

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: 8/8/2022

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

I (WE) Scott Courter and Sarah Courter PRESENTLY
RESIDING AT NUMBER 10 Tink Drive
TELEPHONE NUMBER (845) 591-2003

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:

#47-1-SS.3 (TAX MAP DESIGNATION)
10 Tink Drive (STREET ADDRESS)
R-1 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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Table of Use and Bulk Requirements R-1 District
Schedule 3 Section 185-43

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: April 14, 2012
- 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: permission to build a 16x10 and a 20x16 Deck that will be connected to the house deck and to the existing swimming 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:

(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:

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 deck in question will add to the aesthetic value of the property. In addition, the proposed deck will increase the property value of the property and therefore have a positive effect on the character of the neighborhood.

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 dimensions of the deck are such that only an area variance will allow construction of said deck.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The variance on the rear yard is only 3' and the variance on the one side yard is only 2'. Both figures are under 10% variance for each side and therefore not substantial.

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

The proposed deck is only to connect the pool to the house deck. There are no physical or environmental conditions between the two that would be effected if

the deck was built.
e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

Both the house deck and the swimming pool are built to code, however, the only way to connect the deck to the pool without walking over the yard is to build the deck in question.

7. ADDITIONAL REASONS (IF PERTINENT):

The deck in question will create an easy of access from the house to the pool without the need to cross the yard to the pool. It will also help to keep the pool water out of the soil of the yard.

[Handwritten Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 23rd DAY OF August 2012

[Handwritten Signature]
NOTARY PUBLIC

JUDITH LEVIN
Notary Public, State of New York
No. 02LE6043419
Qualified in Orange County
Commission Expires June 19, 2014

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Scott Courter, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 10 Tina Drive Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 10 Tina Drive
Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Jeanne Tompkins, esq.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/23/12

[Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF August 2012

[Signature]

NOTARY PUBLIC

JEANNE TOMPKINS
Notary Public, State of New York
No. 01TO8047282
Qualified in Orange County
Commission Expires August 28, 2014

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 <i>Scott and Sarah Comber</i>	2. PROJECT NAME <i>pool Deck</i>
3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>10 Tink Drive, Newburgh, NY 12550</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>The plan is to build a deck that connects the house deck to the swimming pool.</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres <i>- unsure -</i>	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly. <i>The deck is 3600 3600 under minimum rear yard setback of 40000. also the deck is under the minimum side yard setback of 3000.</i>	
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: <i>This is a residential neighborhood.</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>permit approval is required by the town of Newburgh Zoning board.</i>	
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: <i>The pool has a valid permit from the town of Newburgh. pool permit #23869-11</i>	
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: <i>Jeanne Tompkins, Esq.</i> Date: <i>8/23/12</i> Signature: <i>[Signature]</i>	

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 617.4?	If yes, coordinate the review process and use the FULL EAF.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
B.	WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
	<input type="checkbox"/> Yes <input type="checkbox"/> 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)?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E.	IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

<input type="checkbox"/>	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.
<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 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)



