



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variations, 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:

84-4-6
(Section-Block-Lot)

Local File #: 2261-11

Project Name:

Applicant: OMAR Chihuahua

Address: 11 East Stone Street Newburgh

Attorney, Engineer, Architect: (Carpenter Ade)

Location of Site: 11 East Stone Street #84 City of Newburgh
(Street, highway, nearest intersection)

Size of Parcel: 40x98 Existing Lots: Proposed Lots/Units

Present Zoning District: R3

TYPE OF REVIEW:

Special Use Permit\* (SUP):

Variance\* USE (VU):

AREA (AV): rear yard setback & inqy dog of N/c of one & both combined side yards Reef

Zone Change\* FROM: TO: Pylon built deck

Zoning Amendment\*\* To Section:

Subdivision Major Minor

Sketch Preliminary Final

DATE: 2/10/12

Shane Cardone

CHAIRPERSON, Signature and Title
ZONING BOARD of Appeals

\*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID #

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: 1-25-2012

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

I (WE) Omar Chihuahua PRESENTLY

RESIDING AT NUMBER 11 East Stone Street

TELEPHONE NUMBER 845-893-9494

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:

84-4-6 (TAX MAP DESIGNATION)

11 East Stone Street (STREET ADDRESS)

R-3 (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NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1

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: 11/04/2011
- 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: Reduce minimum rear yard setback from 40ft to 34 feet.

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: width size of deck is smaller than house and cannot be seen from roadway. Prior deck was also falling down and was a safety hazard

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

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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:

Not visible from roadway.

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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:

Deck was completed with permanent footings that meet code.

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Other neighbors have similar decks in their backyards.

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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 neighbors have similar decks in their backyards.

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


When I showed building inspector the footings, he never mentioned anything about the size of deck and I did not know about the setback.

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7. ADDITIONAL REASONS (IF PERTINENT):

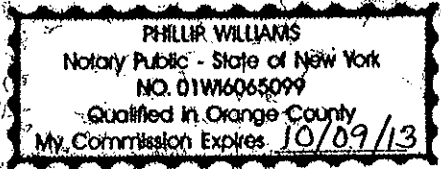
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK : COUNTY OR ORANGE :

SWORN TO THIS 19<sup>th</sup> DAY OF January 20 12

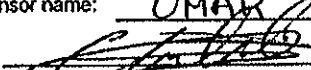
  
\_\_\_\_\_  
NOTARY PUBLIC



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.

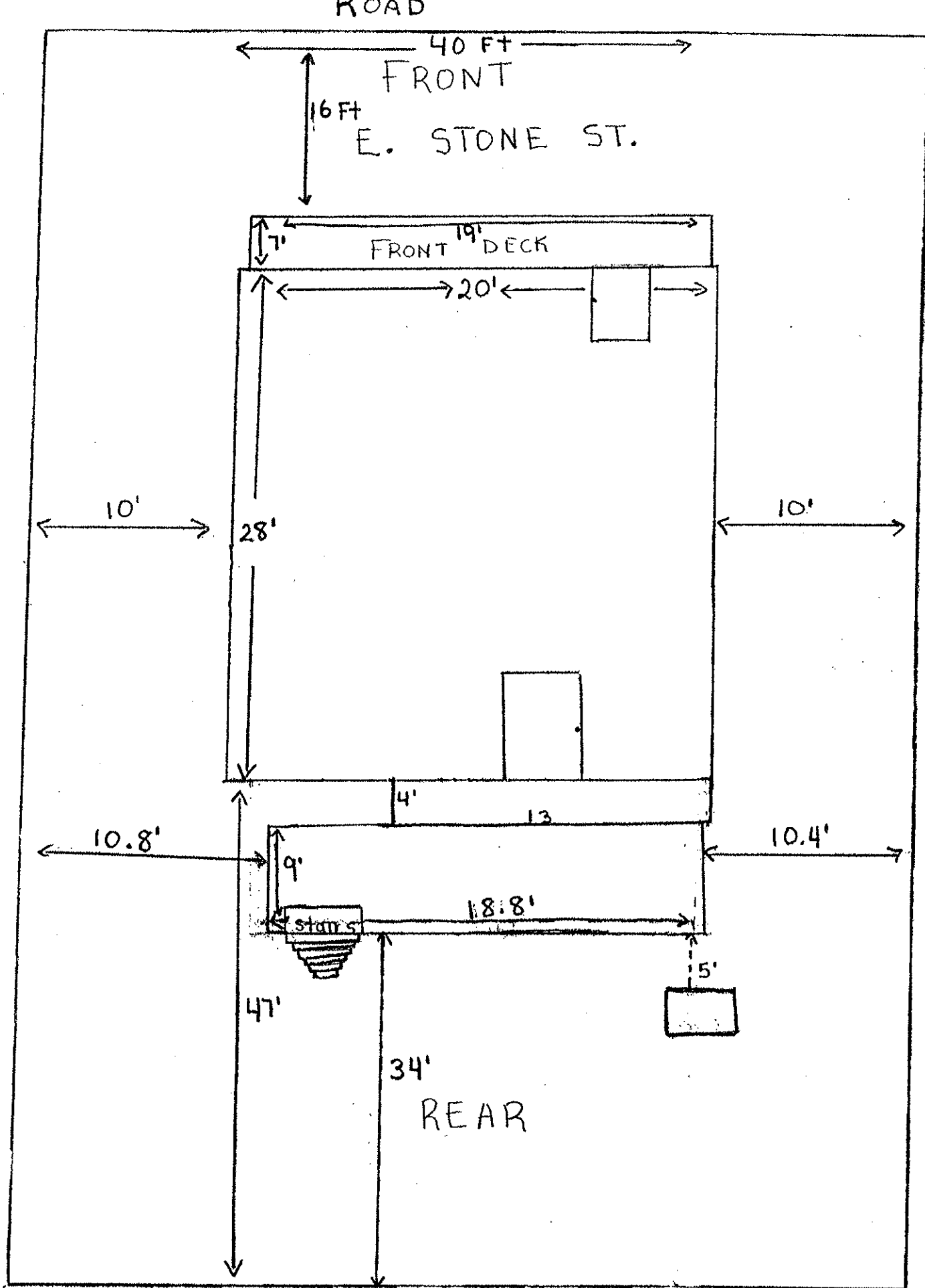
617.20  
Appendix C  
State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

