

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: October 6, 2022

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

I (WE) Joseph C Colandrea PRESENTLY

RESIDING AT NUMBER 5 Cronomer Heights Drive, Newburgh, NY 12550

TELEPHONE NUMBER 831-789-3987

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:

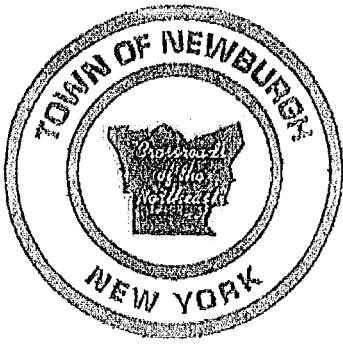
75 (TAX MAP DESIGNATION)

1 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Chapter 185: Zoning, Attachment 9: Bulk Table Schedule 5



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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: 09/28/2022
- 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: A prior existing deck did not conform to the zoning minimum setback requirements. The ZBA granted a variance on 8/25/22, however, prior existing deck size was inaccurately stated as 20' x 22'. The correct size of the deck is 20'-11" x 30'-3". As the owner is attempting to bring deck up to code with building department, the ZBA approval reflecting the accurate deck size is required.

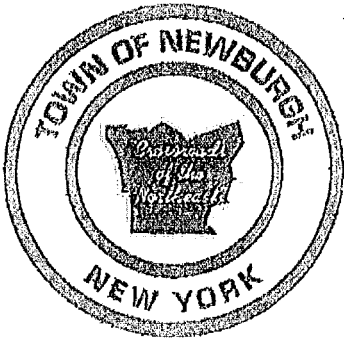
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- 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:



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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:

Deck has been present on the property since at least 1994, and deck cannot be seen by rear neighbors due to topography of property

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 has been present on the property since at least 1994, and as seen by the included pictures the deck cannot be located anywhere else due to topography of property.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
Deck does not affect neighboring property and deck has been present on the property since at least 1994.

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

Deck has been present on the property since at least 1994.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Deck was built prior to current owner purchasing property.



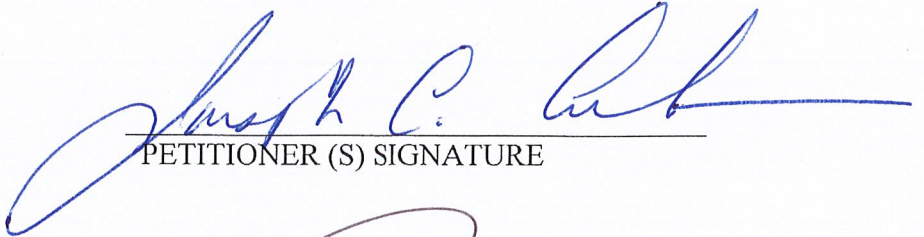
TOWN OF NEWBURGH

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

7. ADDITIONAL REASONS (IF PERTINENT):

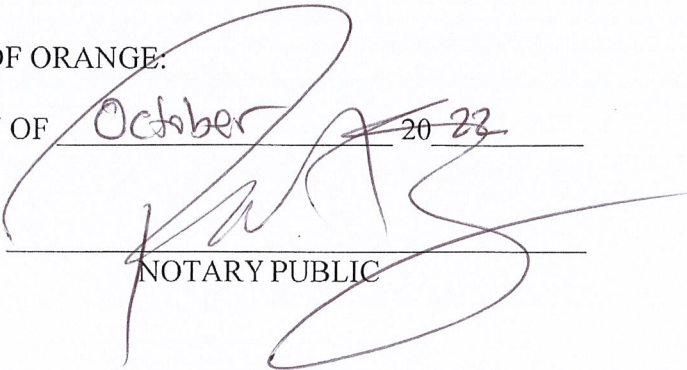


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6th DAY OF October 2022

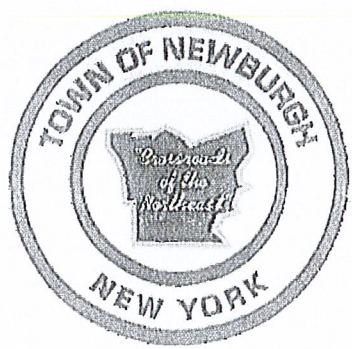
ROLAND A. BLOOMER
Notary Public, State of New York
Qualified in Ulster County
Registration # 02BL6204796
Commission Expires June 8, 2025



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.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

JOSEPH C. COLANDREA, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 5 CRANDOMEY HEIGHTS DRIVE, NEWBURGH, NY 12550
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF _____

5 CRANDOMEY HEIGHTS DRIVE, NEWBURGH, NY 12550
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED ROLAND BLOMER
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/6/2022

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 6th DAY OF October 2022

NOTARY PUBLIC

Donna M. Smith
Notary Public State of New York
Registration No. 013M6381566
Qualified in Ulster County
Commission Expires October 9, 2022

Short Environmental Assessment Form
Part 1 - Project Information

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: Pre-Existing Deck			
Project Location (describe, and attach a location map): 5 Cronomer Heights Drive, Newburgh, NY 12550			
Brief Description of Proposed Action: Area Variance for pre-existing deck not meeting the required minimum rear yard setback. <i>Approve existing deck size of 20'-11" x 30'-3"</i>			
Name of Applicant or Sponsor: Joseph C Colandrea		Telephone: 813-789-3987	
		E-Mail:	
Address: 5 Cronomer Heights Drive			
City/PO: Newburgh		State: NY	Zip Code: 12550
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 <input type="checkbox"/>
			YES <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: Building Department : C/O			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

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 <input type="checkbox"/>	YES <input type="checkbox"/>
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 <input type="checkbox"/>	YES <input type="checkbox"/>
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 <input type="checkbox"/>	YES <input type="checkbox"/>

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

Applicant/sponsor name: Joseph Colaninno Date: 10/6/2022

Signature: [Handwritten Signature]

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

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.

