



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

TONZBA Town of Newburgh
MUNICIPALITY: ZONING BOARD of Appeals TAX MAP ID: 25-2-3

Local File #: 2322-12 Project Name: (Section-Block-Lot)

Applicant: ANITA DARRAH
Address: 5261 Route 9W, Newburgh

Attorney, Engineer, Architect:
Location of Site: 5261 Route 9W Leslie Rd
(Street, highway, nearest intersection)

Size of Parcel: 1 ACRE Existing Lots: Proposed Lots/Units
Present Zoning District: B

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):
AREA (AV): Access Buildings, MAX height Access Bldgs,
INCREASING DEGREE NON-CONFORMITY
(Prior Built Accessory Apartment) (SIDE PROPERTY LINES)
MAX SQ FTs Access Apts & MAX ALLOWED SQ FTs

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch Preliminary Final

DATE: 1/25/13

Grace Cardone
CHAIRPERSON, Signature and Title
ZONING BOARD of Appeals

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY
County ID #

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: 01/25/2013

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

I (WE) Anita Darral PRESENTLY
RESIDING AT NUMBER 5261 Rte 9W, Newburgh, NY 12550
TELEPHONE NUMBER 845-562-4950 (H) 914-456-6828
(e)

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:

25-2-3 (TAX MAP DESIGNATION)
5261 Rte 9W (STREET ADDRESS)
B (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-32-C-5
185-15-A-4
185-19-C-1
185-15-A-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: 10/25/2012
- 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: 185-38-C-5

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:

I inherited the apartment after my parents passed away. The apartment was put up ~~30~~ 31 years ago

- 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:

It has been pre-existing
already for 31 years

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:

and it has not bothered anything or anyone
The apartment is already there.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Porch on neighbors property

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

It has already been there
pre-existing for 31 years before I acquired

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

I didn't create I inherited
IN 2004

7. ADDITIONAL REASONS (IF PERTINENT):

I needed the rental income in
order to pay land/school taxes
The Assessor Office sent me a letter

Arute J. David 11/07/2012
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 7th DAY OF November 2012

[Signature]
NOTARY PUBLIC

GLEND A WATSON
Notary Public - State of New York
NO. 01WA6028717
Qualified in Dutchess County
My Commission Expires 8/6/2013

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.

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>Anita Darrah</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>5261 Rte 9W, Newburg</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>off of 9W Driveway in the back of going North house on top of garage</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Existing for 31 years. applying for a CO. I inherited from parents</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.0</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
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>Anita Darrah</i> Date: <i>01/25/2020</i> Signature: <i>Anita Darrah</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)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>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</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>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:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>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:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>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 checked="" type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	

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.

<p><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.</p>	
<p><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.</p>	
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>



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. 2322-12

Date: October 25, 2012

To: ANITA DARRAH
5261 ROUTE 9W
NEWBURGH, NY 12550

SBL 25-2-3
ADD: 5261 ROUTE 9W
ZONE B

PLEASE TAKE NOTICE that your application dated July 18,
20 12 for permit to keep a Prior Built 2nd Floor Accessory Apartment
At the premises located at 5261 Route 9W

Is returned herewith and disapproved on the following grounds:

- 185 - 38 - C - 5 -
MAXIMUM ALLOWED ACCESSORY APT SQUARE FOOTAGE IS 700 SQ. FT.
- 185 - 15 - A - 4 -
MAXIMUM ALLOWED SQUARE FOOTAGE OF ACCESSORY BUILDINGS.
- 185 - 19 - C - 1 -
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (PROPERTY LINE).
- 185 - 15 - A - 1 -
MAXIMUM ALLOWED 15 FT. HEIGHT OF ACCESSORY BUILDINGS.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

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

NAME: _____ ANITA DARRAH _____

ADDRESS: _____ 5261 RTE 9W NEWBURGH NY 12550 _____

2322-12

PROJECT INFORMATION:

TYPE OF STRUCTURE: _____ PRIOR BUILT SECOND FLOOR ACCESSORY APARTMENT _____

SBL: _____ 25-2-3 **ZONE:** _____ B _____

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
MAXIMUM APARTMENT S.F.	700 S.F.	912 S.F.		212 S.F.	30.3%
PROPERTY LINE SETBACK	5'	1.6'	INCREASED THE DEGREE NONCONFORMITY IN LENGTH DUE TO ADDING THE DECK		
MAX. BUILDING HEIGHT	15'	21'		6'	40.0%
MAXIMUM ACCESSORY S.F.	837.6' S.F.	1068 S.F.		230.4 S.F.	27.5%
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES**
 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**
 FRONT YARD - 185-15-A ----- YES / NO
 STORAGE OF MORE THEN 4 VEHICLES ----- YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- **YES**
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

NOTES: **ADDED A SECOND FLOOR AND 6'-6" X 24' DECK TO A NON CONFORMING ACCESSORY BUILDING. THEN ADDED AN APARTMENT WITH SF GREATER THEN ALLOWED**

VARIANCE(S) REQUIRED:

- 1 185-38-C-5 MAXIMUM ALLOWED SF FOR AN ACCESSORY APARTMENT IS 700 S.F.
- 2 185-15-A-4 MAXIMUM SF OF ACCESSORY BUILDING PER THE FORMULA
- 3 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY
- 4 185-15-A-1 MAXIMUM ALLOWED HEIGHT OF AN ACCESSORY BUILDING IS 15'.

REVIEWED BY: _____ JOSEPH MATTINA _____ **DATE:** _____ 24-Oct-12 _____

ACCESSORY STRUCTURE SQUARE FOOTAGE BY FORMULA

PER THE TOWN OF NEWBURGH MUNICIPAL CODE
SECTION 185-15(4) - ACCESSORY BUILDINGS

(4) An accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:

FORMULA:

$$\frac{A+(B \times C)}{100} = D$$

A - GROSS AREA OF LOT IN SQUARE FEET

B - LIVABLE FLOOR AREA OF RESIDENCE IN SQUARE FEET

C - MINIMUM REQUIREMENT IN THE ZONING DISTRICT FOR ONE SIDE YARD, IN FEET

D - TOTAL SQUARE FOOTAGE PERMITTED FOR ALL ACCESSORY BUILDINGS

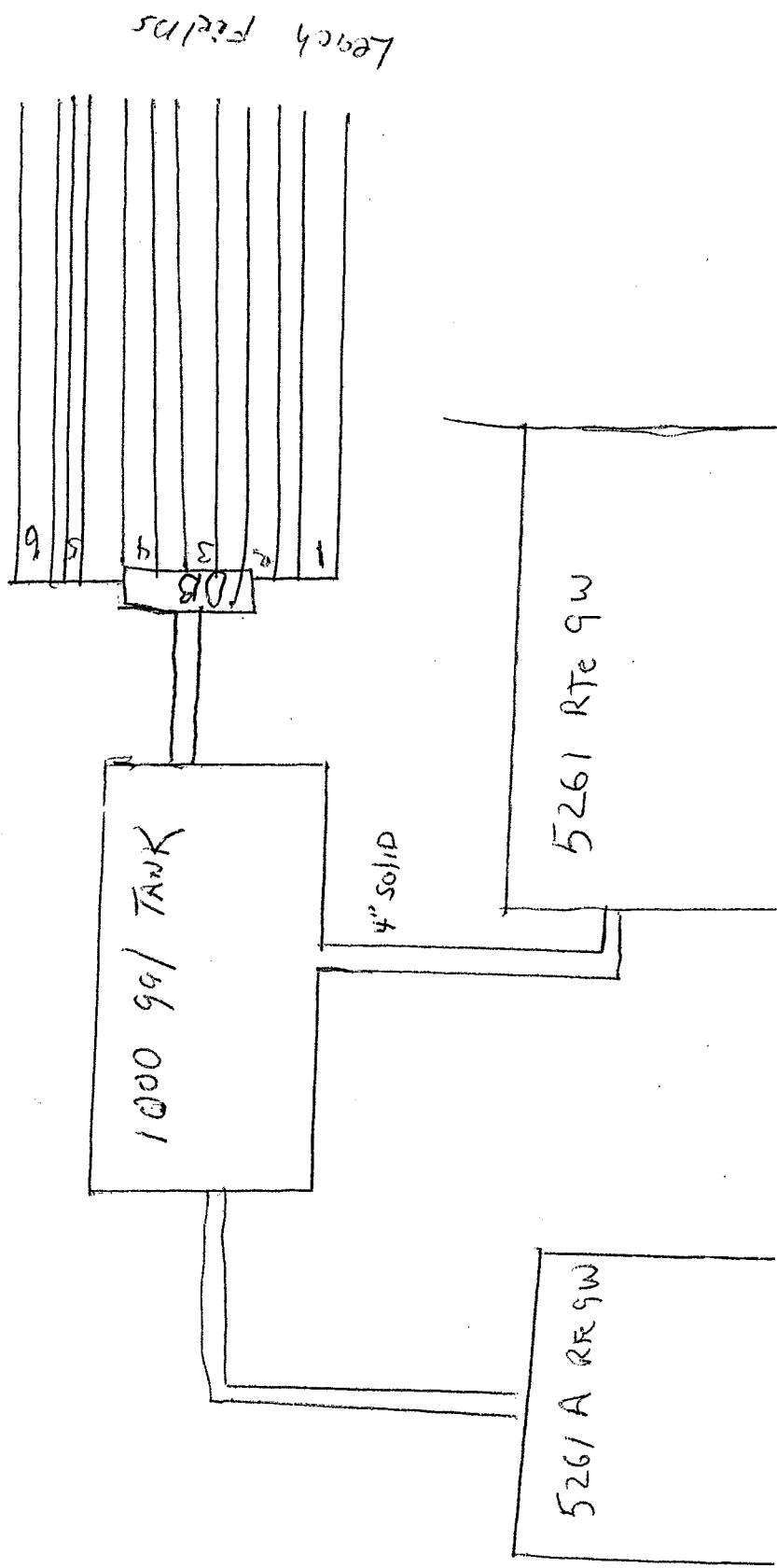
A= 43,560.00 SF

B= 2,680.00 SF

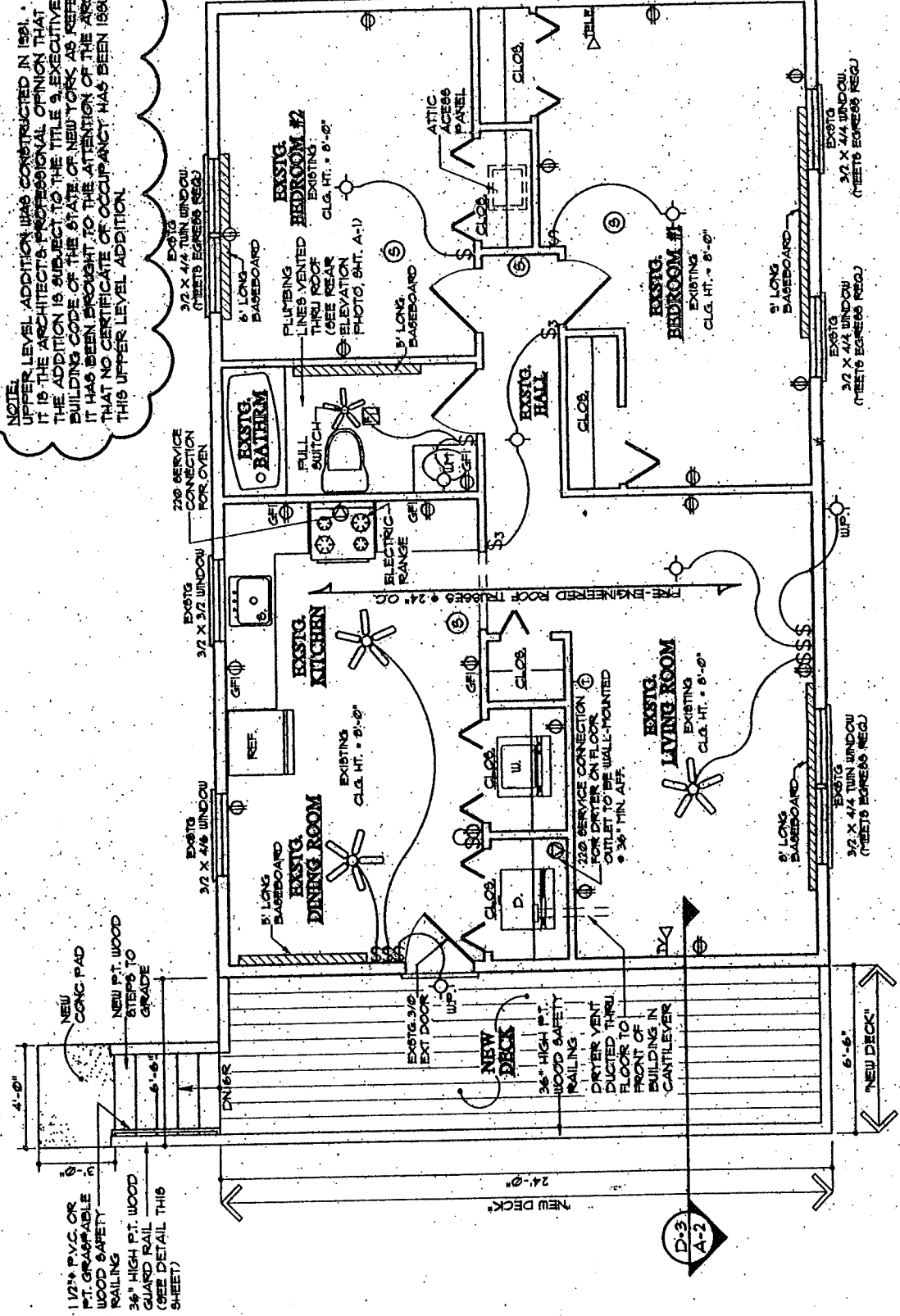