EXISTING DWELLING

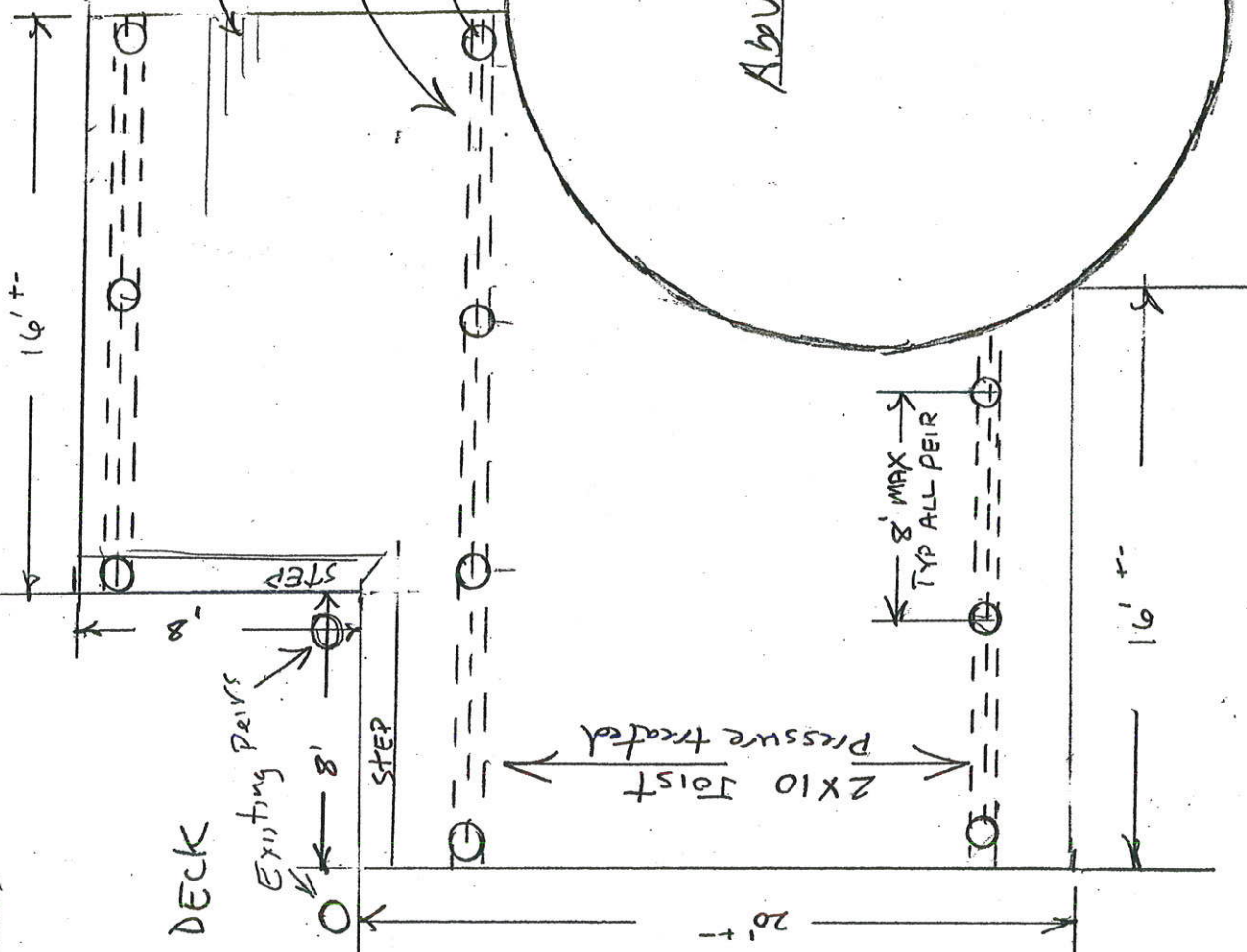
EXISTING DECK

Existing Pairs

STEP
STEP

2x10 Joist
Pressure treated

8' MAX
TYP ALL Pairs



ABOVE GROUND POOL

SCOTT COURTER
TIP COURT

DECK

FLOOR PLAN SCALE = 3/16" = 10'

STAIR / RAILING & DETAILS

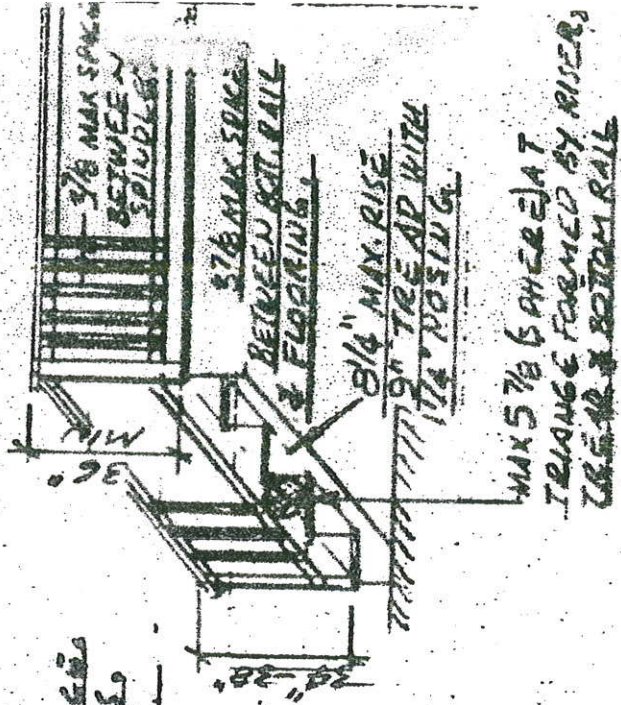
HANDRAILS REQUIRED ON PORCHES, BALCONIES & RAISED FLOOR SURFACES WHEN 30" OR MORE ABOVE GRADE OR LOWER SURFACE. HANDRAILS REQUIRED ON STAIRWAYS WITH 2 OR MORE RISERS, WHEN TOTAL RISE IS 30" OR MORE. RAILINGS WITH SPINDLES (WITH 3/8" MAX OPENINGS) ARE REQUIRED.

