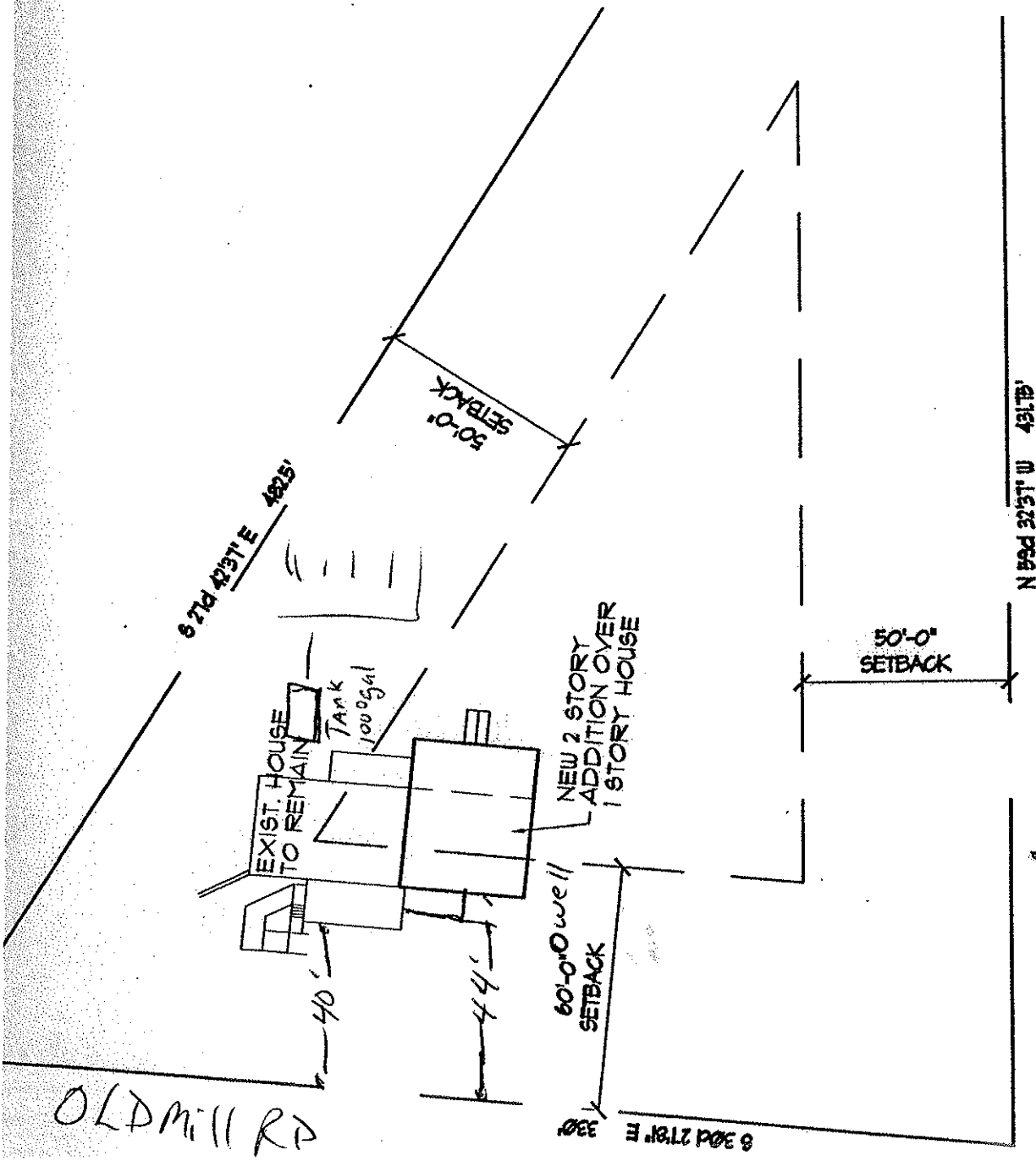
**VARIANCE(S) REQUIRED:**

- 1 BULK TABLE SCHEDULE 1 REQUIRES LOT AREA OF 2 ACRES MINIMUM.
- 2 BULK TABLE SCHEDULE 1 REQUIRES A FRONT YARD OF 60' MINIMUM.
- 3 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY ( FRONT YARD )
- 4 \_\_\_\_\_

