

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

Adler

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: August 1, 2012

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

I (WE) Danielle DeBella PRESENTLY

RESIDING AT NUMBER 55 Wintergreen Avenue

TELEPHONE NUMBER 845-784-4088

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:

67-5-10 (TAX MAP DESIGNATION)

55 Wintergreen Ave. (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk table Schedule S

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: August 1, 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: ^① New Front yard encroachment proposing
Variance for 8ft. ^② 1 Side yard encroachment - 4ft ^③ Total Side yard encroachment
6.9 ft ^④ Increasing degree of nonconformity on the rht. side set back - 12.1 ft.

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:

1) This house enjoys the same similarities as many other homes in the neighborhood. Variance proposed to promote conformity.

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

① The front yard encroachment proposes a cover to an already existing porch which has been in existence prior to my purchase of the home and will improve the overall appeal of the property. ② All updates on the home will serve to improve the overall ability of the home to conform with the greater properties throughout 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:

In regards to the side yard encroachment, the already existing porch serves as a much needed entrance to my home. The front porch serves the same purpose. As for the overall proposal for a 2nd floor addition, this is vital to my ability to remain in my home with a growing family. It is in no way possible for me to sustain a degree of comfort w/out the proposed variances.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

① My proposed 2nd floor I will not be encroaching on anybody's property in a means that will negatively impact their living environment. ② I purchased the home under the impression that the existing front + side porch were legally constructed as a necessity to the home + overall appeal of the neighborhood.

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

All proposed variances serve to enhance the ability of my home to conform with the greater properties in my neighborhood. My changes as well as proposed variances for existing structures in no way serve to jeopardize the rights of my neighbors. Proper materials + conditions will be utilized + followed in the building process.

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

side porch: The porch in question has been in existence since before I purchased the home. I was under the mistaken impression that a permit existed.

Front Porch: In existence prior to purchase of home - cover renders no change to front yard encroachment.

7. ADDITIONAL REASONS (IF PERTINENT):

- Both the side + front porch are paramount to the ability to enter + exit my home.
- All homes are assumed to be pre-existing prior to a time when conformity w/ codes mentioned would hinder established structures (pre-1957).

[Handwritten Signature]
 PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 8th DAY OF AUGUST 2012

[Handwritten Signature]
 NOTARY PUBLIC

ANDREW J. ZARUTSKIE
 Notary Public, State of New York
 No. 01ZA4502524
 Qualified in Orange County
 Commission Expires Nov. 30, 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>Danielle DeBella</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>55 Wintergreen Avenue which runs parallel to neighboring Brookside Avenue (Brookside located to the east) and perpendicular to Route 52.</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <ul style="list-style-type: none"> • <i>a second floor addition</i> • <i>A side roofed porch</i> • <i>cover to front steps</i> 	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately <u>0</u> 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 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:	
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: <u><i>Danielle DeBella</i></u> Date: <u><i>August 3, 2012</i></u> Signature: <u><i>D DeBella</i></u>	

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? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? Yes No If No, a negative declaration may be superseded by another involved agency.

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)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes 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.

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.

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.

