



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: 11 March 3, 2015

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

I (WE) Barbara Colandrea PRESENTLY

RESIDING AT NUMBER 122 Holmes Rd Newburgh, NY 12550

TELEPHONE NUMBER 518 813 1717 (cell) 845 5610193 -residence

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:

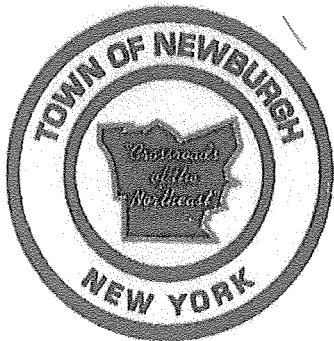
6-3-15 (TAX MAP DESIGNATION)

122 Holmes Rd (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-38-C-2



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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: 2/13/15
- 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: Area Variance

Legal existing non conforming single family on 30927 SF

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:



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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:

Converted existing single car garage and existing downstairs room to a one bedroom accessory apartment
No change in size of house or driveway

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:

Unable to increase lot size. Home built in 1962
Conversion of existing space to accessory apartment for my mother

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Lot size is 30927 SF new town minimum is 40000SF
Variance is 907.3 SF or 2.26%

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 size of house or driveway

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Town zoning for AR is currently 40000 SF
for a single family home to add an accessory apartment

S



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7. ADDITIONAL REASONS (IF PERTINENT):

Conversion of existing single car garage and downstiaars room done in 1992 by my husband who is now deceased. It was completed without a permit. I am trying to correct that error

Barbara Colandrea
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3 DAY OF March 2015

Cynthia J YNOA
NOTARY PUBLIC

CYNTHIA J YNOA
Lic. #01YN6108807
Notary Public-State of New York
Qualified In Dutchess County
My Commlesion Expires APRIL 28, 2016

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

617.20
Appendix B
Short Environmental Assessment Form

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: <i>accessory apartment pre built in existing single family home</i>			
Project Location (describe, and attach a location map): <i>122 Holmes Rd Newburgh NY (6-3-15)</i>			
Brief Description of Proposed Action: <i>Converted single car garage + workroom to one bedroom accessory apartment. Garage door replaced with entry door and window</i>			
Name of Applicant or Sponsor: <i>Barbara Colandrea</i>		Telephone: <i>845 561 0193</i>	
		E-Mail: <i>BColandrea@TWC.com</i>	
Address: <i>122 Holmes Rd</i>			
City/PO: <i>Newburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.79</i>	acres
b. Total acreage to be physically disturbed?		<i>- 0 -</i>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.79</i>	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> N/A
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>		

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	YES
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	YES
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	YES

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Barbara Colandrea Date: 3/3/15
 Signature: Barbara Colandrea

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<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 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)

This Indenture,

Made the *13th* day of December,
Nineteen Hundred and Sixty-seven.

*Saw
Signed
3/3/15*

Between GORDON R. PROCHNOW and
DOROTHY E. PROCHNOW, husband and wife,
residing at 238 Stillwells Corner Road,
Freehold, New Jersey,

parties of the first part, and

ROBERT C. COLANDREA and BARBARA S. COLANDREA, husband and
wife, residing at R. D. #1, Leslie Road, Newburgh, New York,

parties of the second part,
~~Witnesseth~~ that the parties of the first part, in consideration of -----

-----ONE and 00/100-----Dollar (\$ 1.00)
lawful money of the United States, and other good and valuable consideration
paid by the parties of the second part, do hereby grant and release unto the
parties of the second part, their heirs and assigns forever, ~~and~~

ALL THAT LOT OF LAND situate in the Village of Middle Hope, Town
of Newburgh, Orange County, New York, bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of
Holmes Road with the westerly line of Barbara Drive; thence along Holmes
Road North 63 degrees 50 minutes West 183.2 feet; thence North 19 degrees
03 minutes East 169.5 feet; thence South 63 degrees 50 minutes East
187.2 feet; thence along the westerly line of Barbara Drive South 20
degrees 24 minutes 30 seconds West 169.0 feet to the point of beginning.

CONTAINING 0.71 acres.

