



# 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: 11/12/24

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

I (WE) Stephen + Susan D'Auria PRESENTLY  
RESIDING AT NUMBER 326 Balmville Lane  
TELEPHONE NUMBER 845-774-5702

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:

27 - 8 - 20 (TAX MAP DESIGNATION)  
326 Balmville Lane (STREET ADDRESS)  
R-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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Rear yard Set Back  
Bulk Table Schedule 5

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:

10/31/24

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 - Rear yard setback, minimum 40', requested 26.1', variance 13.9'

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

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:

Previous owners had an unsafe brick patio + steps which we will replace with a back deck.

- 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:

We need a back deck to provide a level + safe space in our back yard. The back deck will be shorter than the length of our house.

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

40' are required. We have 26.1' from our house to our property line. We need a variance of 13.9'.

- 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 construction of a back deck along part of the back of our house is in keeping with our neighbors who have back decks.

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

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7. ADDITIONAL REASONS (IF PERTINENT):

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

*Joseph D. Auria*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE  
*Joseph D. Auria*

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12 DAY OF November 20 24

*Joseph D. Auria*  
\_\_\_\_\_  
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 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)

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Stephen + Susan D'Auria, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 326 Balmville Lane, Newburgh  
IN THE COUNTY OF Orange AND STATE OF N.Y.

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
326 Balmville Lane, Newburgh, NY 12550

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

DATED: 11/12/2024

Susan D'Auria  
OWNER'S SIGNATURE Stephen D'Auria

Matthew Padi

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12 DAY OF November 2024



Joseph Padi  
NOTARY PUBLIC

*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: <i>Stephen + Susan D'Auria, Building Permit # 24-1085</i>			
Project Location (describe, and attach a location map): <i>326 Balmville Lane, Newburgh, NY 12550 SBL: 27-8-20</i>			
Brief Description of Proposed Action: <i>Request for building permit + zoning variance to construct a rear yard deck smaller than the length of our house.</i>			
Name of Applicant or Sponsor: <i>Stephen/Susan D'Auria</i>		Telephone: <i>845-774-5702</i>	
Address: <i>326 Balmville Lane</i>		E-Mail: <i>ssdauria@gmail.com</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?			NO YES
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.			<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
<i>Town of Newburgh, Code Compliance Dept</i>			<input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? <i>4.5</i> acres			
b. Total acreage to be physically disturbed? <i>3x40ft</i> acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <i>4.5</i> 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, 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 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? 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? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? 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? 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? 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: _____	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: <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?	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? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" 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 checked="" 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>_____</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>_____</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>_____</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>Stephen/Susan D'Auria</u> Date: <u>11/12/24</u></p> <p>Signature: <u>Stephen D'Auria</u></p>		

*Susan D'Auria*



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.

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

\_\_\_\_\_  
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 – STATE OF NEW YORK  
 KELLY A. ESKEW, COUNTY CLERK  
 255 MAIN STREET  
 GOSHEN, NEW YORK 10924

**DAURIA, Trustee**

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



BOOK/PAGE: 15191 / 1258  
 INSTRUMENT #: 20220023230

Receipt#: 3013585  
 Clerk: MAH  
 Rec Date: 03/28/2022 07:00:00 AM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 4  
 Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: AGOSTINO JOSEPH D  
 Party2: DAURIA FAMILY LIVING TRUST  
 Town: NEWBURGH (TN)  
 27-8-20

Recording:  
 Recording Fee 40.00  
 Cultural Ed 14.25  
 Records Management - Coun 1.00  
 Records Management - Stat 4.75  
 TP584 5.00  
 Notice of Transfer of Sal 10.00  
 RP5217 Residential/Agricu 116.00  
 RP5217 - County 9.00

Sub Total: 200.00

Transfer Tax  
 Transfer Tax - State 1484.00

Sub Total: 1484.00

Total: 1684.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 8123  
 Transfer Tax  
 Consideration: 371000.00