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

10/6/2022

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)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

COSIMO COLANDREA

TO

JOSEPH C. COLANDREA

SECTION 75 BLOCK 1 LOT 1.331

RECORD AND RETURN TO:
(name and address)

Gary A. Galati, Esq.
263 Route 17K
Newburgh, New York 12550



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED RV MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- ___ 2089 BLOOMING GROVE (TN)
- ___ 2001 WASHINGTONVILLE (VLG)
- ___ 2003 SO. BLOOMING GROVE (VLG)
- ___ 2289 CHESTER (TN)
- ___ 2201 CHESTER (VLG)
- ___ 2489 CORNWALL (TN)
- ___ 2401 CORNWALL (VLG)
- ___ 2600 CRAWFORD (TN)
- ___ 2800 DEERPARK (TN)
- ___ 3089 GOSHEN (TN)
- ___ 3001 GOSHEN (VLG)
- ___ 3003 FLORIDA (VLG)
- ___ 3005 CHESTER (VLG)
- ___ 3200 GREENVILLE (TN)
- ___ 3489 HAMPTONBURGH (TN)
- ___ 3401 MAYBROOK (VLG)
- ___ 3689 HIGHLANDS (TN)
- ___ 3601 HIGHLAND FALLS (VLG)
- ___ 3889 MINISINK (TN)
- ___ 3801 UNIONVILLE (VLG)
- ___ 4089 MONROE (TN)
- ___ 4001 MONROE (VLG)
- ___ 4003 HARRIMAN (VLG)
- ___ 4005 KIRYAS JOEL (VLG)

- ___ 4289 MONTGOMERY (TN)
- ___ 4201 MAYBROOK (VLG)
- ___ 4203 MONTGOMERY (VLG)
- ___ 4205 WALDEN (VLG)
- ___ 4489 MOUNT HOPE (TN)
- ___ 4401 OTISVILLE (VLG)
- ___ 4600 NEWBURGH (TN)
- ___ 4800 NEW WINDSOR (TN)
- ___ 5089 TUXEDO (TN)
- ___ 5001 TUXEDO PARK (VLG)
- ___ 5200 WALLKILL (TN)
- ___ 5489 WARWICK (TN)
- ___ 5401 FLORIDA (VLG)
- ___ 5403 GREENWOOD LAKE (VLG)
- ___ 5405 WARWICK (VLG)
- ___ 5600 WAWAYANDA (TN)
- ___ 5889 WOODBURY (TN)
- ___ 5801 HARRIMAN (VLG)
- ___ 5809 WOODBURY (VLG)
- CITIES
- ___ 0900 MIDDLETOWN
- ___ 1100 NEWBURGH
- ___ 1300 PORT JERVIS
- ___ 9999 HOLD

NO. PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 385,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1.05%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From G. Galati

RECORDED/FILED
04/19/2010/ 10:06:57
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100037088
DEED R / BK 12993PG 0045
RECORDING FEES 190.00
TTX# 005422 T TAX 1,540.00
Receipt#1158971 maryp



Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 15th day of April, 2010.

BETWEEN **Cosimo Colandrea**, P.O. Box 3257, Newburgh, New York
12550,

parties of the first part, and

Joseph C. Colandrea, residing at 5 Cronomer Heights Drive,
Newburgh, New York 12550,

party of the second part

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate and lying and being in the Town of Newburgh, County of Orange, and State of New York, being more particularly described as follows:

SEE SCHEDULE 'A' ATTACHED

BEING the same premises described in Deed dated September 4, 2008, made by Donald Cherico to Cosimo Colandrea and recorded in the Orange County Clerk's Office on September 23, 2008 in Liber 12731, Page 96.

The premises are not in an agricultural district and the subject premises are entirely owned by the transferor.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Schedule A Description

ALL that certain plot, place or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 3 on a certain map entitled, "Subdivision Plan Lands of Hill Investments" dated 2/01/1993, revised 3/15/1993, and filed 3/30/1993 in the Office of the Orange County Clerk as Filed Map No. 46-93, as amended by a certain map entitled "Lot Line Change Lands of Hill Investments" dated 10/20/1994 and filed 11/18/1994 in the Office of the Orange County Clerk as Filed Map No. 195-94, being bounded and described as follows:

BEGINNING at a point in the center line of a 50 foot wide right of way known as Cronomer Heights Drive (formerly known as Palatine Heights Drive), a private road, said point being on the division line between Lot No. 2, Filed Map No. 46-93, lands now or formerly of Gordon on the southwest and amended Lot No. 3, herein described on the northeast; thence along the last mentioned division line, North 37 degrees 57' 34" West 293.90 feet to a point; thence through the lands of Hill Investments, and along the newly established division line of the herein amended Lot No. 3 on the south and said lands of Hill Investments on the north, the following two courses: South 83 degrees 13' 20" East 204.59 feet; South 69 degrees 15' 04" East 263.30 feet to a point on the division line between the lands now or formerly of Hill Investments on the east and the amended Lot No. 3, herein described on the west; thence along the last mentioned division line, South 14 degrees 38' 39" West 233.57 feet to a point in the center line of the above mentioned Cronomer Heights Drive; thence along the last mentioned line, the following five courses: North 69 degrees 36' 42" West 21.93 feet; North 45 degrees 35' 45" West 130.36 feet; North 63 degrees 41' 24" West 47.91 feet; South 89 degrees 40' 08" West 34.99 feet and South 65 degrees 24' 43" West 19.72 feet to the point or place of BEGINNING.

Together with and subject to rights of ingress and egress as well as the right to place utilities, along with others, over the 50 foot wide right of way known as Cronomer Heights Drive (formerly known as Palatine Heights Drive), a private road, as shown on the abovementioned filed Map No. 46-93.

TOGETHER WITH AND SUBJECT to covenants, easements, restrictions and agreements of record, if any.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

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

3002-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/28/2022

Application No. 22-1040

To: Joseph Colandrea
5 Cronomer Heights Dr
Newburgh, NY 12550

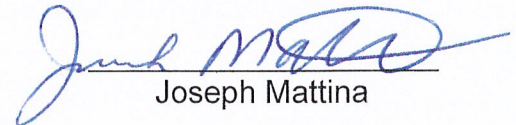
SBL: 75-1-1.331
ADDRESS: 5 Cronomer Heights Dr

ZONE: R1

PLEASE TAKE NOTICE that your application dated 09/20/2022 for permit to rebuild and keep a 20'-11" x 30'-3" rear deck on the premises located at 5 Cronomer Heights Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (Variance was granted for a 24' rear yard setback on 8-25-2022)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: JOSEPH COLANDREA Application # 22-1040

ADDRESS: 5 CRONOMER HEIGHTS DR.

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 20'-11" x 30'-3" REAR DECK

SBL: 75-1-1.331 ZONE: R-1 ZBA Application # 3002-22

TOWN WATER: YES / NO TOWN SEWER: YES / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD		SEE BELOW			
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:

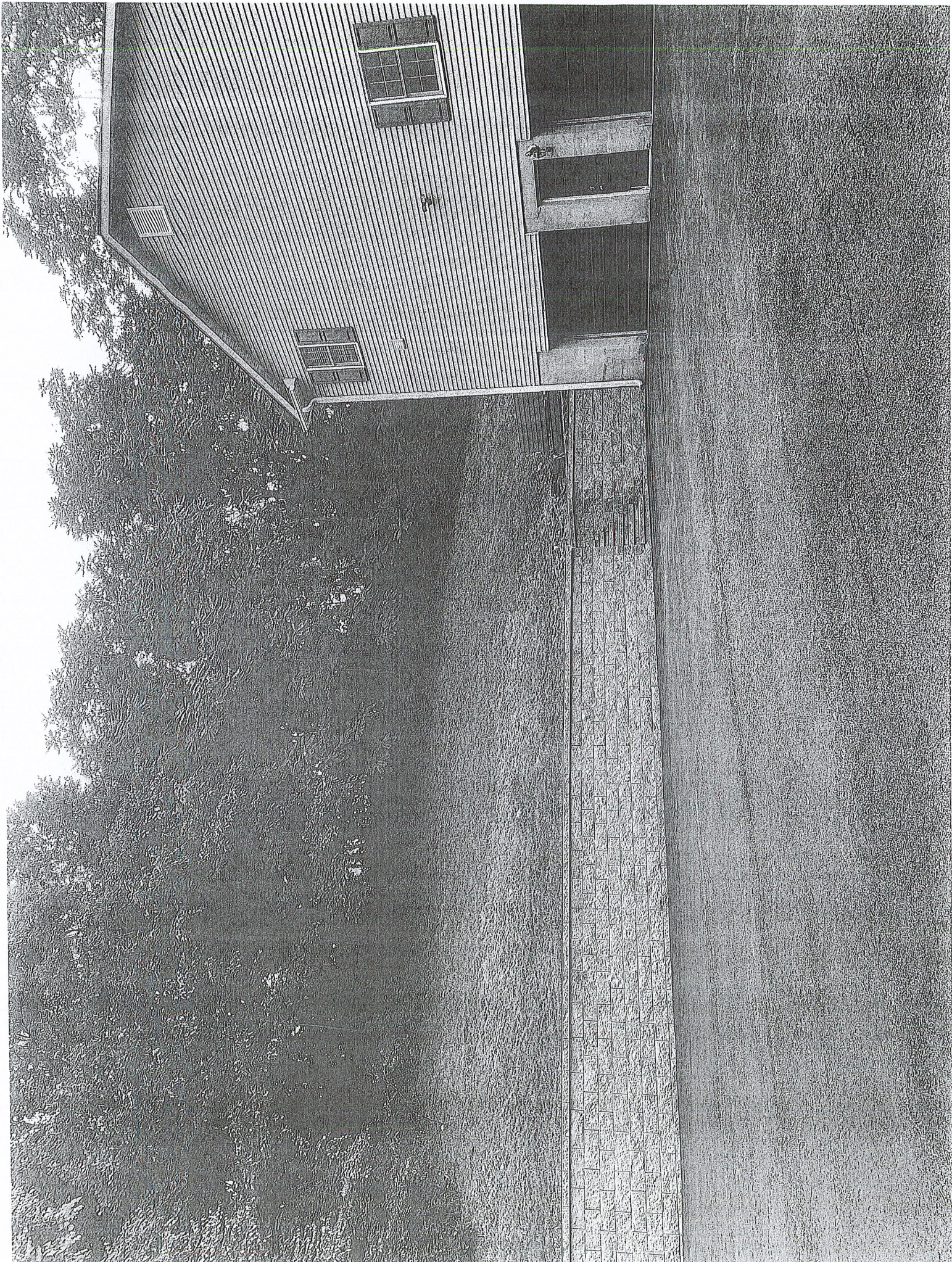
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

