



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.

TOWN: Town of Newburgh

MUNICIPALITY: Zoning Board of Appeals

TAX MAP ID: 2-2-29

(Section-Block-Lot)

Local File #: 2312-12

Project Name:

Applicant: Fay E. Ciacci

Address: 57 East Road, Wallkill, NY 12588

Attorney, Engineer, Architect:

Location of Site: 57 East Road Pressler Road
(Street, highway, nearest intersection)

Ulster County

Size of Parcel: 1 Acre Existing Lots:

Proposed Lots/Units:

Present Zoning District: R/R

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):

AREA (AV): Rear yard setback

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch

Preliminary

Final

DATE:

8/29/12

Shane Cardone

Chairperson, Zoning Board of Appeals

*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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 8/29/12

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

I (~~WE~~) Fay E. Ciacci PRESENTLY

RESIDING AT NUMBER 57 East Rd. Wallkill, NY 12589

TELEPHONE NUMBER cell 845-667-0000 / work 845-568-5180

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:

2-2-29 (TAX MAP DESIGNATION)

57 East Rd. Wallkill (STREET ADDRESS)

R/R Zone (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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

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: 8/9/12
- 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: _____

Deck leading from house to pool

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:
Owner needs a way to go from house to pool

(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:
N/A

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
This is an improvement to the property. The new deck would be larger than the old deck. The pool is existing and has a permit, so there is no change to the existing rear yard setback.

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

N/A - Change of rear yard setback
requirements since original permit

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 pool is existing & has a permit
There is no change to the
rear yard setback

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 provides access to the pool
from the house
Using a ladder to access the pool
is not safe

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

There is no change to existing rear yard
set back and will not effect
neighboring properties

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

No change to existing rear yard
set back.

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

I have been told by Bldg Dept. that
the rear yard requirements have
changed since original permit in 1993.
I did not change the law.

7. ADDITIONAL REASONS (IF PERTINENT):

N/A

Fay E Cacci
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 8 DAY OF 29 2012

AJET METALIAJ
Notary Public, State of New York
No. 01ME6249505
Qualified in Orange County
Commission Expires 10/11/2015


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.

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 <u>Fay E Ciacci</u>	2. PROJECT NAME <u>Deck</u>
3. PROJECT LOCATION: Municipality <u>Town of Newburgh</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>57 East Rd. Walkkill, N.Y. 12589</u> <u>(1/2 mile on East Rd. from Route 32)</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Increase Build new deck with larger size than existing deck</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1</u> acres Ultimately <u>1</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 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: <u>Mostly single family homes</u>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Owner has permit for existing pool</u>	
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>Fay E Ciacci</u>	Date: <u>8/29/12</u>
Signature: <u>Fay E Ciacci</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



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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.47 Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency. Yes 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)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

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.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 AND 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. 2312-12

Date: August 9, 2012

To: FAY CIACCI

SBL 2-2-29

57 EAST ROAD

ADD: 57 East Road, Wallkill

WALLKILL, NY 12589

ZONE R / R

PLEASE TAKE NOTICE that your application dated August 7,

20 12 for permit to build a pool deck

At the premises located at 57 East Road, Wallkill

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE 1 -
REQUIRES A MINIMUM REAR YARD SETBACK OF 100 FT.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT**

NO

23/2-12

NAME: FAY CIACCI

ADDRESS: 57 EAST RD WALLKILL NY 12589

PROJECT INFORMATION:

TYPE OF STRUCTURE: 7 X 7 POOL DECK

SBL: 2-2-29 ZONE: R/R

TOWN WATER: NO TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	100'		82'	18'	18.0%
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 THAT THE HOUSE DECK, POOL DECK AND POOL ALL BE CONNECTED. THAT WILL LEAVE A REAR YARD SETBACK OF 82'

VARIANCE(S) REQUIRED:

1 BULK TABLE SCHEDULE 1 REQUIRES A REAR YARD SET BACK OF 100' MINIMUM.

- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 9-Aug-12

John & Fay Ciacci
 123 East Road
 Wallkill, NY 12589

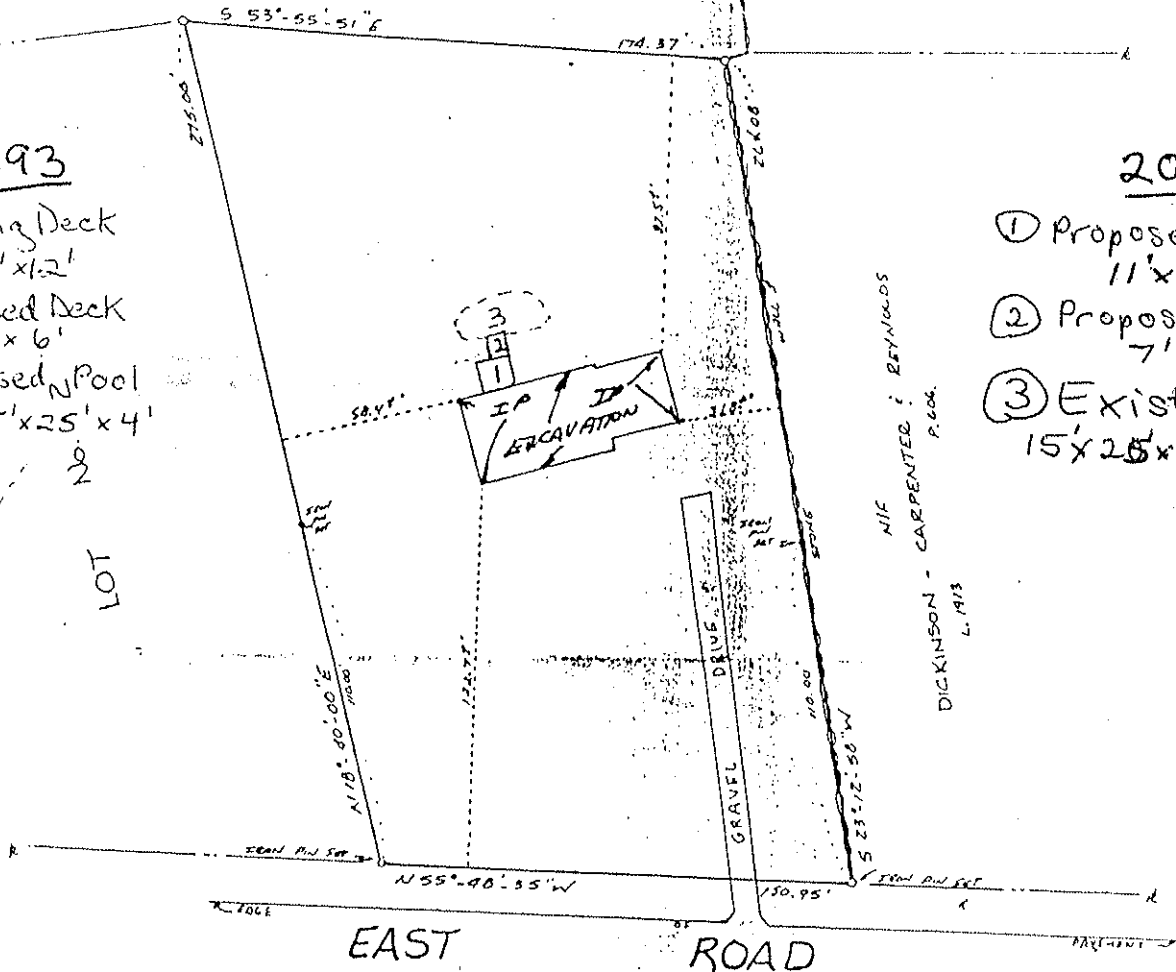
LOT No. 5

1993

- ① Existing Deck
8'3" x 12'
- ② Proposed Deck
6' x 6'
- ③ Proposed Pool
15' x 25' x 4'

2012

- ① Proposed Deck
11' x 20'
- ② Proposed Deck
7' x 8'
- ③ Existing Pool
15' x 25' x 4'



N.I.F.
 DICKINSON - CARPENTER
 L. 1913
 P. 604

I.P. = IRON PIN SET IN COR. EXCAVATION.

CERTIFIED TO:

1. WILLIAM COLACINO
2. ANGELO RIZZO
3. SALVATORE SCUZARO
4. ULSTER SAVINGS BANK

NOTE:

1. BEING THE SAME PARCEL AS DESCRIBED IN LIBER OF DEEDS, AT PAGE AND SUBJECT TO RESTRICTIONS AND CONDITIONS THEREIN.
2. TOGETHER WITH ANY RIGHT, TITLE OR INTEREST IN AND TO THE CENTER OF THE PUBLIC ROADS SHOWN HEREON
3. BEING LOT #1 AS SHOWN ON FILED MAP # 8781