Transfer Tax - State 1484.00

Total: 1484.00

Payment Type: Check \_\_\_  
 Cash \_\_\_  
 Charge \_\_\_  
 No Fee \_\_\_

Comment: \_\_\_\_\_

*Kelly A. Eskew*

Kelly A. Eskew  
 Orange County Clerk

Record and Return To:

LISA J FELICISSIMO ESQ  
 341 ST. RTE. 17M  
 MONROE, NY 10950

HN 72031

**Record & Return to:**

Lisa J. Felicissimo, Esq.  
341 State Route. 17M  
Monroe, New York 10950

Bargain and Sale Deed, with Covenant against Grantor's Acts

**DEED**

**THIS INDENTURE** made the 3rd day of March, 2022 between JOSEPH D. AGOSTINO and JUNE A. AGOSTINO, residing at 326 Balmville Lane, Newburgh, New York 12550, party of the first part and Stephen D'Auria and Susan M. D'Auria, Trustees of the D'Auria Family Living Trust dated September 11, 2017, with an address of 32 Birch Road, Highland Mills, New York 10930, party of the second part;

**WITNESSETH:**

That the party of the first part, in consideration of TEN (\$10.00) DOLLARS, lawful money of the United States, and other good and 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 the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly bounded and described as follow:

**SEE SCHEDULE "A" DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF**

Subject to covenants, easements and restrictions of record.

**BEING** and intended to be the same premises described in a Deed dated February 24<sup>th</sup>, 1966 from Elizabeth Lease to Joseph D. Agostino and June A. Agostino and recorded in the Office of the Orange County Clerk on March 1, 1966 in Liber 1737 of Deeds at Page 914.

**TOGETHER** with all right, title and interest, if any, of the party of the first part 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 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

27-8-20

JCA jar

## Schedule A Description

Title Number **HN 72031**

Page 1

ALL that lot of land situate in Balmville, Town of Newburgh, Orange County, New York bounded and described as follows:

BEGINNING at a point in the southerly line of land of Elizabeth Lease, said point being easterly 692.88' from the southwest corner of land of said Lease, thence N  $2^{\circ} 31' 25''$  W 163.51'; thence on a curve to the left along the edge of a 50' radius turnaround, and public throughfare leading to the Old Post Road, with beginning radius of S  $19^{\circ} 50'$  E and ending radius of S  $58^{\circ} 10'$  E; thence S  $33^{\circ} 50'$  E 65.00'; thence S  $76^{\circ} 07' 45''$  E 172.40'; thence S  $16^{\circ} 47'$  W 128.00'; thence N  $79^{\circ} 37' 10''$  W 188.00' to the point of beginning.

BEING Lot No. 8 of Longview Subdivision filed at Orange County Clerk's Office on February 16, 1961, Map File No. 1912.

HILL N DALE ABSTRACTERS, INC.  
PO BOX 547  
GOSHEN, NY 10924  
(845) 294-5110  
(845) 294-9581 FAX


*AND* the party of the first part covenants that the party of the first part has not done or suffered anything whereby said premises have been encumbered in any way whatever, except as aforesaid.

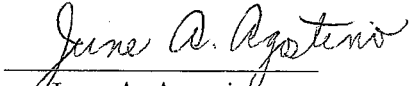
*AND* the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" wherever the sense of this indenture so requires.

*IN WITNESS WHEREOF*, the party of the first part has duly executed this deed the day and year first above written.