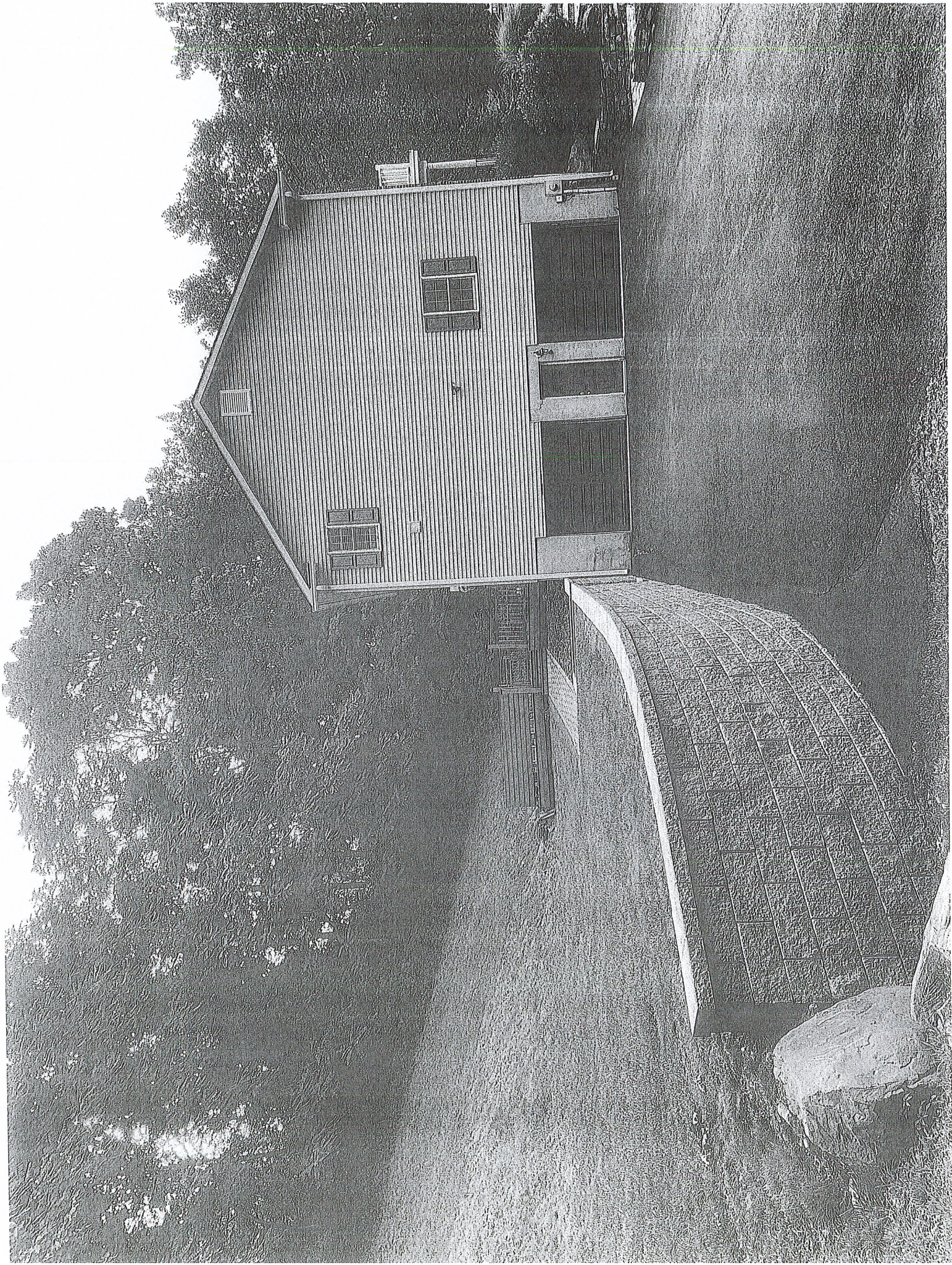
NOTES: **8-25-2022 Received a 24' rear yard setback variance for a 20' x 22' rear deck. Submitted plans on 9-20-2022 to rebuild the rear deck to non-code compliant issues. The news plans shows the dimensions are 20'-11" x 30'-3" larger than what was previously approved.**