C= 15.00 FEET

D= 837.60 SF OR 1,000 SF WHICHEVER IS LESS IS PERMITTED.

Sepic design for Lot 25-2.3 owner DARRAH
5261 RTE 9W
Newburgh NY 12550



FLOOR PLANS:



CARBON MONOXIDE REFLECTORS SHALL NOT BE REQUIRED IN STRUCTURE THAT CONTAINS CARBON MONOXIDE SOURCE.

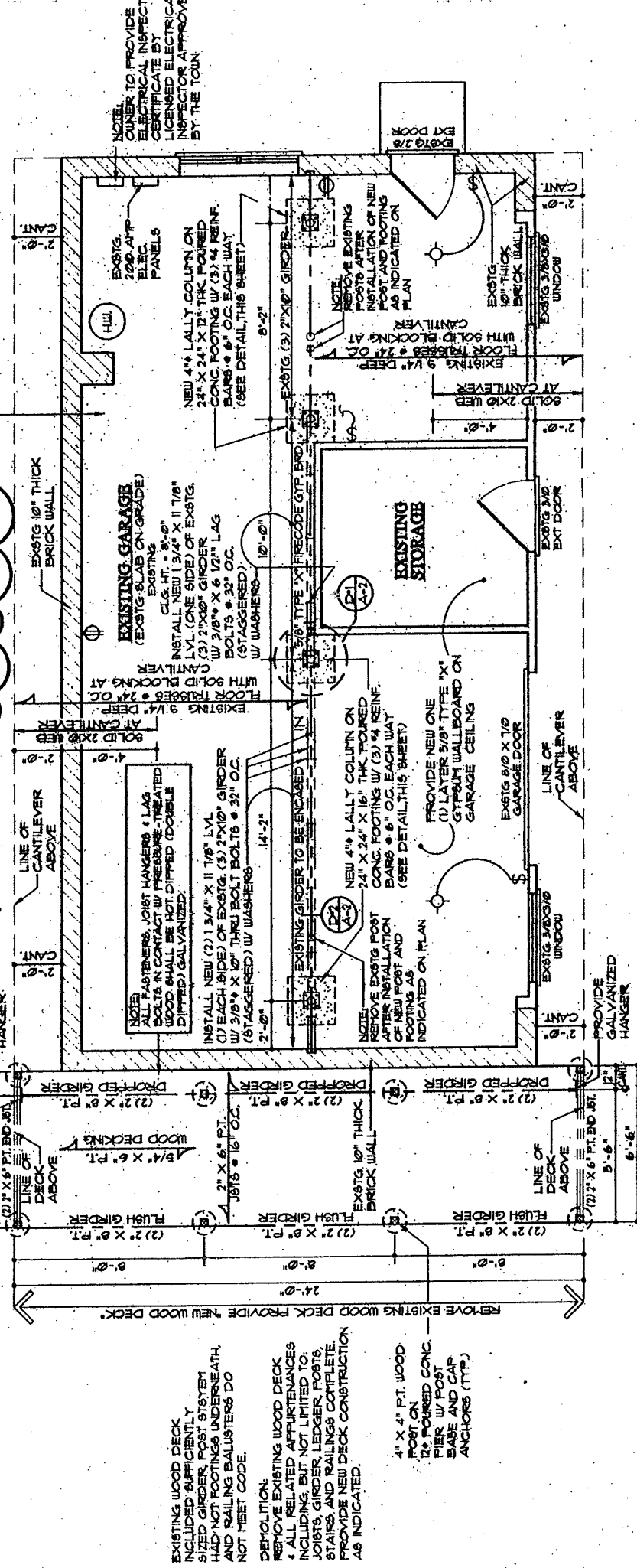
UPPER FLOOR PLAN EXISTING LIVING AREA: 512 SQ. FT. SOURCE OF HEAT: ELECTRIC BASEBOARD