BEING the same premises conveyed to Donald A. Ospenson and Lucille
K. Ospenson by Ralph Walton Westlake and Garnette Tower Westlake by deed
dated June 13, 1962 and recorded in the Orange County Clerk's Office on
July 16, 1962 in Liber 1620 of Deeds at page 588.

AND BEING the same premises conveyed by Donald A. Ospenson and
Lucille K. Ospenson to Gordon R. Prochnow and Dorothy E. Prochnow by deed
dated August 2, 1965 and recorded in the Orange County Clerk's Office
on August 16, 1965 in Liber 1721 of deeds at page 945.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

To Have and to Hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said parties of the first part

covenant as follows:

First, That said parties of the first part are

seized of said premises in fee simple, and have good right to convey the same;
Second, That the parties of the second part shall quietly enjoy the said premises;

Third, That the said premises are free from incumbrances;

Fourth, That the parties of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth, That said parties

will forever warrant the title to said premises.

Sixth, That, in Compliance with Sec. 13 of the Lien Law, the grantors 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.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of
K. L. Harris

G.R.P. Gordon R. Prochnow
D.E.P. Dorothy E. Prochnow
Dorothy E. Prochnow

State of New Jersey } On this 13th day of December,
County of Monmouth } ss. Nineteen Hundred and Sixty-seven
before me, the subscriber, personally appeared

GORDON R. PROCHNOW and DOROTHY E. PROCHNOW

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they duly acknowledged to me that they executed the same.

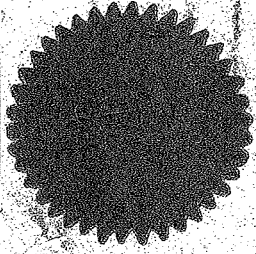
Notary Signature Katherine L. Harris
KATHARINE L. HARRIS
Notary Public
My Commission Expires Feb. 17, 1968



State of New Jersey)
COUNTY OF MONMOUTH) ss.

I, J. RUSSELL WOOLLEY, Clerk of the County of Monmouth (and also Clerk of the County Court, the same being a Court of Record of the aforesaid County, having by law a seal)

KATHARINE L. HARRIS



Do Hereby Certify, That
whose name is subscribed to the attached certificate of acknowledgment, proof or affidavit, was at the time of taking said acknowledgment, proof or affidavit, a Notary Public, duly commissioned and sworn and residing in said County and was as such Notary Public, an officer of said State, duly authorized by the laws thereof to take and certify the same as well as to take and certify the proof and acknowledgment of deeds or conveyances for lands, tenements or hereditaments and other instruments in writing to be recorded in said State, and that full faith and credit are and ought to be given to his official acts; and I further Certify that I am well acquainted with his handwriting and verily believe the signature to the attached certificate is his genuine signature. No seal is necessary to be filed.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 13 th day of Dec. 19 67
Clerk.

J. Russell Woolley

NEW

FULL COVENANT WITH LIEN COVENANT

GORDON R. PROCHNOW and
DOROTHY E. PROCHNOW

TO

ROBERT C. COLANDREA and
BARBARA S. COLANDREA

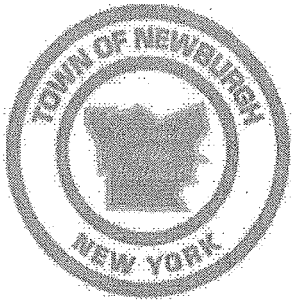
LIBER 1784 897

Dated December 19 67

Orange County Clerk's Office S.S.
Recorded on the 19 day
of Dec. 1967 at 10:16
o'clock P.M. in Liber 1784
at page 897
and Examined.
R. & R. to: David W. Corwin

Record & Return to:
Stewart T. Schantz
Attorney at Law
7 Milton Avenue
Highland, New York #12528

R. & R. to:
DAVID W. CORWIN
ATTORNEY AT LAW
NEW PALTZ, NEW YORK 550



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT

308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2482-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/13/2015

