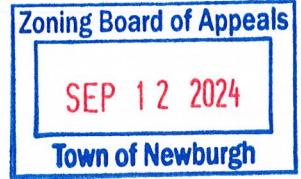




# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: 9/11/2024

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

I (WE) Jose V. Otavalo Contreras PRESENTLY

RESIDING AT NUMBER 3 Becks Ln Newburgh NY 12550

TELEPHONE NUMBER (914) 382-8724

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

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

### 1. LOCATION OF THE PROPERTY:

Section 34 Block 3 lot 10.2 (TAX MAP DESIGNATION)

Becks Ln (STREET ADDRESS)

2 (ZONING DISTRICT)

### 2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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:  
9.3.21
- 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: shall not increase  
the degree of non-conformity. (side yard 10')

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:

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

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

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

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Jose V. Otavalo Contreras, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 3 Beckes 142 Benkard Ave. Apt 1, Newburgh  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

\_\_\_\_\_ WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED \_\_\_\_\_  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/11/2024 Jose Otavalo.

OWNER'S SIGNATURE

Luis Otavalo

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF September 2024

JULIA E. COLANGELO  
Notary Public, State of New York  
No. 01CO6171821 Commission  
Expires July 30, 2027

Julia Colangelo  
NOTARY PUBLIC

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 new addition story to the house will not have a undesirable change on the character of the neighborhood. The new addition will make a positive change by improving the appearance of the 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:

The benefits offer opportunities to expand our living space in different ways like greater separation of bedroom space more privacy.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The purpose of the new floor is to expand upwards and does not affect the 0.84 acre lot space.

- 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 wildlife will be affected in this area because no trees will be removed the property.

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

The hardship is self created.

7. ADDITIONAL REASONS (IF PERTINENT):

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

Jose Ofavalo.  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF September 2024

Julia E Colangelo  
NOTARY PUBLIC

**JULIA E. COLANGELO**  
Notary Public, State of New York  
No. 01CO6171821 Commission  
Expires July 30, 2027

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 13 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)

## 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: <span style="font-size: 1.2em;">Jose V. Otavalo Contreras (Permit to Build)</span>  |  |   |  |
| Project Location (describe, and attach a location map):<br><span style="font-size: 1.2em;">3 Becks Lane Newburgh NY 12550</span>   |  |   |  |
| Brief Description of Proposed Action:<br><span style="font-size: 1.2em;">Build a second floor addition</span>  |  |   |  |
| Name of Applicant or Sponsor:<br><span style="font-size: 1.2em;">Jose V. Otavalo Contreras</span>  |  | Telephone: <span style="font-size: 1.2em;">(914) 3828724</span> |  |
| Address:<br><span style="font-size: 1.2em;">142 Benkard Ave</span>   |  | E-Mail:   |  |
| City/PO:<br><span style="font-size: 1.2em;">Newburgh</span>  |  | State: <span style="font-size: 1.2em;">NY</span>                | Zip Code: <span style="font-size: 1.2em;">12550</span> |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input type="checkbox"/>                         |
|  |  |   | YES<br><input checked="" type="checkbox"/>             |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |   | NO<br><input type="checkbox"/>                         |
|  |  |   | YES<br><input checked="" type="checkbox"/>             |
| 3.a. Total acreage of the site of the proposed action?   |  | <span style="font-size: 1.2em;">0.84</span> 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  |  |   |  |

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

|   |  |  |
|---|--|--|
| <p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>  |  |  |
| <p>Applicant/sponsor name: <u>Jose V. Otavalo Contreras</u></p>   |  | <p>Date: <u>9/11/2024</u></p>              |
| <p>Signature: <u>Jose Otavalo</u></p>   |  |  |



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 type="checkbox"/>      | <input type="checkbox"/>           |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input 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 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 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 type="checkbox"/>      | <input type="checkbox"/>           |
| 7. Will the proposed action impact existing:   |                               |                                    |
| a. public / private water supplies?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. public / private wastewater treatment utilities?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input 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 type="checkbox"/>      | <input type="checkbox"/>           |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | <input 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.

|  |  |
|--|--|
| <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)  |



## 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

# 2024-40.

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/03/2024

Application No. 24-0896

To: Jose Otavalo & Ana Lucia Maita  
3 Becks Lane  
Newburgh, NY 12550

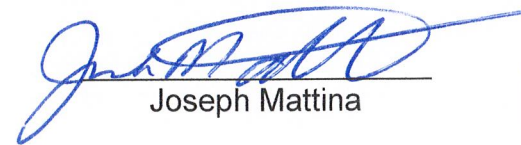
SBL: 34-3-10.2  
ADDRESS: 3 Becks Ln

**ZONE: B**

PLEASE TAKE NOTICE that your application dated 08/21/2024 for permit to build a second floor addition on the premises located at 3 Becks Ln 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. (Front yard 20')
- 2) 185-19-C-(1): Shall not increase the degree of non-conformity. (Side yard 10')

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# TOWN OF NEWBURGH ZONING CHART

NAME: JOSE MAITA ADDRESS: 3 BECKS LN NEWBURGH NY 12550

STRUCTURE: 2ND FLOOR ADDITION TYPE OF VARIANCE: AREA

S:B:L: 34-3-10.2 ZONE: B TOWN WATER: NO *yes.* TOWN SEWER: NO

| VARIANCE DISCRIPTION | CODE SECTION | MINIMUM | EXISTING | VARIANCE          | % |
|----------------------|--------------|---------|----------|-------------------|---|
| FRONT YARD SETBACK   | 185-19-C-1   | 40'     | 20'      | INCREASING DEGREE |   |
| SIDE YARD SETBACK    | 185-19-C-1   | 15'     | 10'      | INCREASING DEGREE |   |
|                      |              |         |          |                   |   |
|                      |              |         |          |                   |   |
|                      |              |         |          |                   |   |
|                      |              |         |          |                   |   |

COMMENTS:

REVIEWED BY: JOSEPH MATINA DATE: 9-3-2024 APPLICATION: 24-0896

*ZDA # 2024-40.*













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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Jose V. Otavalo Contreras, being duly sworn, depose and say that I did on or before  
October 10, 2024, post and will thereafter maintain at  
3 Becks Ln 34-3-10.2 B 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.