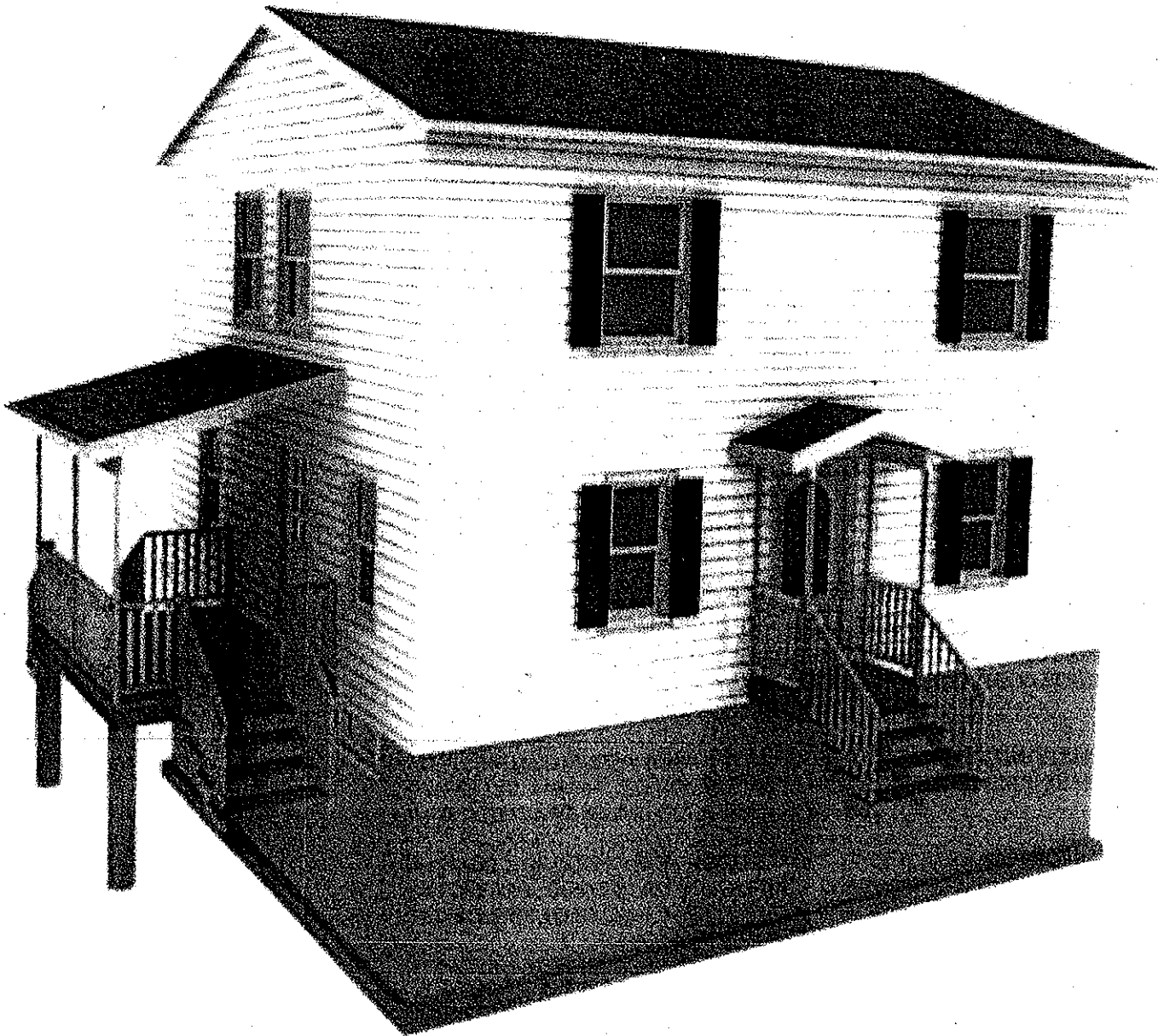
Name of Lead Agency Date

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)

Reset

DeBella Addition



SCOPE OF WORK:

Remove existing roof (attic) and construct a full second floor on the existing dwelling.

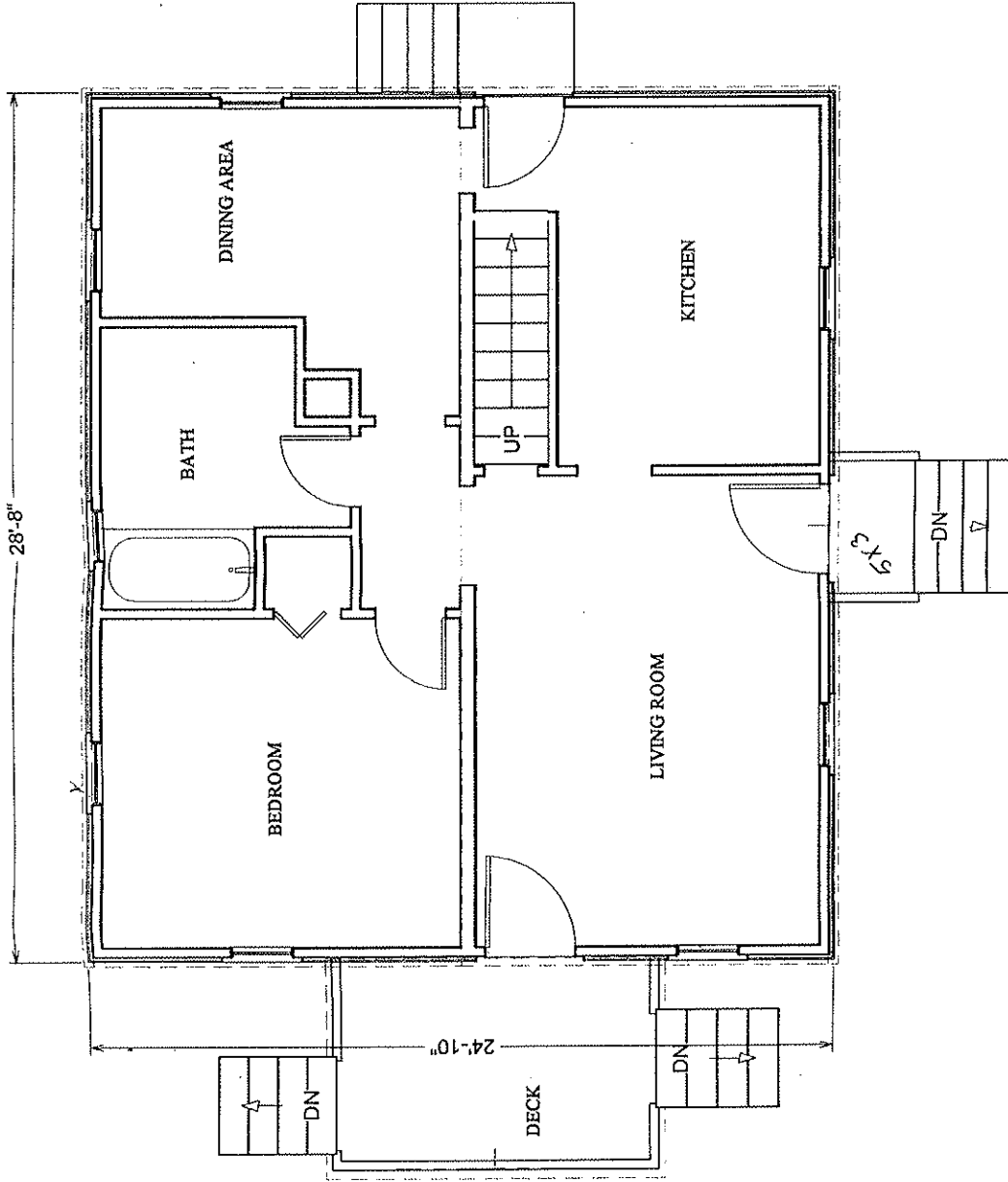
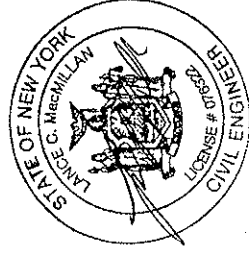