*IN PRESENCE OF:*

  
 \_\_\_\_\_  
 Joseph D. Agostino

  
 \_\_\_\_\_  
 June A. Agostino

STATE OF NEW YORK )  
 )ss.:  
 COUNTY OF ORANGE )

On the 3rd day of March, 2022, before me, the undersigned, personally appeared Joseph D. Agostino and June A. Agostino, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose name are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

NOTARY PUBLIC

~~AXELROD ALAN J  
 Notary Public, State of New York  
 No. 02AX4520760  
 Qualified in Orange County  
 Commission Expires November 30, 2022~~

AXELROD ALAN J  
 Notary Public, State of New York  
 No. 02AX4520760  
 Qualified in Orange County  
 Commission Expires November 30, 2022

~~AXELROD ALAN J  
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 Commission Expires November 30, 2022~~



# 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

± 2024-60

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 10/31/2024**

**Application No. 24-1085**

**To: Stephen D'Auria**  
326 Balmville Lane  
Newburgh, NY 12550

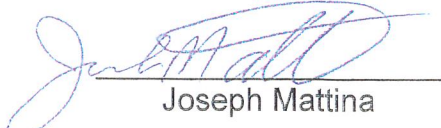
**SBL: 27-8-20**  
**ADDRESS: 326 Balmville Ln**

**ZONE: R2**

PLEASE TAKE NOTICE that your application dated 10/02/2024 for permit to build a 13' x 40' rear deck on the premises located at 326 Balmville Ln is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 5: 40' Minimum rear yard set back is required.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

**GENERAL CONSTRUCTION NOTES:**  
CONSTRUCTION ACCORDING TO THE 2020 RESIDENTIAL CODE OF NEW YORK STATE, UNLESS APPLICABLE NOTED.

1. THE CONTRACTOR IS REQUESTED TO FAMILIARIZE HIMSELF WITH THE EXISTING SITE BEFORE COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. ALL WORK TO BE CONDUCTED SHALL COMPLY WITH THE 2020 RESIDENTIAL CODE OF NEW YORK STATE AND ALL APPLICABLE LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL REMOVE ALL DEBRIS CREATED BY HIS SCOPE OF WORK.
4. THE GROUND LOAD IS AS FOLLOWS:

ITEM	LOADS (PSF)	LOADS (PSF)
	DEAD	DEAD
FLOOR	40	10
CEILING	10	10
WALL	20	10
DECK	40	10

5. ALL LUMBER SHALL BE CONSTRUCTION GRADE BY (19 x 120 PSI) OR EQUAL.
6. ALL LUMBER SHALL BE PROTECTED AGAINST ROT AND TERMITES. DOUBLE UP ALL JOISTS UNDER PARTIAL WALLS TO THEM. ALL JOIST JOISTS SHALL BE 16" ON CENTER. ALL JOISTS SHALL BE 16" ON CENTER. ALL JOISTS SHALL BE 16" ON CENTER.
7. FOR ALL FOUNDATION AND CONCRETE WORK USE 3000 PSI OR GREATER. ALL REBAR SHALL BE #4. USE ONLY PRESTRESSER APPROVED REBAR. FOR ALL CONCRETE WORK USE 4000 PSI OR GREATER. ALL REBAR SHALL BE #4. USE ONLY PRESTRESSER APPROVED REBAR. FOR ALL CONCRETE WORK USE 4000 PSI OR GREATER. ALL REBAR SHALL BE #4. USE ONLY PRESTRESSER APPROVED REBAR.
8. ALL LUMBER IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
9. ALL FOOTINGS SHALL BE 12" WIDE (MINIMUM) OR 20" WIDE (MINIMUM) UNLESS OTHERWISE NOTED. ALL FOOTINGS SHALL BE 12" WIDE (MINIMUM) OR 20" WIDE (MINIMUM) UNLESS OTHERWISE NOTED. ALL FOOTINGS SHALL BE 12" WIDE (MINIMUM) OR 20" WIDE (MINIMUM) UNLESS OTHERWISE NOTED.
10. ALL OTHER WALLS, PARTITIONS, MASSERS, ETC. SHALL MEET GENERALLY ACCEPTED INDUSTRY PRACTICES. USE 100% WOOD FRAMING. ALL WALLS SHALL BE 16" ON CENTER. ALL WALLS SHALL BE 16" ON CENTER. ALL WALLS SHALL BE 16" ON CENTER.
11. FOR EXTERIOR WORK, USE ALUMINUM STEEL FLASHING AT THE INTERSECTION OF ROOFING AND WALLS. ALL FLASHING SHALL BE 16" ON CENTER. ALL FLASHING SHALL BE 16" ON CENTER. ALL FLASHING SHALL BE 16" ON CENTER.
12. ALL EXTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED. ALL EXTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED. ALL EXTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED.
13. ALL INTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS SHALL BE 2"4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED.
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16. ALL EXTERIOR WINDOW AND DOOR HEADERS SHALL BE (2) 2 X 10 UNLESS NOTED OTHERWISE.