**REVIEWED BY:** JOSEPH MATTINA      **DATE:** 19-Mar-12

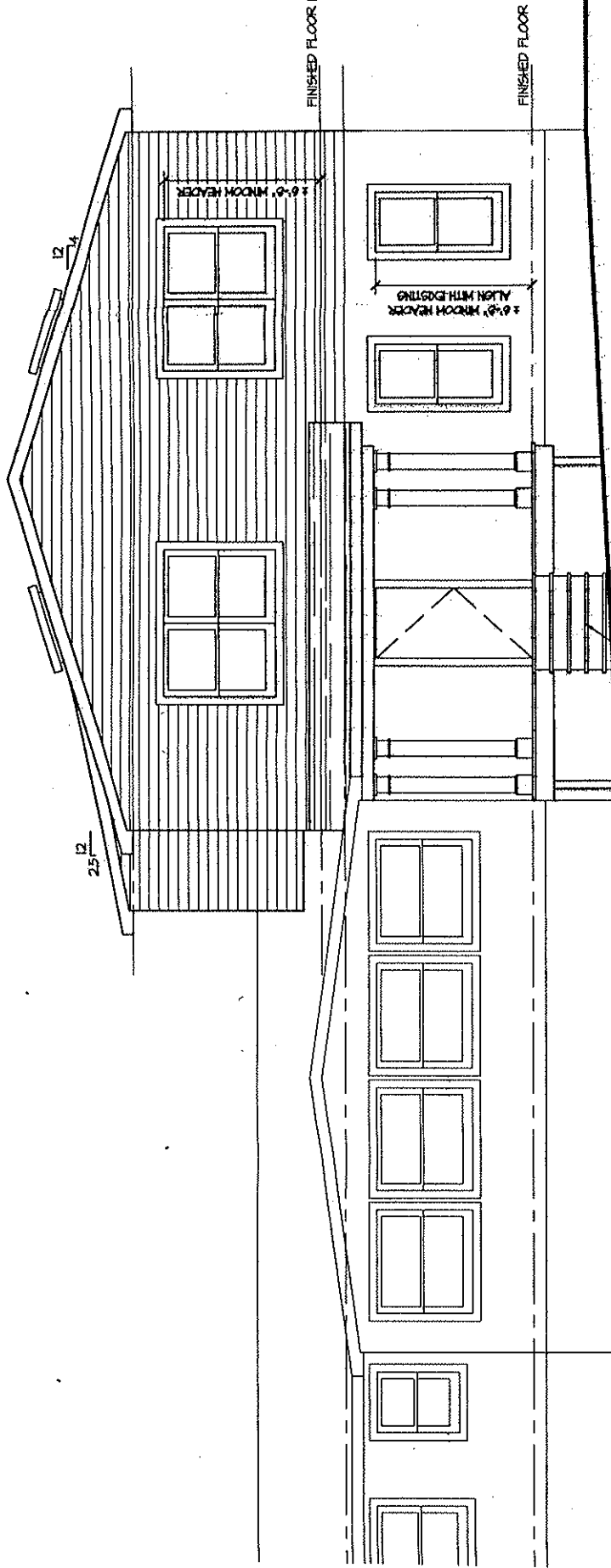
H 8

GROUND SNOW LOAD	SF