DATE
7/7/2012

EXISTING FLOOR PLAN
DeBella Addition
55 Wintergreen Ave, Newburgh NY 12550

Lance MacMillan, P.E.
N.Y.S. License #076322
10 Old Noxon Road
Poughkeepsie, N.Y. 12603

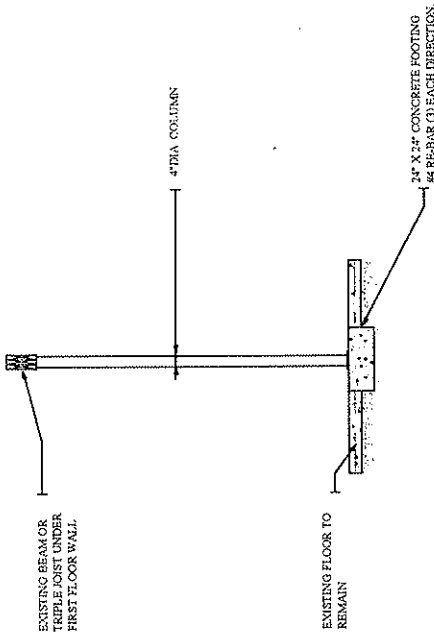
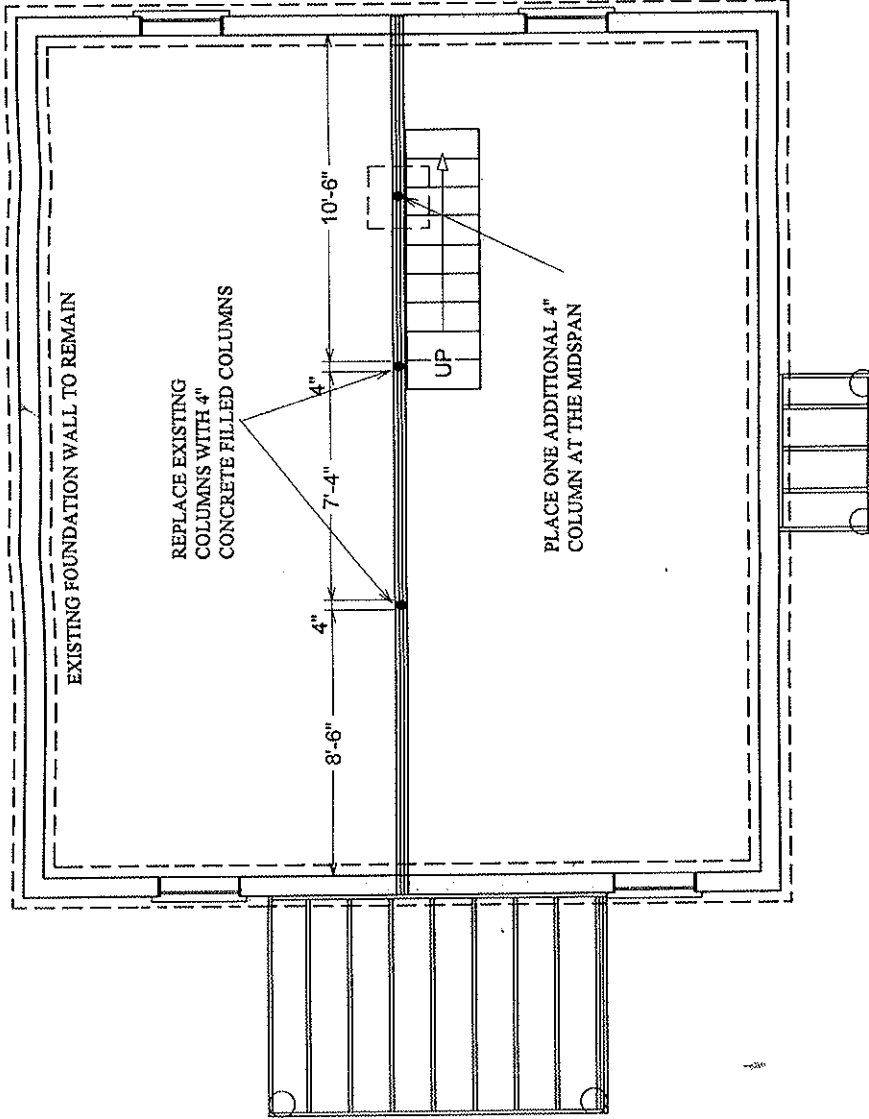
3



Lance MacMillan, P.E.
 N.Y.S. License #076322
 10 Old Noxon Road
 Poughkeepsie, N.Y. 12603

FOUNDATION PLAN
 DeBella Addition
 55 Wintergreen Ave, Newburgh NY 12550

DATE
 7/7/2012

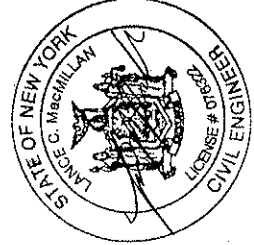


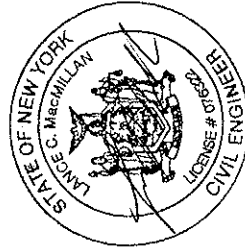
STRUCTURAL SUPPORT COLUMN

DESIGN PARAMETERS

GROUND SNOW LOAD	WIND SPEED (MPH)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WATER DESIGN TEMP.	ICE SHIELD REQUIRED	FLOOD HAZARDS
			WEATHERING	FROST LINE DEPTH	TERMINI DECAY			
40 PSF	90	C	SEVERE	42"	MOD.	6	YES	NO