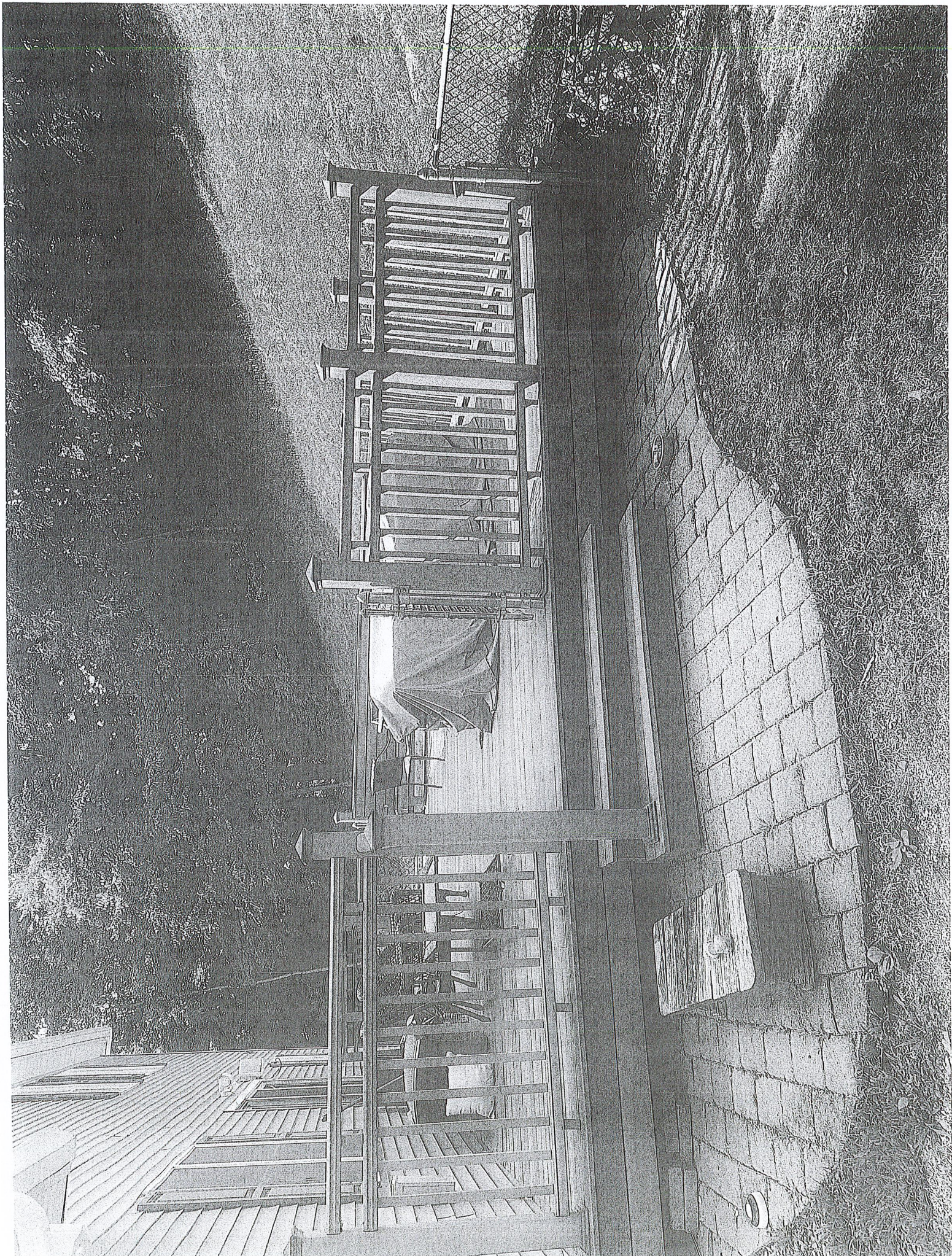
REVIEWED BY: Joseph Mattina

DATE: 28-Sep-22



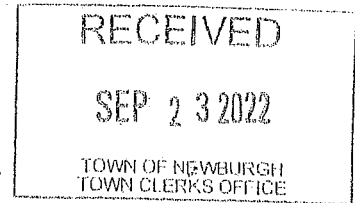








TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS



-----X
In the Matter of the Application of

JOSEPH COLANDREA

DECISION

For area variances as follows:

- *Grant of a variance allowing a rear yard setback of 24 feet where 40 feet is required.*

-----X
Introduction

Joseph Colandrea wishes to maintain an existing deck that is attached to his house and was constructed before Mr. Colandrea purchased the home, albeit without a building permit. The deck is 20' x 22', resulting in a rear yard setback of 24 feet which does not meet the required minimum rear yard setback of 40 feet. Therefore the applicant requires a variance as follows: (1) Grant of a variance allowing a rear yard setback of 24 feet where 40 feet is required.

The property is located at 5 Cronomer Heights Drive in the R-3 Zoning District and is identified on the Town of Newburgh tax maps as Section 75, Block 1, Lot 1.331.