	40



OLD MILL RD

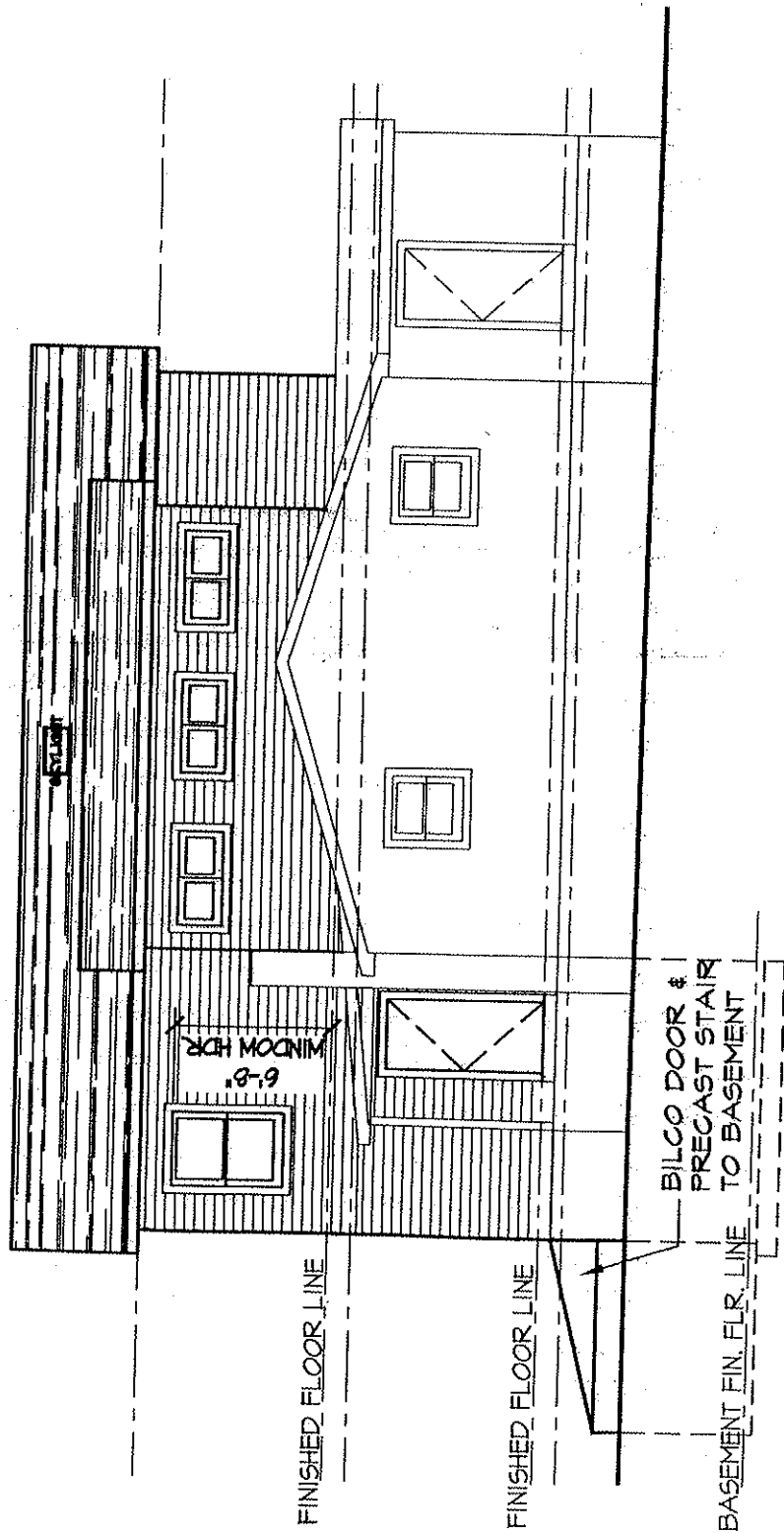
**SITE PLAN DIAGRAM**  
 SCALE: 1" = 40'-0"