FIRST FLOOR: EXISTING
 SECOND FLOOR: 30 PSF LIVE LOAD, 15 PSF DEAD LOAD
 ROOF LOAD: 40 PSF LIVE LOAD, 15 PSF DEAD LOAD



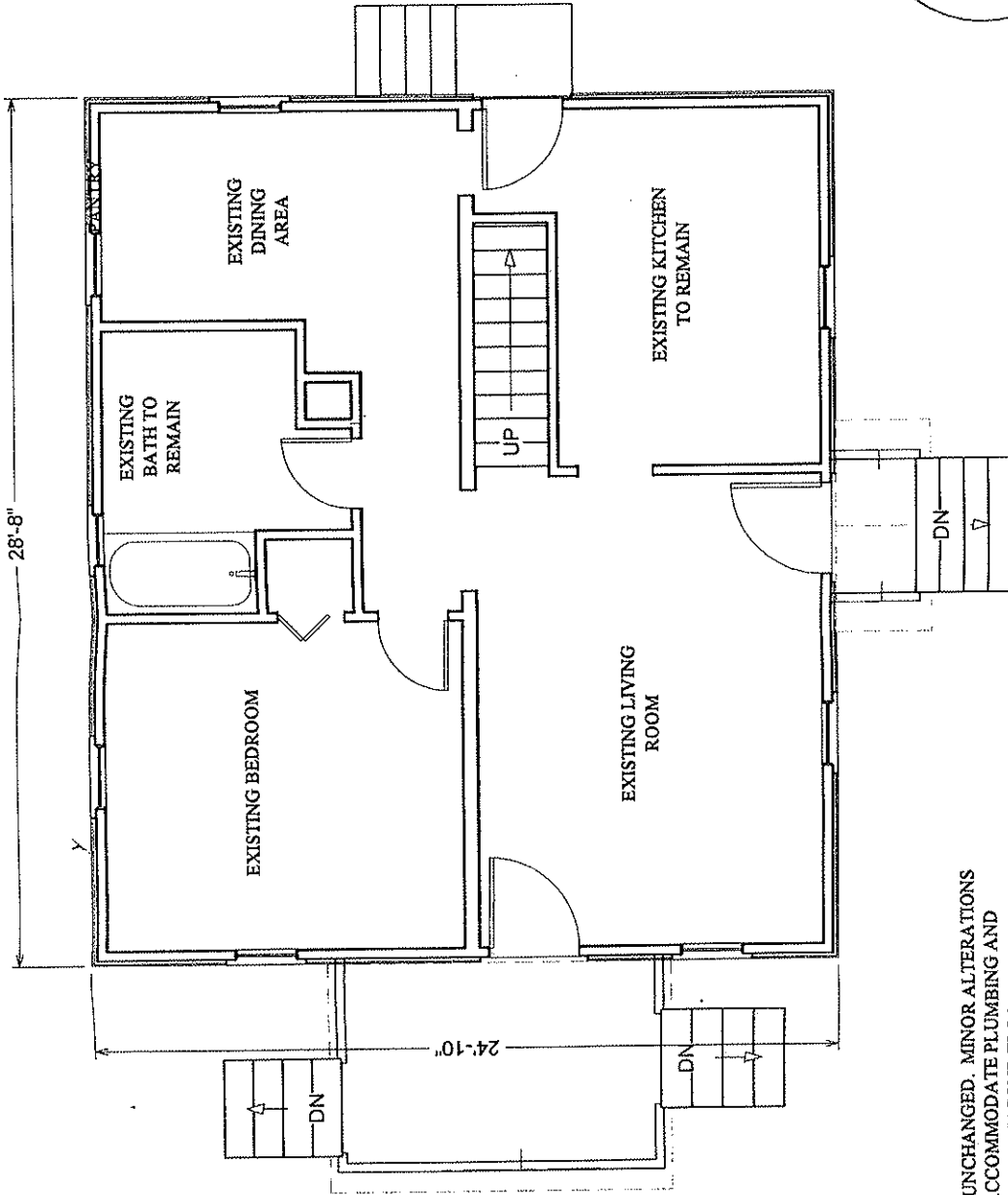


DATE
7/7/2012

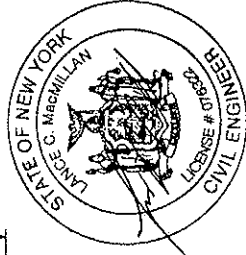
FIRST FLOOR PLAN
DeBella Addition
55 Wintergreen Ave, Newburgh NY 12550

Lance MacMillan, P.E.
N.Y.S. License #076322
10 Old Noxon Road
Poughkeepsie, N.Y. 12603

5



FIRST FLOOR TO REMAIN UNCHANGED. MINOR ALTERATIONS
MAY BE NECESSARY TO ACCOMMODATE PLUMBING AND
ELECTRICAL UTILITIES FOR THE SECOND FLOOR.