SCALE: 1/4" = 1'-0"

KEY TO SYMBOLS

- \$ SINGLE POLE SWITCH
- \$\$ THREE WAY SWITCH
- ⊕ DUPLEX RECEPTACLE
- ⊕ DUPLEX RECEPTACLE WITH GROUND
- ⊕ DIRECT HARDWIRE CONNECTION
- ⊕ TELEVISION JACK - CABLE TYPE CONNECTOR
- ⊕ TELEPHONE MODULAR JACK OUTLET
- ⊕ SMOKE DETECTOR
- ⊕ CEILING MOUNTED LIGHT FIXTURE
- ⊕ EXHAUST FAN / LIGHT FIXTURE COMB.
- ⊕ EXISTING ROTARY THERMOSTAT
- ⊕ EXTERIOR WALL MOUNTED LIGHT FIXTURE W/ WEATHERPROOF COVER
- ⊕ CEILING MOUNTED FAN/LIGHT COMBO

LOWER LEVEL: REMOVE EXISTING CEILING INSULATION COMPLETE. INSTALL NEW 5/8" HI-DENSITY R-300 KRAFT-FACED BATT INSULATION IN BETWEEN EXISTG FLOOR TRUSSES (VAPOR BARRIER TO WARM SIDE)



Lower Floor Plan

EXISTING WOOD DECK INCLUDED SUFFICIENTLY SIZED GIRDER, POST SYSTEM HAD NOT FOOTINGS UNDERNEATH, AND RAILING BALUSTERS DO NOT MEET CODE.

DEMOLITION: REMOVE EXISTING WOOD DECK & ALL RELATED AFFURTANCES INCLUDING, BUT NOT LIMITED TO: JOISTS, GIRDER, LEDGER, POSTS, STAIRS, AND RAILINGS COMPLETE. PROVIDE NEW DECK CONSTRUCTION AS INDICATED.

4" X 4" P.T. WOOD POST ON 12" Poured CONC. PIER W/ POST BASE AND CAP ANCHORS (TYP.)

NOTE: OWNER TO PROVIDE ELECTRICAL INSPECT CERTIFICATE BY LICENSED ELECTRICAL INSPECTOR APPROV BY THE TOWN.

NOTE: REMOVE EXISTING POSTS AFTER INSTALLATION OF NEW POST AND FOOTING AS INDICATED ON PLAN

EXISTING GARAGE (EXISTG SLAB ON GRADE) CLEAR 14'-0" INSTALL NEW 3/4" X 11 7/8" LVL (ONE SIDE) OF EXISTG W/ 3/8" X 6 1/2" LAG BOLTS @ 32" O.C. (STAGGERED) W/ WASHERS

NOTE: ALL FASTENERS, JOIST HANGERS & LAG BOLTS IN CONTACT W/ PRESSURE-TREATED WOOD SHALL BE HOT DIPPED (DOUBLE DIPPED) GALVANIZED.