A public hearing was held on April 22, 2021, notice of which was published in The Mid-Hudson Times and The Sentinel and mailed to adjoining property owners as required by Code.

Law

Section 185-11 of the Code of Ordinances of the Town of Newburgh [Zoning], entitled "Utilization of Bulk Table," requires compliance with the bulk regula-

tions set forth in the bulk and use schedules set forth within the zoning ordinance.

These schedules require, for this residential dwelling in the R-3 Zoning District, a rear yard setback of 40 feet.

Background

After receiving all the materials presented by the applicant and hearing the testimony of the applicant at the public hearing held before the Zoning Board of Appeals on August 25, 2022 the Board makes the following findings of fact:

1. The applicant is the owner of a 1.6+/- acre lot (tax parcel 75-1-1.331) located at 5 Cronomer Heights Drive.
2. The lot is improved by a single family dwelling and attached rear deck. The deck was constructed without the benefit of a building permit and does not meet the required rear yard setback.
3. The applicant wishes to maintain the prior built deck and seeks an area variance permitting a rear yard setback of 24 feet where 40 feet is required.
4. The applicant's proposal is set forth on a series of photographs. Those photos are hereby incorporated into this decision and shall remain in the zoning board's file in this matter.
5. The Building Inspector denied a building permit application by letter dated July 14, 2022.

6. The required, existing and proposed dimensions (in feet) and the extent of the variances requested are as follows:

Bulk Requirement	Allowance	Existing	Proposed	Variance	Percentage
Rear Yard Setback	40'	24'	24'	16'	40%

7. No member of the public spoke with regard to this application.

After hearing the testimony at the public hearing and considering the materials received by the Board and after viewing the subject site, the Board decides as follows:

SEQRA

This matter constitutes a Type II action under the State Environmental Quality Review Act inasmuch as it involves the granting of an area variance(s) for a single-family, two-family or three-family residence [6 NYCRR §617.5(c)(13)]. As such, this project is not subject to review under the State Environmental Quality Review Act.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review and report.

Findings

In reviewing the facts presented for the requested area variance, the Board considered the five standards for determining whether the applicant has sustained their burden of proof as required by Town Law Section 267-b (3).

Each factor has been considered relevant to the decision of the board of appeals, but no single one is viewed as precluding the granting of the variance.

(1) Undesirable Change—Detriment to Nearby Properties

The property is located in the R-3 Zoning District and single family homes are specifically permitted in this Zoning District. Further, it is customary, and consistent with the neighborhood, to have a deck attached to the dwelling.

The applicant testified at the public hearing that the rear deck in question does not result in any undesirable change in the neighborhood nor any detriment to any nearby properties in that neighborhood. They also testified that the deck is an improvement to the house.

No contrary evidence or testimony was received at the public hearing.

Accordingly, based upon the evidence and testimony submitted to the Board, the Board finds that allowing the applicant to maintain the rear deck will not result in any undesirable change to the neighborhood nor cause any detriment to nearby properties.

(2) Need for Variance

Based upon the testimony and evidence submitted at the Hearing the Board finds that it is not feasible for the applicant to maintain the deck in a way that would have any meaningful use and benefit to the applicant without the requested area variance.

Accordingly, the Board finds that the benefit sought to be achieved by the applicant cannot be achieved by any other method other than the issuance of the requested variance. Based upon the testimony and evidence received by the

Board, it appears that the relief sought by the applicant may only be obtained by the variance sought herein.

(3) Substantial Nature of Variances Requested

The variance requested is substantial from the perspective of a purely mathematical calculation. However, the Board finds, under the circumstances presented here, that the *overall effect* of the variance will be insubstantial in terms of its impact on the surrounding neighborhood.

(4) Adverse Physical & Environmental Effects

The applicant testified that no adverse physical or environmental effects would occur if the variance requested herein were granted. No contrary testimony was submitted at the public hearing. Based upon the evidence and testimony submitted therefore, the Board finds that no adverse physical or environmental effects would result from issuance of the variance requested.

(5) Self-Created Difficulty

The need for these variances is clearly self-created in the sense that the applicant purchased this property charged with the knowledge of the need to obtain a variance for any alterations proposed to the lot or the dwelling that would not meet the required code setbacks.

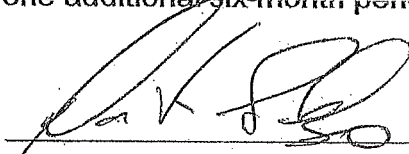
However, because the dwelling and deck will not cause any undesirable change in the character of the neighborhood the Board finds that the self-created nature of the variances requested is not a bar to the relief requested herein.

Decision

In employing the balancing tests set forth in Town Law Section 267-b (3), the Board hereby determines that the applicant has satisfied the requisites of Section 267-b and grants the area variance as requested upon the following conditions:

1. The variances hereby granted is granted for the purpose of authorizing construction of what is shown on the plans or described within the application materials only. No construction other than as shown or described (architectural refinements aside) is authorized by this decision.
2. Section 185-55 [Procedure; construal of provisions; conflict with state law] of the Code of Ordinances of the Town of Newburgh provides, in subdivision "D," that this grant of variance shall become null and void at the expiration of six months from issuance, unless extended by this board for one additional six-month period.