**DRAWING SHEETS**  
A-1 GENERAL CONSTRUCTION NOTES, EXISTING EXTERIOR ELEVATIONS, AND DETAILS  
A-2 EXISTING/DEMOLITION PARTIAL FIRST FLOOR PLAN, PROPOSED LEFT SIDE ELEVATION, AND PROPOSED REAR ELEVATION  
A-3 PROPOSED PARTIAL FOUNDATION PLAN, PROPOSED PARTIAL FIRST FLOOR PLAN  
A-4 DECK DETAILS

**PROJECT NOTES**  
1. EXISTING COVERED PORCH TO BE CONVERTED TO A 3 SEASONS ROOM 202 SQ. FT. +/-  
2. PROPOSED 3 SEASONS ROOM TO BE UNHEATED  
3. PROPOSED DECK TO BE 550 SQ. FT.  
4. PROPOSED DECK IS DESIGNED TO BE A FREE STANDING STRUCTURE

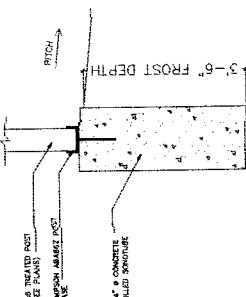
ITEM	LOADS (PSF)	LOADS (PSF)
	DEAD	DEAD
FLOOR	40	10
CEILING	10	10
WALL	20	10
DECK	40	10

17. ALL INTERIOR WINDOW AND DOOR HEADERS SHALL BE (2) 2 X 10 WITH 2" WOOD UNLESS NOTED OTHERWISE.
18. 2 X 4 COLLAR TIE SHALL BE PROVIDED IN ALL JOISTS WHERE STRUCTURAL JOIST IS NOT NOTED. HEADERS SHALL BE SIZED AS FOLLOWS:

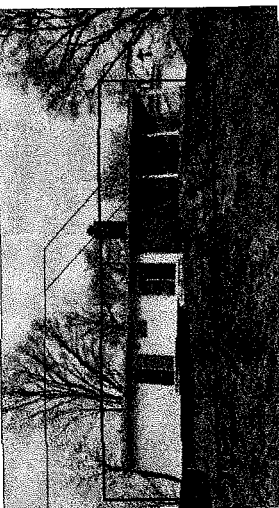
FRAMING	CM	1W	1.75"	1.12"	1.12"	1.12"
TOILET	12"	12"	12"	12"	12"	12"
SHOWER	12"	12"	12"	12"	12"	12"
DISH WASHER	12"	12"	12"	12"	12"	12"
WASHER	12"	12"	12"	12"	12"	12"

19. ALL CARBIDE WALLSTEELING SHALL HAVE A 1/2" HOUR FIRE RATING, 5/8" FIRE SHIELD IS OPTION. WALLS SHALL BE 1/2" HOUR FIRE RATING TO ADJUST. DOOR JOISTS TO BE 2" WOOD, THE VERTICAL SHALL BE 1/2" HOUR FIRE RATING TO ADJUST.
20. CEILING FLOOR SHALL BE VENTED TO THE EXTERIOR TO PROVIDE MINIMUM FRESH AIR REQUIRED FOR COMBUSTION BY HEATING UNIT MANUFACTURER.
21. THE EXISTING HVAC AND ELECTRICAL SYSTEMS HAVE SUFFICIENT CAPACITY TO HANDLE THE ADDITIONAL LOAD DEMANDS REQUIRED FOR THE CONSTRUCTION SHOWN ON THESE PLANS.
22. ALL ELECTRIC SHALL COMPLY WITH CHAPTERS 34-43 OF THE 2020 NY RESIDENTIAL CODE.