INSTALL NEW (2) 3/4" X 11 7/8" LVL EACH SIDE OF EXISTG (3) 2"x10" GIRDER W/ 3/8" X 10" THRU BOLT @ 32" O.C. (STAGGERED) W/ WASHERS

NOTE: REMOVE EXISTG POST AFTER INSTALLATION OF NEW POST AND FOOTING AS INDICATED ON PLAN

PROVIDE NEW ONE (1) LAYER 5/8" TYPE 1x4 GYPSUM WALLBOARD ON GARAGE CEILING

EXISTG 8/16 X 1/2 GARAGE DOOR

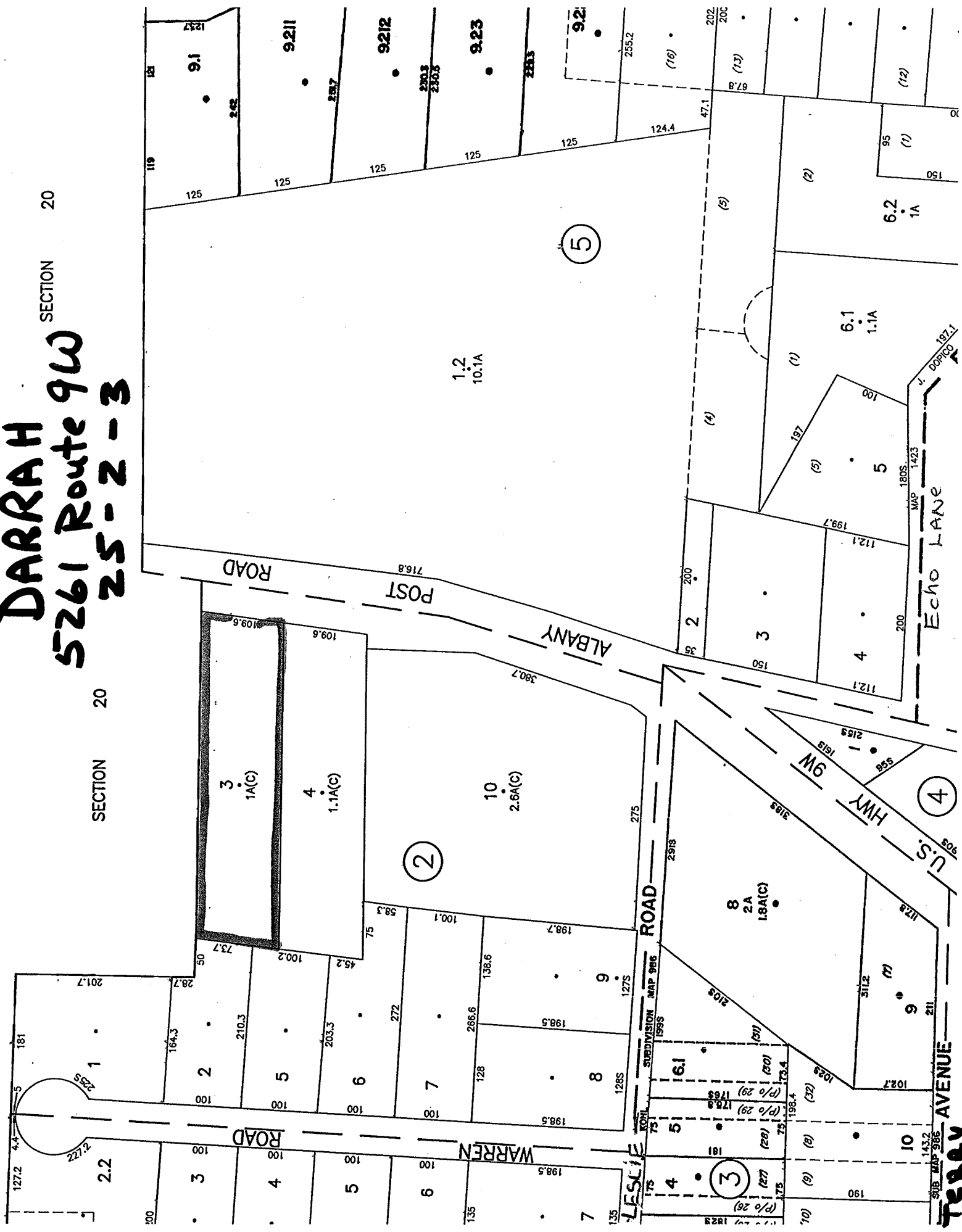
LINE OF CANTILEVER ABOVE

PROVIDE GALVANIZED HANGER

DARRAH 5261 Route 9W 25-2-3

SECTION 20

SECTION 20



Terry
SUB. MAP 386

AVENUE

U.S. HWY 9W

ECHO LANE

ALBANY ROAD

POST ROAD

WARREN ROAD

LESLIE ROAD

KOHL SUBDIVISION MAP 986

1985

1985