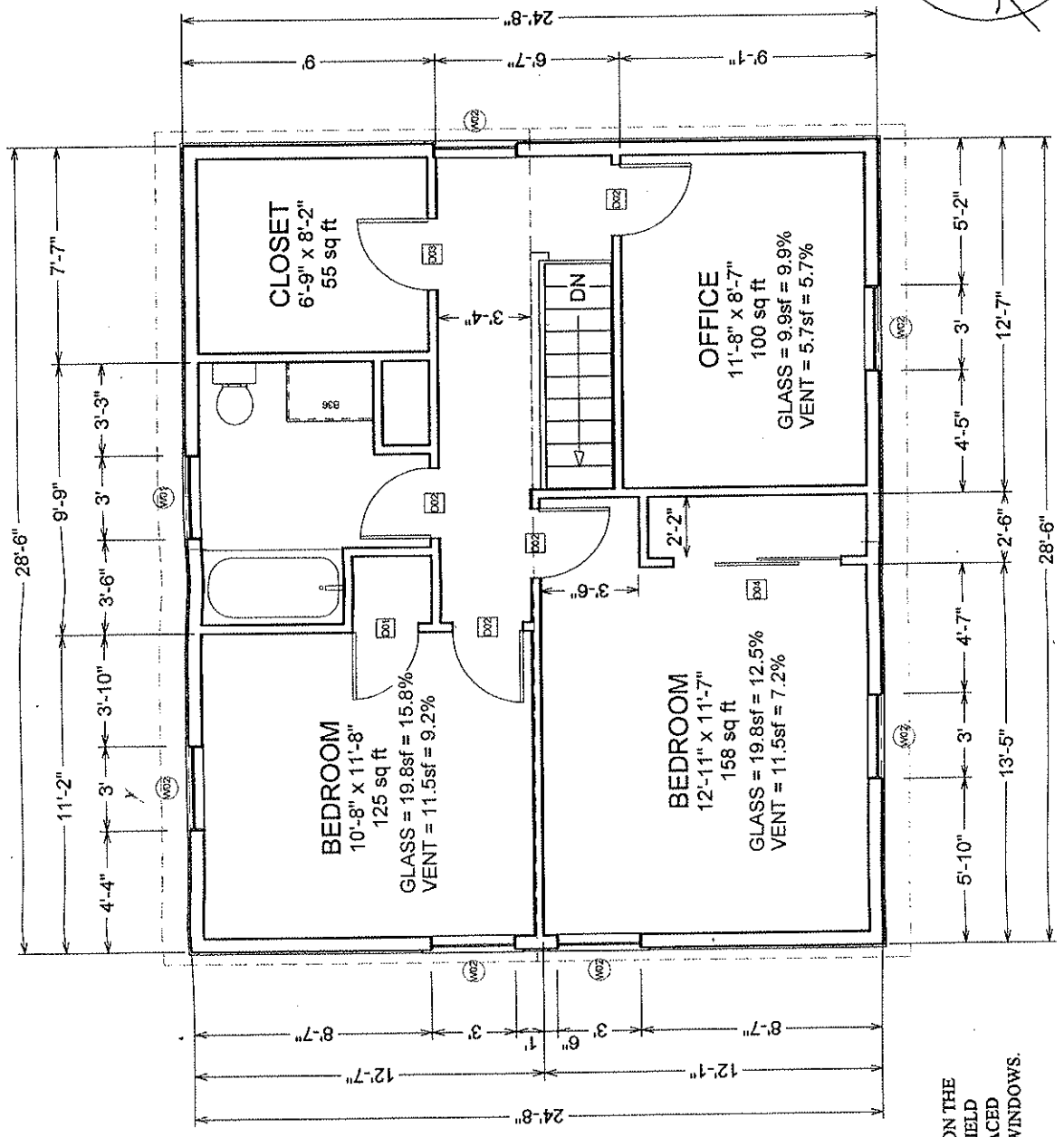


DATE
7/7/2012

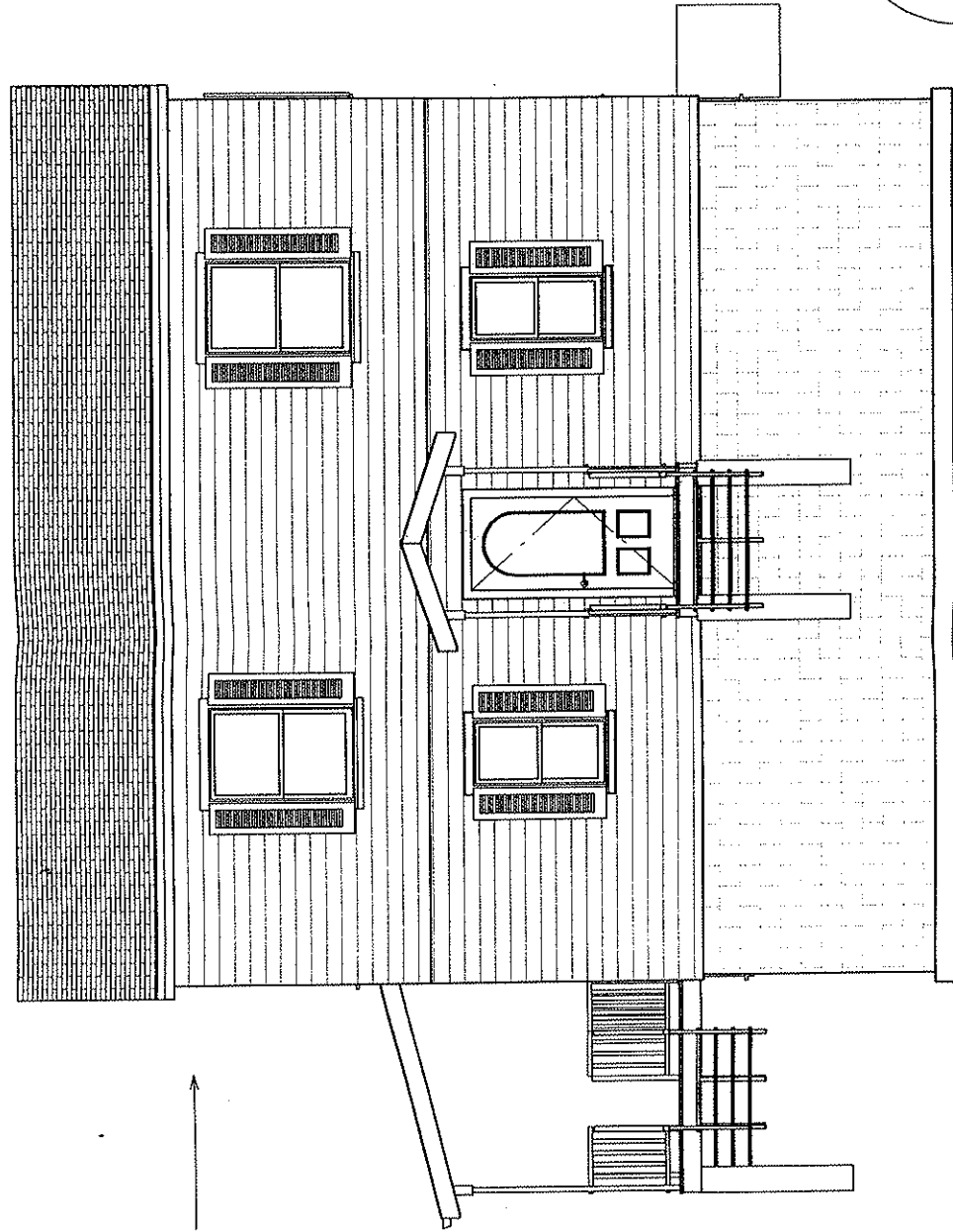
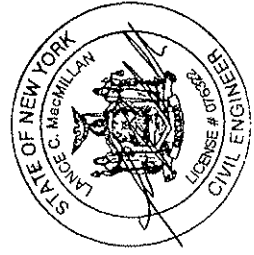
PROPOSED SECOND FLOOR PLAN
 DeBella Addition
 55 Wintergreen Ave, Newburgh NY 12550

Lance MacMillan, P.E.
 N.Y.S. License #076322