NOTE: THESE PLANS DO NOT NEED TO MEET THE REQUIREMENTS OF THE 2020 ENERGY CONSERVATION CODE.



**DECK FOOTING DETAIL**  
Scale: N.T.S.



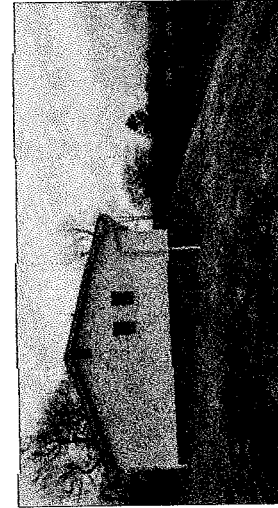
**EXISTING REAR ELEVATION**  
Scale: N.T.S.



**EXISTING FRONT ELEVATION**  
Scale: N.T.S.



**EXISTING LEFT SIDE ELEVATION**  
Scale: N.T.S.



**EXISTING RIGHT SIDE ELEVATION**  
Scale: N.T.S.

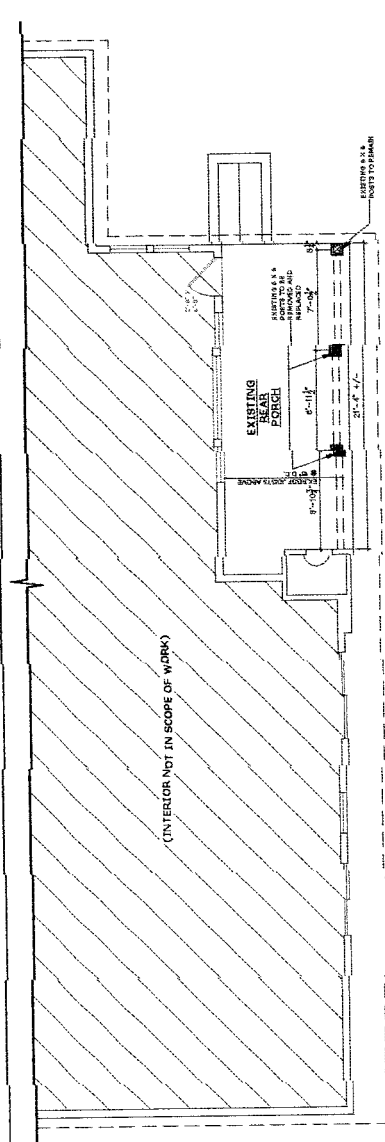
Project File: RENOVATIONS AND NEW DECK FOR: SUSAN AND STEVEN D'ARIA 326 BALMORALE LN (S/R/L: 27-8-20) TOWN OF NEWBURGH ORANGE COUNTY, NEW YORK

Sheet No.: 04/19/2024  
Date: 04/19/2024  
Order: Jonathan Cella, P.E.  
Designer/Engineer: Jonathan Cella, P.E.  
Walkkill, NY, 12589  
(845) 741-0363  
N.Y.S. P.E. License #: 085069