EXACT NUMBER OF  
TREADS & RISERS TO BE  
DETERMINED BY BUILDER  
ACCORDING TO FINISHED  
GRADE

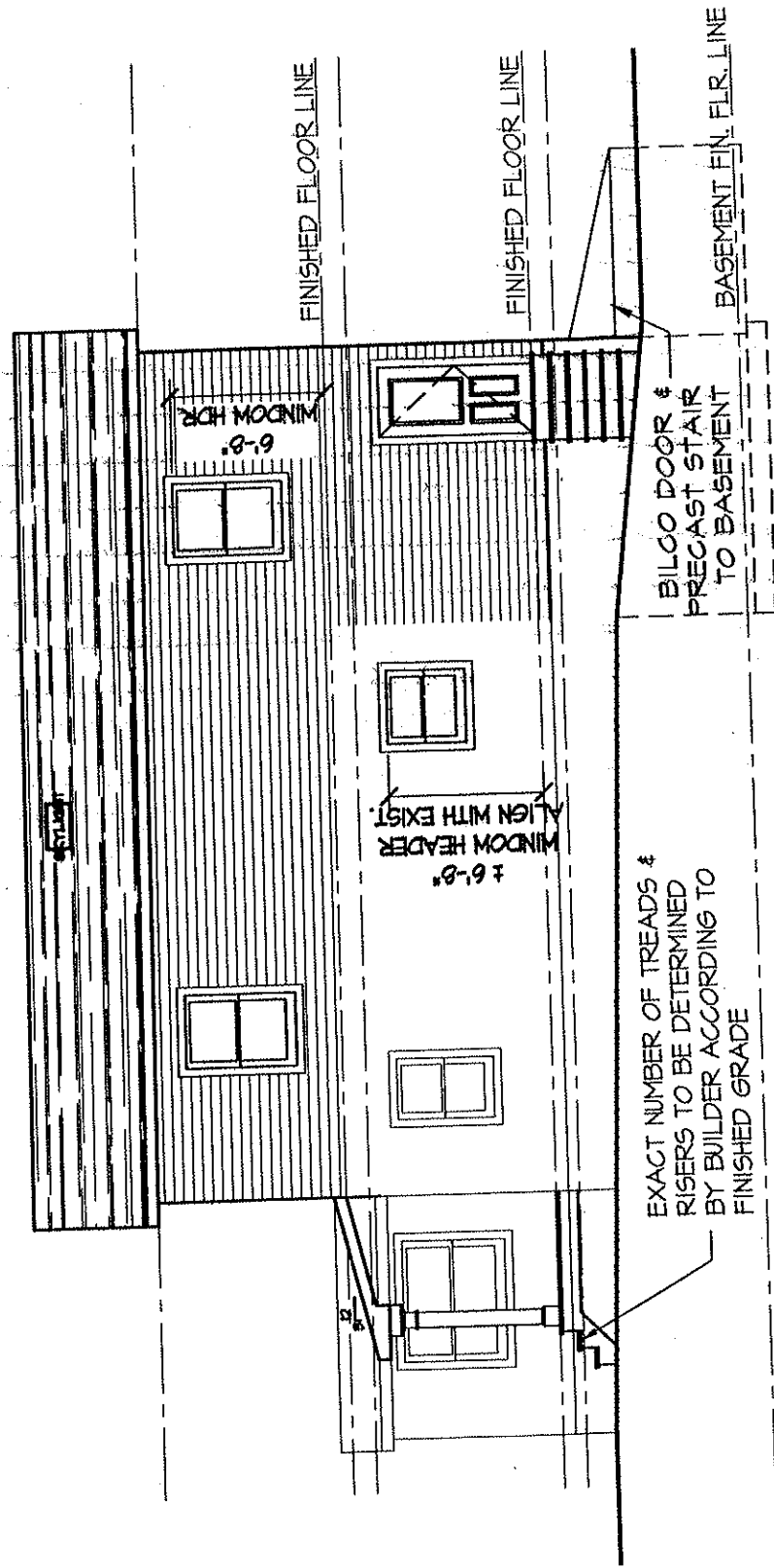
**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"