|   |                        |
|---|------------------------|
| 1. APPLICANT/SPONSOR<br><b>OMAR R. CHIHUAHUA</b>  | 2. PROJECT NAME        |
| 3. PROJECT LOCATION:<br><input checked="" type="checkbox"/> Municipality <b>ORANGE TOWN OF NEWBURGH</b> <input checked="" type="checkbox"/> County <b>ORANGE</b>  |                        |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><b>11 E Stone st.<br/>Newburgh, NY 12550</b>  |                        |
| 5. PROPOSED ACTION IS:<br><input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration   |                        |
| 6. DESCRIBE PROJECT BRIEFLY:<br><b>REAR Deck</b>  |                        |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially _____ acres    Ultimately <b>40x98</b> acres   |                        |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly  |                        |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><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<br>Describe: |                        |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><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?<br><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?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |                        |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE   |                        |
| Applicant/sponsor name: <b>OMAR R. CHIHUAHUA</b>  | Date: <b>1-25-2012</b> |
| Signature:   |                        |

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**





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. 2261-11

Date: November 4, 2011

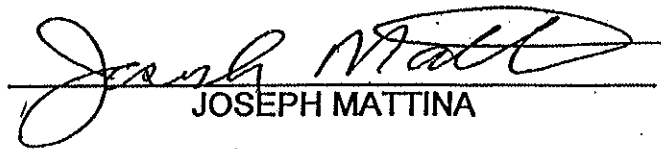
To: OMAR CHIHUAHUA  
11 EAST STONE STREET  
NEWBURGH, NY 12550

SBL 84-4-6  
ADD: 11 EAST STONE STREET  
ZONE R-3

PLEASE TAKE NOTICE that your application dated July 27,  
20 11 for permit to keep a Prior Built rear deck (17 x 9)  
At the premises located at 11 East Stone Street

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE 5 -  
REQUIRES A MINIMUM REAR YARD SETBACK OF 40 FT.  
185 - 19 - C - 1 -  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY  
(ONE SIDE YARD SETBACK AND THE COMBINED SIDE YARDS SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk  
File



2261-11  
1-19-11

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

NAME: OMAR CHIHUAHUA

ADDRESS: 11 EAST STONE ST NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 17 X 9 PRIOR BUILT REAR DECK

SBL: 84-4-6 ZONE: R/3

TOWN WATER:

TOWN SEWER:

|                   | MINIMUM | EXISTING | PROPOSED                            | VARIANCE | PERCENTAGE |
|-------------------|---------|----------|-------------------------------------|----------|------------|
| REAR YARD         | 40'     | 43'      | 34'                                 | 6'       | 15.0%      |
| ONE SIDE YARD     | 15'     | 10'      | INCREASING DEGREE OF NON CONFORMITY |          |            |
| BOTH SIDE YARDS   | 30'     | 20'      | INCREASING DEGREE OF NON CONFORMITY |          |            |
| BUILDING COVERAGE | 15% OK  |          |                                     |          |            |
| SURFACE COVERAGE  | 30% OK  |          |                                     |          |            |

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: EXISTING NON CONFORMING DWELLING. BOTH SIDE YARDS AND COMBINED SIDE YARDS ARE NON CONFORMING**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY. ( SIDE YARD OF 10' )
- 2 BULK TABLE SCHEDULE 5 REQUIRES A REAR YARD SET BACK OF 40' MINIMUM.
- 3 185-19-C-1 SHALL NOT INCREASE DEGREE NON CONFORMITY ( COMBINED SIDE YARDS )
- 4 \_\_\_\_\_

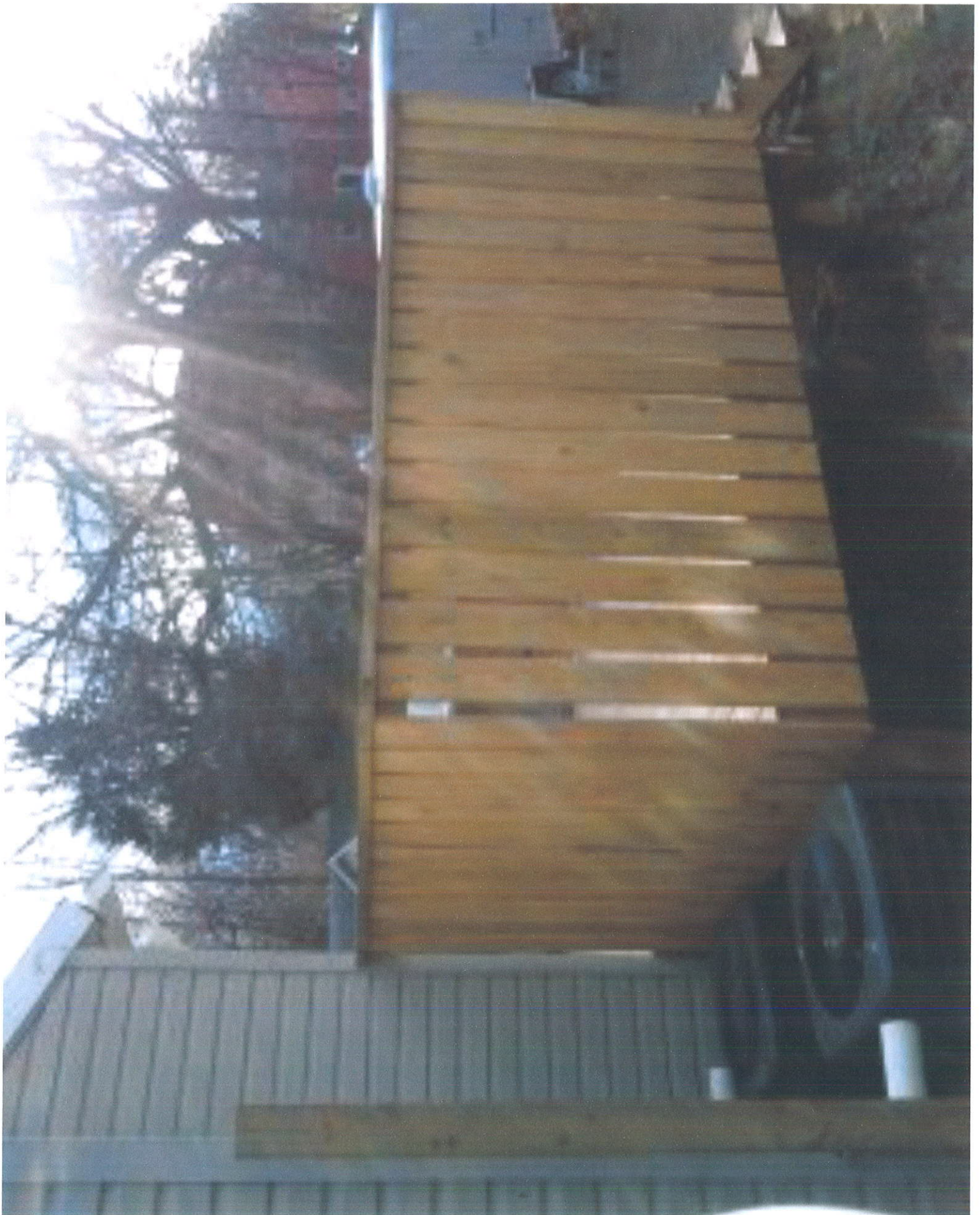
REVIEWED BY: JOSEPH MATTINA

DATE: 3-Nov-11













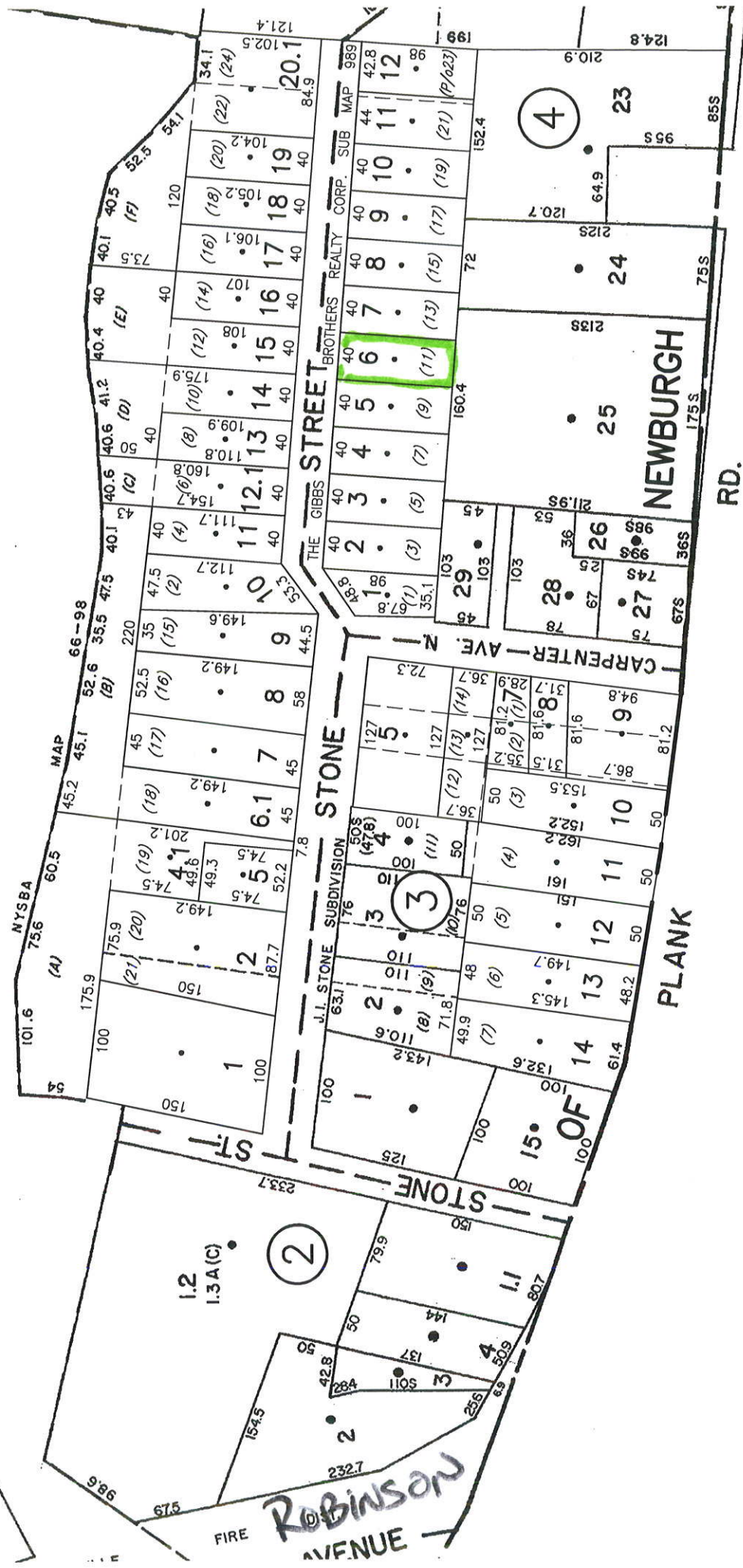






Chihuahua  
84-4-6  
11 East Stone St.

INTERSTATE 184-



ROBINSON AVENUE