NOTES:

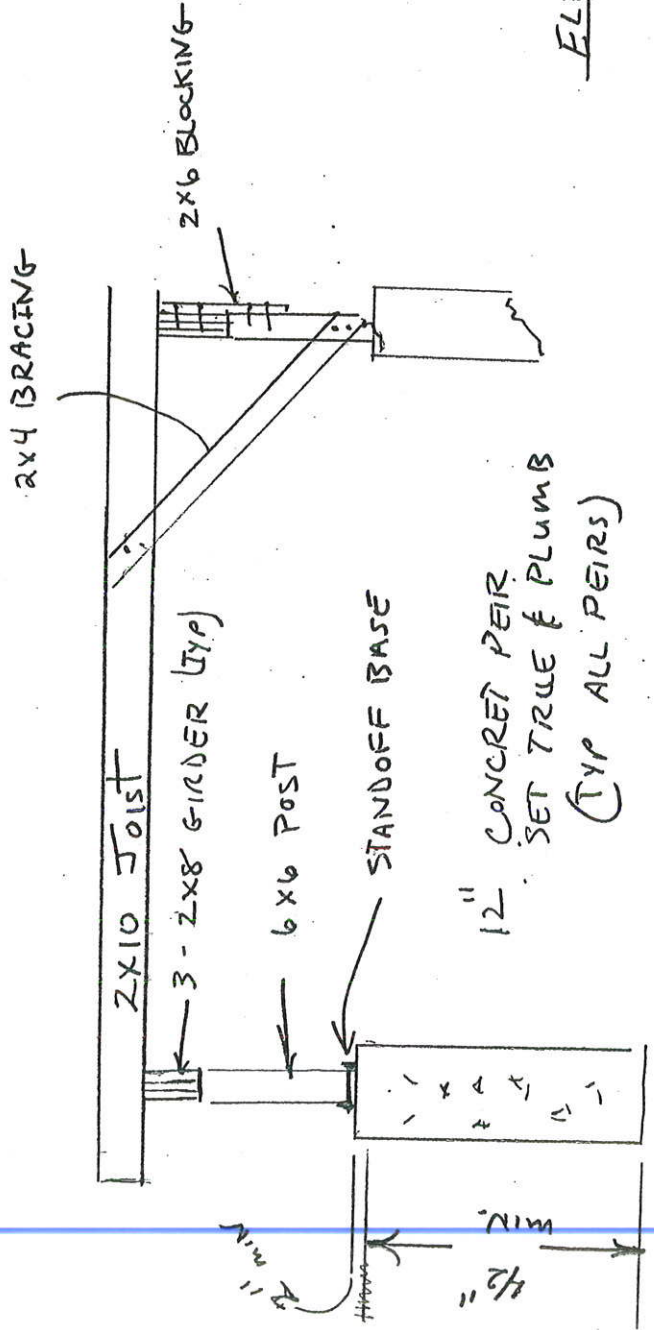
ALL MATERIALS TO BE PRESSURE TREATED

ALL FASTENERS TO BE COATED / GALV.

CROSS BRACING FROM POST TO JOISTS



PEIR DETAILS



SCOTT COURTER
TIN COURT

ELEVATION

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. 2284-12

Date: April 12, 2012

To: SCOTT COURTER

SBL 47-1-55.3

10 TINA DRIVE

ADD: 10 Tina Drive

NEWBURGH, NY 12550

ZONE R-1

PLEASE TAKE NOTICE that your application dated April 9,

20 12 for permit to build a pool deck

At the premises located at 10 Tina Drive

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE 3 -
REQUIRES A MINIMUM REAR YARD SETBACK OF 40 FT.
REQUIRES A MINIMUM ONE SIDE YARD SETBACK OF 30 FT.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: SCOTT COURTER

2284-12

ADDRESS: 10 TINA DR NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: POOL DECK

SBL: 47-1-55.3 ZONE: R / 1

TOWN WATER: NO TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA	OK				
LOT WIDTH	OK				
LOT DEPTH	OK				
FRONT YARD	OK				
REAR YARD	40'		37'	3'	7.5%
ONE SIDE YARD	30'		28'	2'	6.7%
COMBINED SIDE YARDS	OK				
BUILDING COVERAGE	OK				
SURFACE COVERAGE	OK				

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 ----- YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY ----- YES / NO
 CORNER LOT - 185-17-A ----- YES / NO

ACCESSORY STRUCTURE:

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

NOTES: **ADDING A 16 X 10 AND 20 X 16 DECK. THAT WILL CONNECTED TO THE HOUSE DECK AND THEN TO THE EXISTING SWIMMING POOL. (POOL PERMIT # 23869-11)**

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 3 REQUIRES A REAR YARD SETBACK OF 40' MINIMUM.
- 2 BULK TABLE SCHEDULE 3 REQUIRES ONE SIDE YARD OF 30' MINIMUM.
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 12-Apr-12