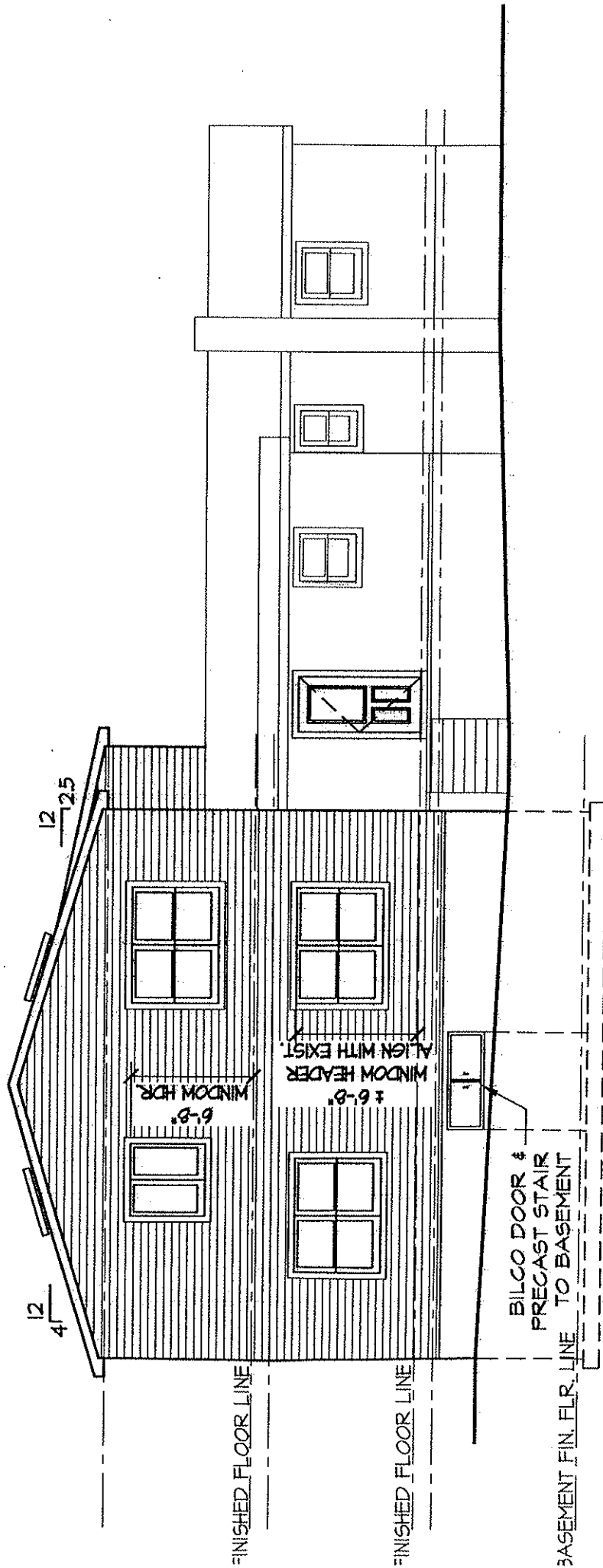
# LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