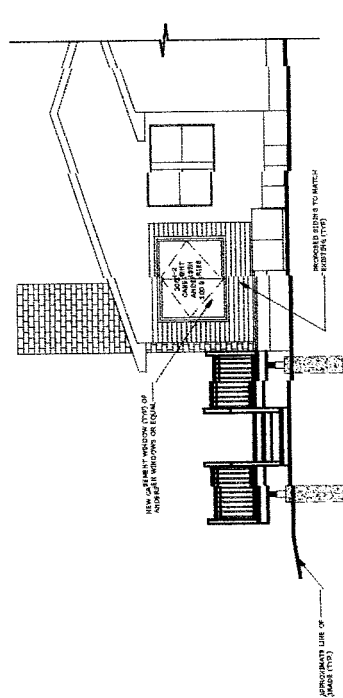
Sheet Number: **A-1**



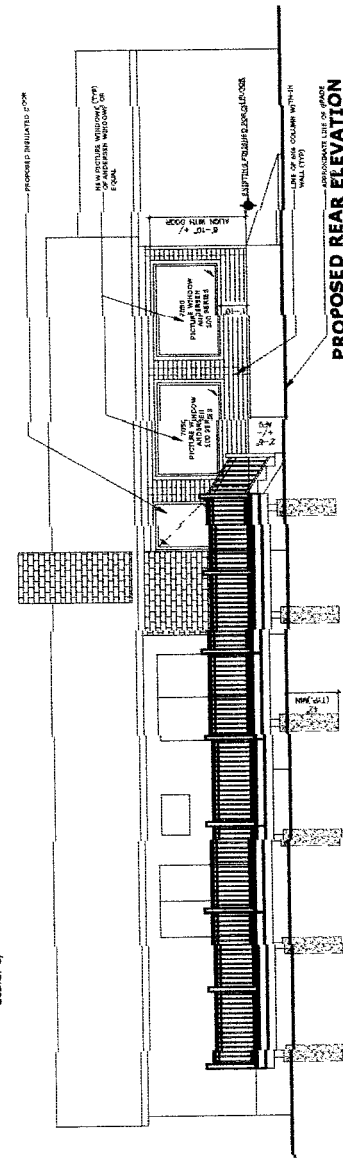
Project Title: RENOVATIONS AND NEW DECK FOR: SUSAN AND STEVEN D'AVRIA 326 BALMVILLE LN (S/B/L: 27-8-20) TOWN OF NEWBURGH ORANGE COUNTY, NEW YORK	Sheet Title: EXISTING/DEMOLITION FIRST FLOOR PLAN, PROPOSED LEFT SIDE ELEVATION, PROPOSED REAR ELEVATION	Scale:	Date: 04/19/2024	Sheet Number: A-2
Designer/Engineer: Jonathan Cella, P.E. 51 Hunt Road Walkkill, NY 12589 (845) 741-0363 N.Y.S. P.E. License #: 085069				



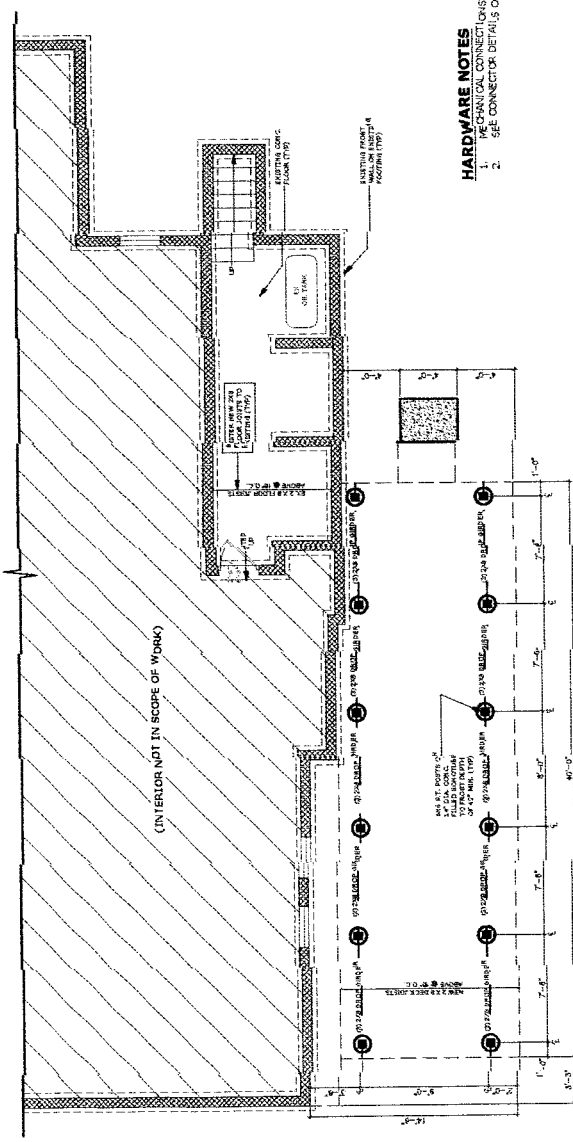
**EXISTING/DEMOLITION PARTIAL FIRST FLOOR PLAN**  
Scale: 1/4" = 1'-0"