 10 Old Noxon Road
 Poughkeepsie, N.Y. 12603

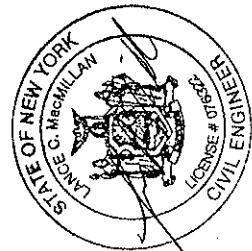
6



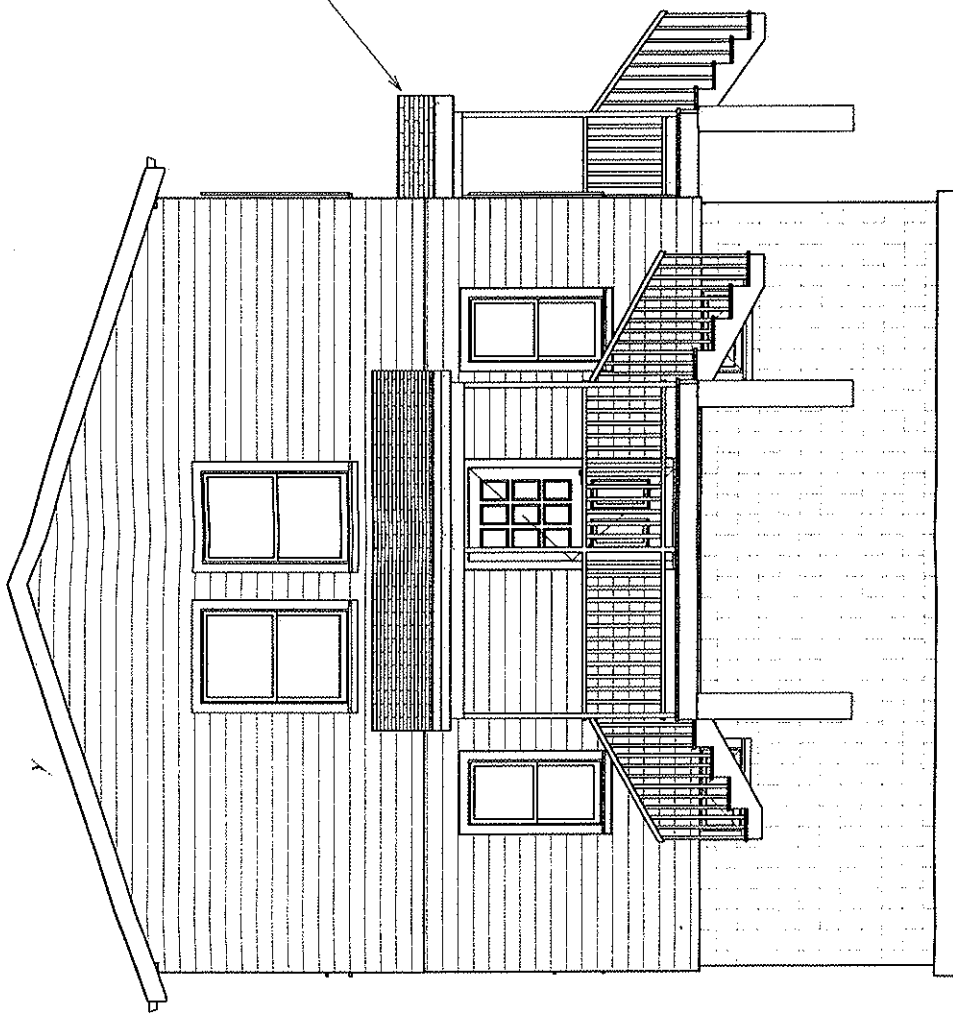
THE LOCATIONS OF THE WINDOWS ON THE FRONT OF THE HOUSE SHOULD BE FIELD VERIFIED TO ENSURE THEY ARE PLACED DIRECTLY OVER THE FIRST FLOOR WINDOWS.