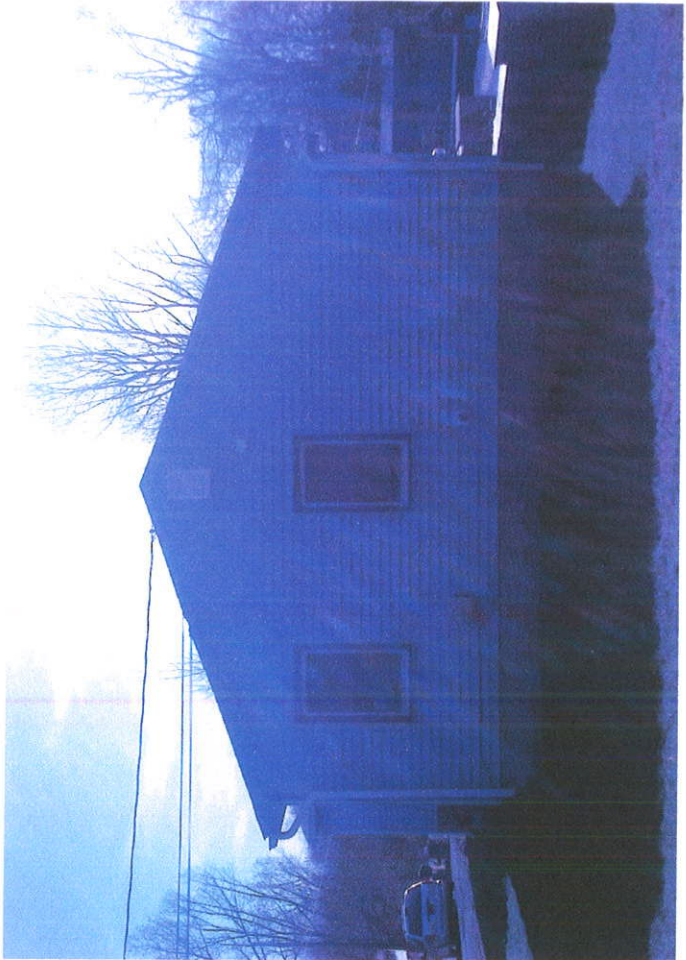
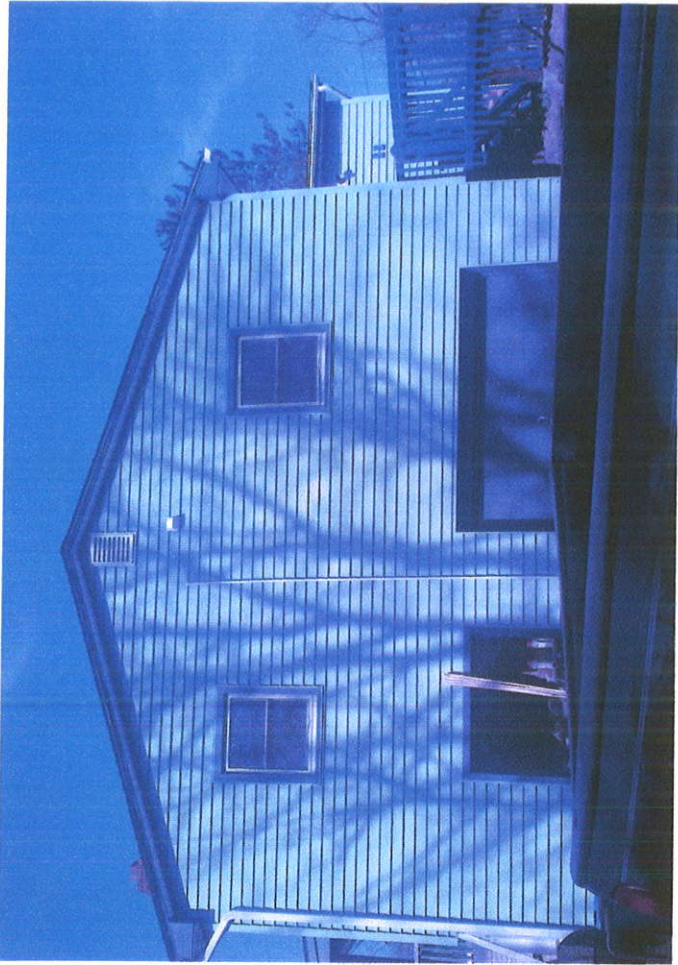
# RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



# REAR ELEVATION

SCALE: 1/8" = 1'-0"





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56.1

CHANOWITZ  
55 OLD MILL RD  
2-1-24

SLOUGH &  
SUB MAP