**PROPOSED LEFT SIDE ELEVATION**  
Scale: 1/4" = 1'-0"

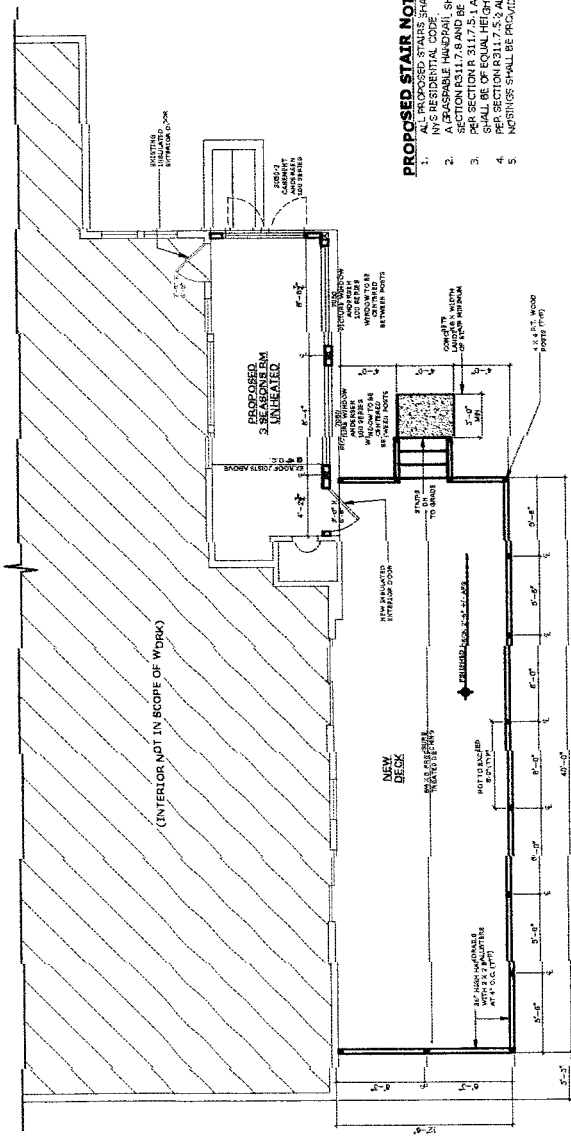


**PROPOSED REAR ELEVATION**  
Scale: 1/4" = 1'-0"



PROPOSED PARTIAL FOUNDATION PLAN  
Scale: 1/4" = 1'-0"

**HARDWARE NOTES**  
1. MECHANICAL CONNECTIONS ARE REQUIRED AT ALL BEARING POINTS.  
2. SEE CONNECTOR DETAILS ON SHEET A-4.



PROPOSED PARTIAL FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"

**PROPOSED STAIR NOTES**  
1. ALL PROPOSED STAIRS SHALL BE IN CONFORMANCE WITH SECTION 311-7 OF THE 2020 NYS RESIDENTIAL CODE.  
2. A REASONABLE HANDRAIL SHALL BE PROVIDED WITH A MAXIMUM HEIGHT OF 36" PER SECTION 311.7.3.2.3 AND BE ON A MINIMUM ONE (1) SIDE OF ALL STAIRS.  
3. RISER HEIGHT SHALL BE 7" AND TREADS SHALL BE 11" PER SECTION 311.7.3.2.1.  
4. RISERS SHALL BE AN MINIMUM OF 8'-1/4" AND ALL RISERS SHALL BE OF EQUAL HEIGHT.  
5. PER SECTION 311.7.5.2 ALL TREADS SHALL HAVE A MINIMUM DEPTH OF 9".  
6. NOBLES SHALL BE PROVIDED PER SECTION 311.7.5.3.