Dated: August 25, 2022



Darrin Scalzo, Chair
Town of Newburgh ZBA

By roll call a motion to adopt the decision was voted as follows:

By roll call a motion to adopt the decision was voted as follows:

AYES: Chair Darrin Scalzo
 Member Robert Gramstad
 Member Darrell Bell
 Member Donna Rein

NAYS: None

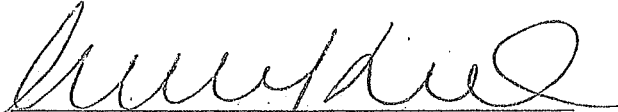
ABSENT: Member John Masten
 Member Gregory Hermance
 Member James Eberhart

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

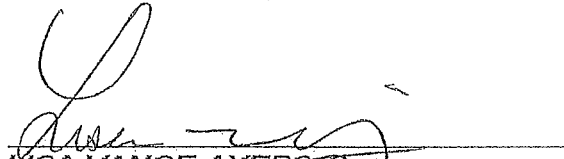
I, Siobhan Jablesnik, Secretary to the Zoning Board of Appeals of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Zoning Board of Appeals, said resulting from a vote having been taken by the Zoning Board at a meeting of said Board held on Aug 25 2022



SIOBHAN JABLESNIK/SECRETARY

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

I, LISA VANCE-AYERS, Clerk of the Town of Newburgh, do hereby certify that the foregoing Decision was filed in the Office of the Town Clerk on September 23, 2022

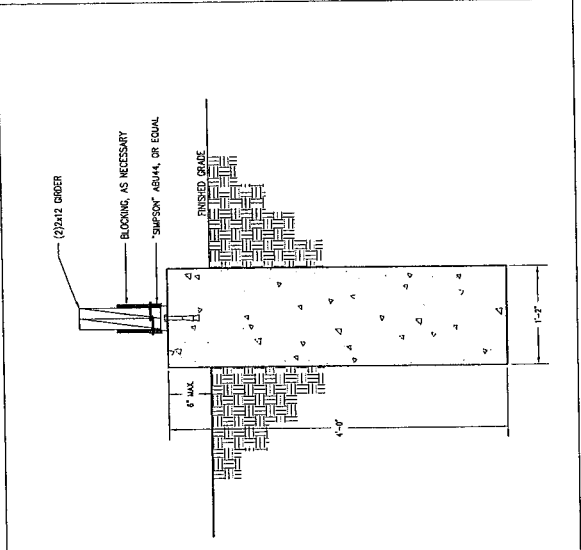


LISA VANCE-AYERS, CLERK

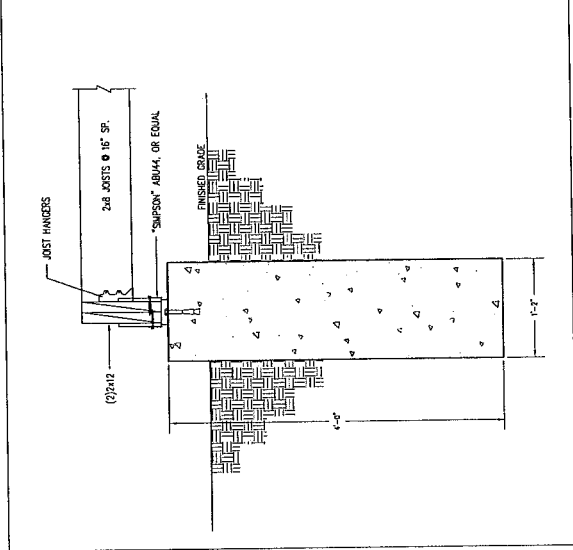
TOWN OF NEWBURGH

DESIGN NOTES:

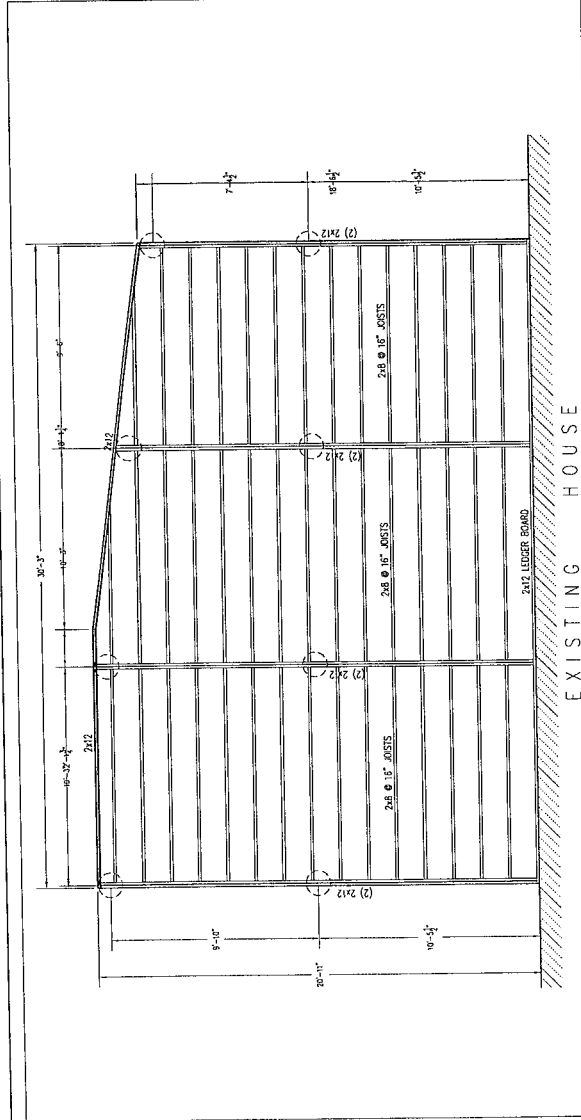
- DESIGN LIVE LOAD: 60 PSF
 DEAD LOAD: 10 PSF
1. THE CONCRETE FOUNDATION SHALL HAVE A MIN. COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS.
 2. THE EXISTING STAIRS AND RAILS TO BE RE-INSTALLED SINCE THE MAIN DECK HAS BEEN CONSTRUCTED.