Application No. 14-0937

To: Robert Colandrea
122 Holmes Rd
Newburgh, NY 12550

SBL: 6-3-15
ADDRESS: 122 Holmes Rd

ZONE: A-R

PLEASE TAKE NOTICE that your application dated 12/08/2014 for permit to keep a prior built 552 sf accessory apartment on the premises located at 122 Holmes Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:
185-38-C-2 The lot must meet the minimum requirements of the district for a single family dwelling.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

2482-15

OWNER INFORMATION ***BUILT WITH OUT A PERMIT*** **YES**

NAME: _____ Robert Colandrea _____

ADDRESS: _____ 122 Holmes Rd Newburgh NY 12550 _____

PROJECT INFORMATION:

TYPE OF STRUCTURE: _____ **552 SF Prior Built Accessory Apartment** _____

SBL: _____ 6-3-15 _____ **ZONE:** _____ A-R _____

TOWN WATER: **NO** **TOWN SEWER:** **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA	40000 SF	30927 SF		907.3SF	2.26%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
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**

ACCESSORY STRUCTURE:

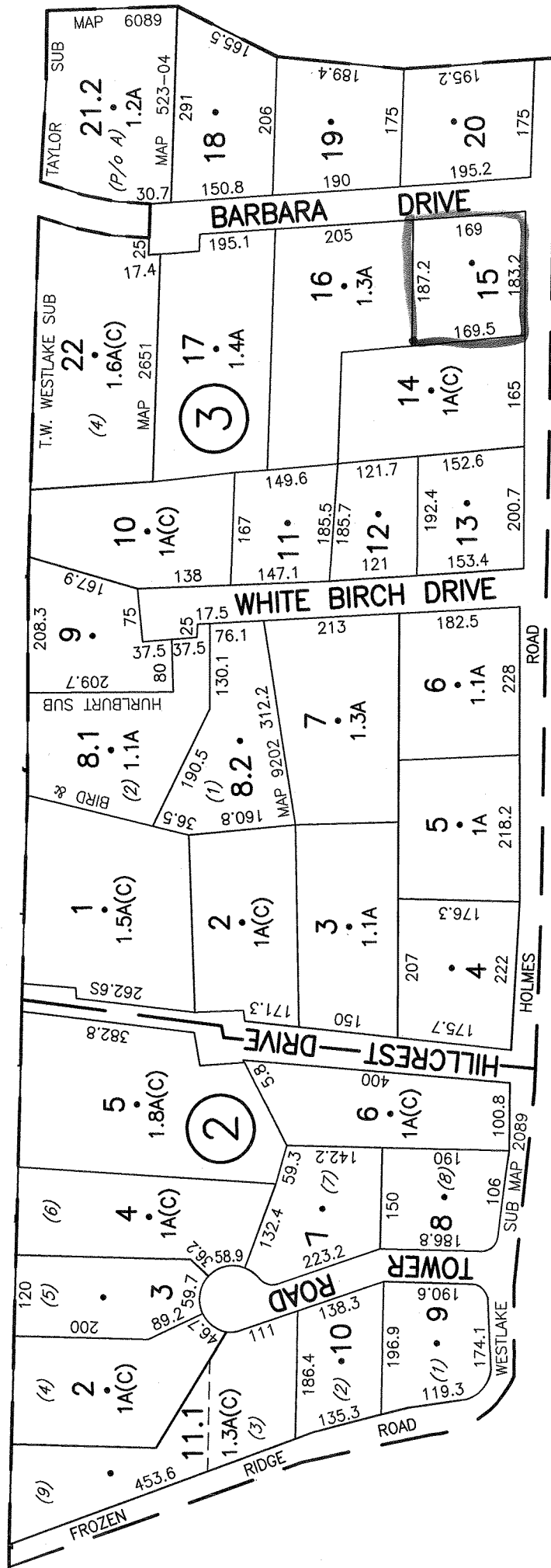
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

NOTES: Lower level 552 sf accessory apartment. Must remove 2 bedrooms within the dwelling for a total of 3 total or septic must be upgraded.

VARIANCE(S) REQUIRED:

- 1 185-38-C-2 The lot must meet the minimum requirements of the district for a single family dwelling.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: _____ Joseph Mattina _____ **DATE:** _____ 13-Feb-15 _____



COLANDREA
 122 Holmes Rd
 (6-3-15)