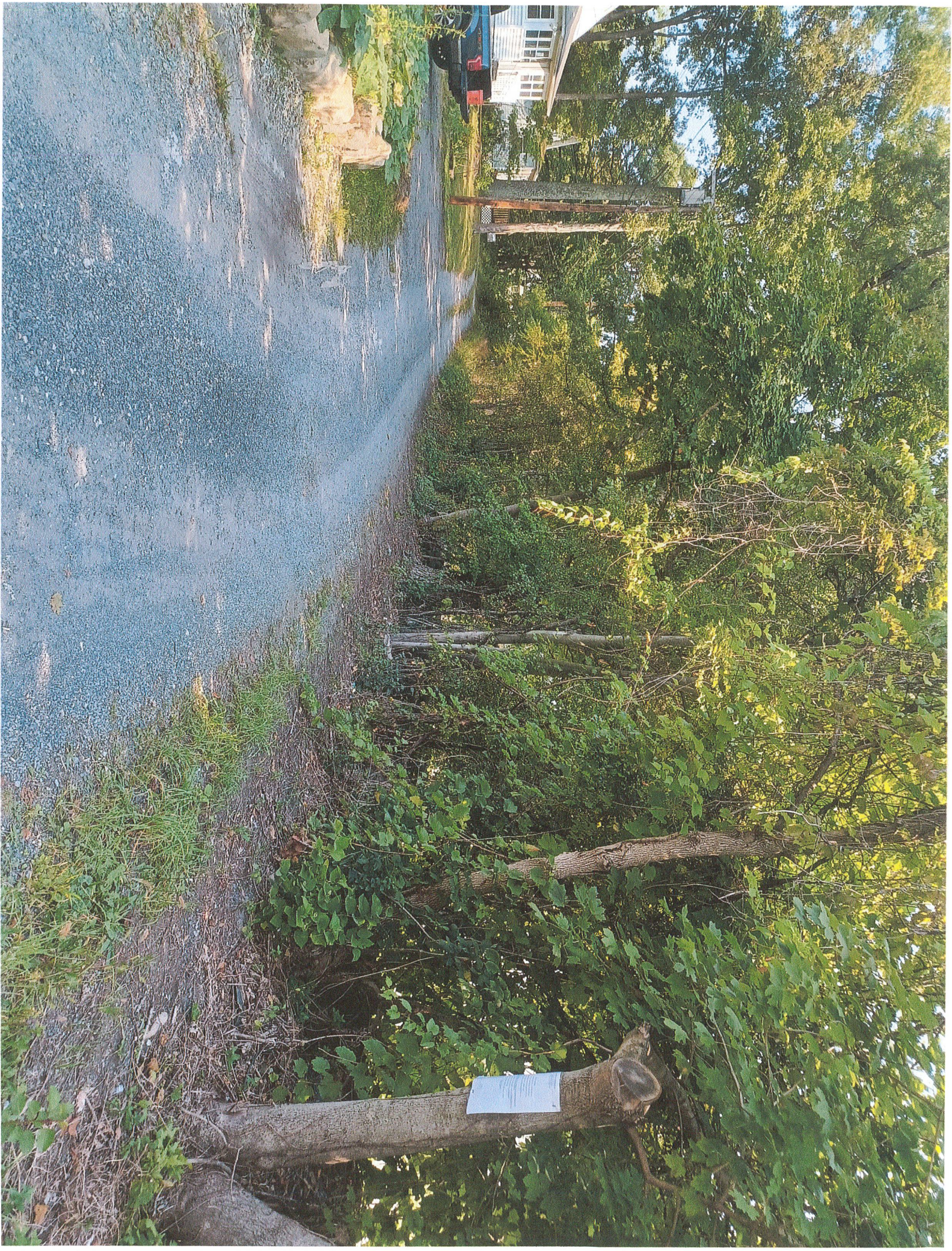
Jose Otavalo

Sworn to before me this 13


day of September, 2024.

Julia E. Colangelo

**JULIA E. COLANGELO**  
Notary Public, State of New York  
No. 01CO6171821 Commission  
Expires July 30, 2027





 **TOWN OF NEWBURGH**  
TOWN OF NEWBURGH  
10000 ROUTE 90  
NEWBURGH, NY 10993

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN THAT a public hearing will be held on the 17th day of the month of October, 2014, at 7:00 PM, at the Town Office, 10000 Route 90, Newburgh, NY 10993, to hear the Town Board on the proposed changes to the Town Code, which are set forth in the attached notice.

THE HEARING WILL BE HELD AT THE TOWN OFFICE, 10000 ROUTE 90, NEWBURGH, NY 10993, ON OCTOBER 17, 2014, AT 7:00 PM.

THE TOWN BOARD WILL MEET AT 7:00 PM ON OCTOBER 17, 2014, AT THE TOWN OFFICE, 10000 ROUTE 90, NEWBURGH, NY 10993, TO CONSIDER THE PROPOSED CHANGES TO THE TOWN CODE.

IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT THE TOWN CLERK AT (845) 339-1234.

*Tom Shultz*  
Town Clerk