PROPOSED SECOND FLOOR
ADDITION



NEW COVERED PORCH
OVER EXISTING ENTRY
DECK

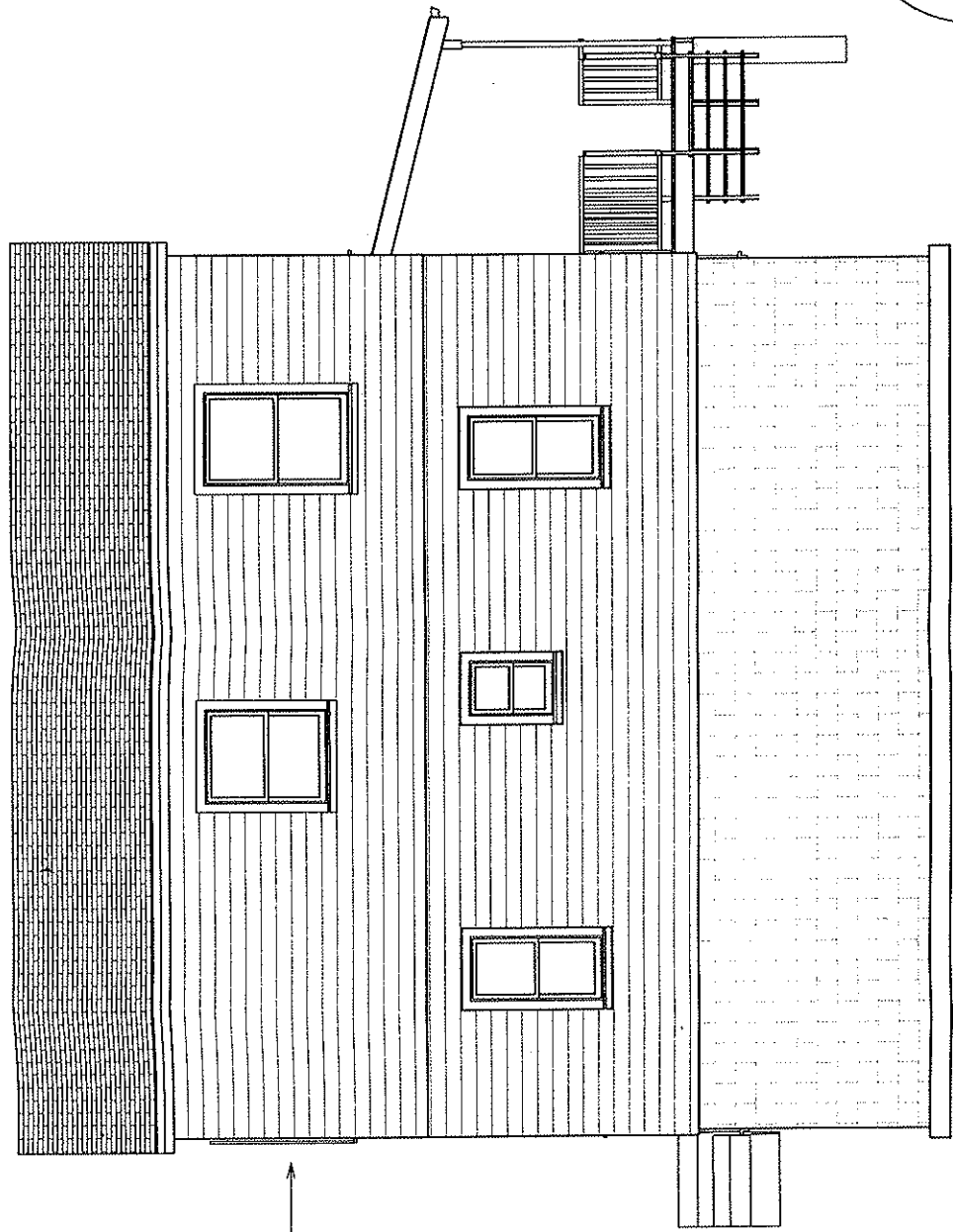
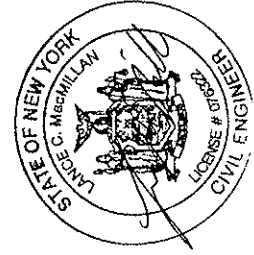


PROPOSED SECOND
FLOOR ADDITION

Lance MacMillan, P.E.
N.Y.S. License #076322
10 Old Noxon Road
Poughkeepsie, N.Y. 12603