RENOVATIONS AND NEW DECK  
 FOR: SUSAN AND STEVEN D'AVURIA  
 326 BALMILLE LN (S/B/L: 27-8-20)  
 TOWN OF NEWBURGH  
 ORANGE COUNTY, NEW YORK

DECK DETAILS

Jonathan Cella, P.E.  
 51 Hunt Road  
 Walkkill, NY 12589  
 (845) 741-0363  
 N.Y.S. P.E. License #: 085069

Date: 04/19/2024  
 Sheet Number: A-4

Project Title:

Sheet Title:

Designer/Engineer:

**LSC STAIR STRINGER CONNECTOR**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	LSC Stringer Connector	1	304 Stainless Steel
2	Stringer	1	2x10 S4S
3	Deck Board	1	2x12 S4S

**POST CAP**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Post Cap	1	304 Stainless Steel
2	Post	1	4x4 S4S

**STAIR TREAD CONNECTOR**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Stair Tread Connector	1	304 Stainless Steel
2	Stringer	1	2x10 S4S
3	Tread	1	2x10 S4S

**POST BASE**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Post Base	1	304 Stainless Steel
2	Post	1	4x4 S4S

**DITTY LATERAL TENSION TIE**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Ditty Lateral Tension Tie	1	304 Stainless Steel
2	Post	2	4x4 S4S

**H HURRICANE TIES AT GIRDER**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	H Hurricane Tie	1	304 Stainless Steel
2	Girder	1	2x12 S4S
3	Post	1	4x4 S4S

**LEDGER BOARD CONNECTION**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Ledger Board Connector	1	304 Stainless Steel
2	Ledger Board	1	2x12 S4S
3	Post	1	4x4 S4S

**LUS JOIST HANGERS**  
 Scale: N.T.S.

Part No.	Part Name	Quantity	Material
1	Lus Joist Hanger	1	304 Stainless Steel
2	Joist	1	2x10 S4S
3	Beam	1	2x12 S4S

**GRASPABLE HANDRAIL DETAIL**  
 Scale: N.T.S.

**HURRICANE TIES AT GIRDER**  
 Scale: N.T.S.

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Susan & Stephen D'Auria, being duly sworn, depose and say that I did on or before

December 12, 2024, post and will thereafter maintain at

326 Balmville Ln 27-8-20 R2 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.

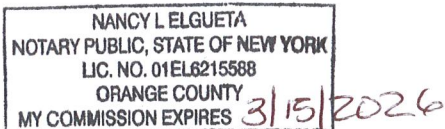
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the 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 9<sup>th</sup>

day of December, 2024.

Nancy L. Elgueta

Susan D'Auria  
Stephen D'Auria



From: Sue ssdauria@gmail.com  
Subject: ZBA pic  
Date: December 9, 2024 at 9:35 AM  
To: Email ssdauria@gmail.com



326



**TOWN OF NEWBURGH**

*Counties of the Northeast*  
**ZONING BOARD OF APPEALS**  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

OFFICE OF ZONING BOARD OF APPEALS  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESHNIK, SECRETARY

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

**NOTICE OF HEARING**

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 26th day of December, 2024 at 7:00 P.M. in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Stephen and Susan D'Auria for an area variance of the minimum rear yard setback to build a 13' x 40' rear deck.

PREMISES LOCATED at 326 Balmville Ln. 27-B-20, R2 Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 12th day of December, 2024.

*Susan D'Auria*  
(APPLICANT)