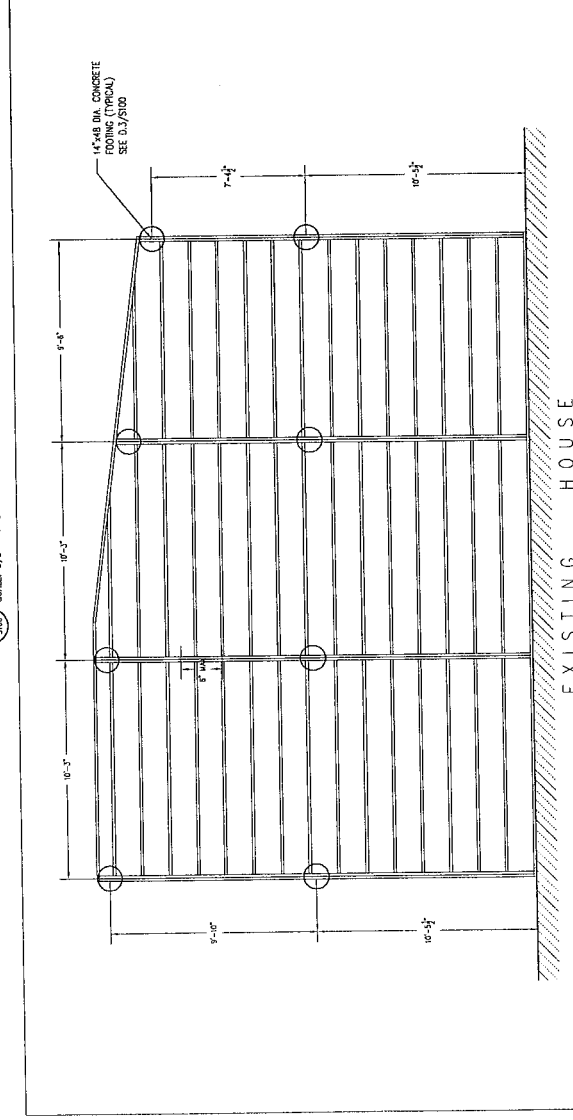
D.2 FOOTING & GIRDER DETAIL
 SCALE: 1-1/2" = 1'-0"



D.4 FOOTING, GIRDER & POST DETAIL
 SCALE: 1-1/2" = 1'-0"

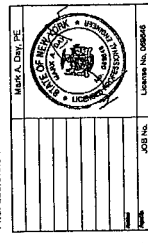


D.1 DECK FRAMING PLAN
 SCALE: 3/8" = 1'-0"



D.1 DECK FRAMING PLAN
 SCALE: 3/8" = 1'-0"

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSONS TO ALTER THESE PLANS SPECIFICATIONS OR CONDITIONS WITHOUT THE SIGNATURE OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR.



DAY STOKOSA
 ENGINEERING P.C.
 3 Van Wyck
 Lane Suite 2 East, New York
 NY 11422
 (945) 223-3302

Colandrea Residence
 5 Conover Heights Drive
 Town of Hempstead, Nassau County, New York

Deck Plan

DATE: 06-16-22
 DRAWN BY: MAD
 CHECKED BY: MAD
 PROJECT NO: S100

**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I, ROLAND BLOOMER, being duly sworn, depose and say that I did on or before

October 13, 2022, post and will thereafter maintain at

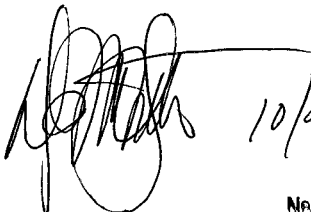
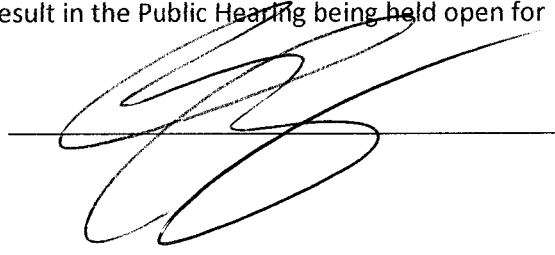
5 Cronomer Heights Dr 75-1-1.331 R1 Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 12th

day of October, 2022.

 10/9/26

Donna M. Smith
Notary Public State of New York
Registration No. 015M6381566
Qualified in Ulster County
Commission Expires October 9, 2026