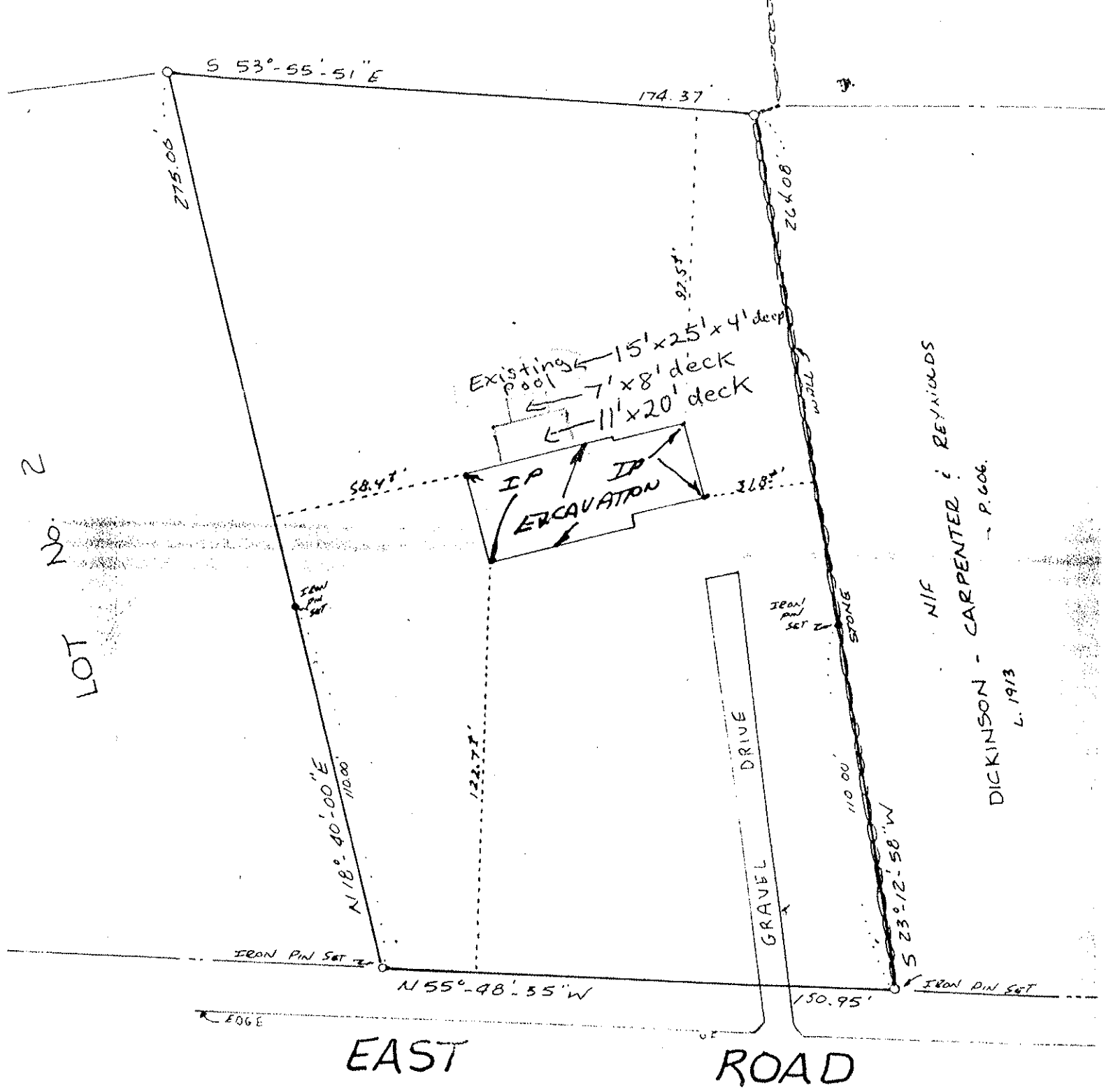
SURVEY FOR
 LOT No. 1
RICHARD G. BARGER

TOWN OF NEWBURGH
 SCALE: 1" = 40'

ORANGE CO., N.Y.
 NOV. 1, 1988

RICHARD G. BARGER
 L.S. & P.E.

* Submitted with Bldg. Permit application 8/7/12



2
 No.
 LOT

NIF
 REYNOLDS
 CARPENTER
 P. 606
 L. 1913

EAST ROAD

2-2-29
 Fay Ciacci
 57 East Rd.

IRON PIN SET IN
 E. EXCAVATION.