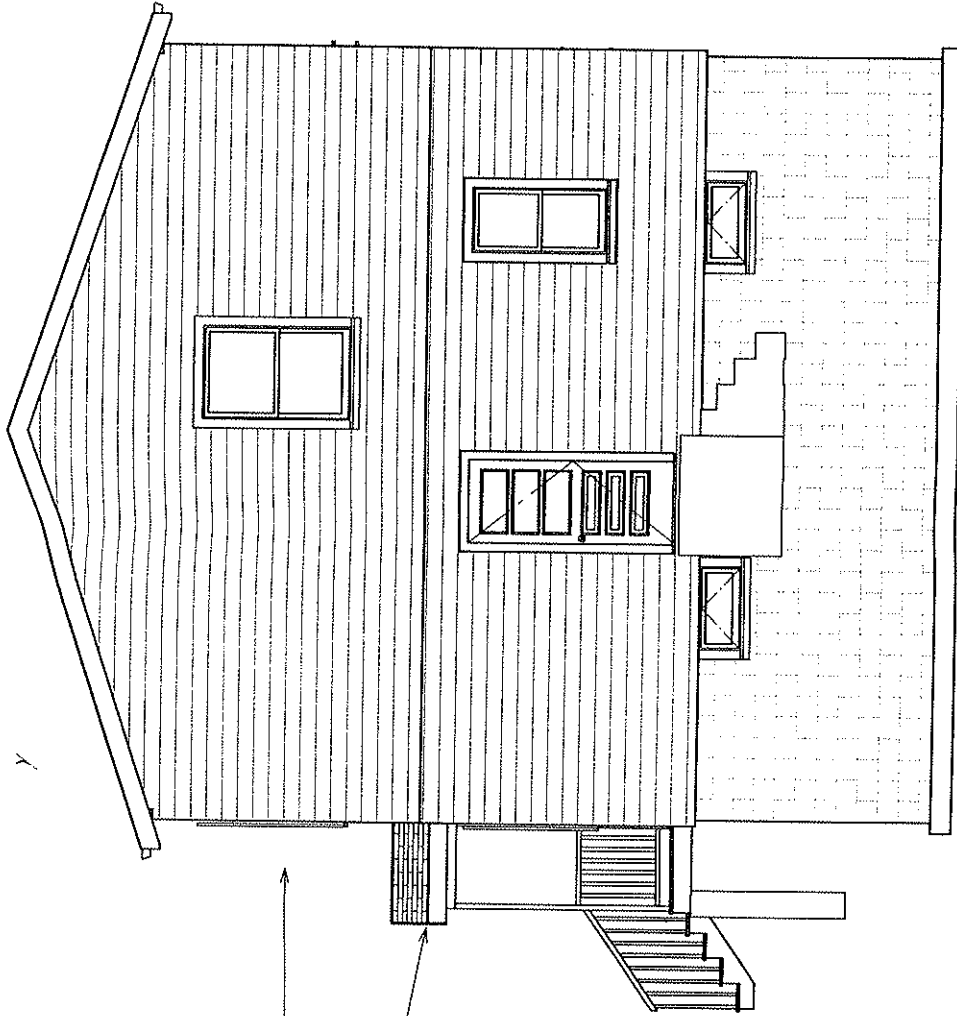
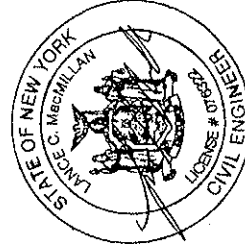
REAR ELEVATION
DeBella Addition
55 Wintergreen Ave, Newburgh NY 12550

DATE
7/7/2012



PROPOSED SECOND
FLOOR ADDITION





PROPOSED SECOND
FLOOR ADDITION

NEW COVERED PORCH
OVER EXISTING ENTRY
DECK

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. 2309-02

Date: August 1, 2012

To: \ DANIELLE DeBELLA
55 WINTERGREEN AVENUE
NEWBURGH, NY 12550

SBL 67-5-10
ADD: 55 Wintergreen Avenue
ZONE R-3

PLEASE TAKE NOTICE that your application dated July 27,
20 12 for permit to build a 2nd floor addition with side roofed porch
At the premises located at 55 Wintergreen Avenue

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE 5 -
REQUIRES A MINIMUM FRONT YARD SETBACK OF 40 FT.
REQUIRES A MINIMUM ONE SIDE YARD SETBACK OF 15 FT.
REQUIRES A MINIMUM COMBINED SIDE YARDS SETBACK OF 30 FT.
185 - 19 - C - 1 -
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (RIGHT SIDE YARD OF 12.2)


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

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

NAME: DANIELLE DEBELLA

ADDRESS: 55 WINTERGREEN AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 2ND FLOOR ADDITION W/ SIDE ROOFED PORCH

SBL: 67-5-40 ZONE: R/3

TOWN WATER: YES / NO TOWN SEWER: YES / NO

2309-12

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ADDING A COVERED FRONT PORCH					
FRONT YARD	40'	38.3'	32'	8'	20.0%
ONE SIDE YARD	15'		11'	4'	26.7%
TOTAL SIDE YARD	30'	31.5'	23.1'	6.9'	23.0%
INCREASING DEGREE NON CONFORMITY RIGHT SIDE OF 12.1'					

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: THERE ARE NO PERMITS ON FILE FOR THE SIDE DECK THAT'S BEING REPLACED OR THE SHED THAT IS SHOWN ON THE SURVEY (VIOLATES ZONING)

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 5 REQUIRES A FRONT YARD OF 40' MINIMUM
- 2 BULK TABLE SCHEDULE 5 REQUIRES (1) SIDE YARD OF 15' MINIMUM
- 3 BULK TABLE SCHEDULE 5 REQUIRES A 30' COMBINED SIDE YARD SETBACK.
- 4 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY. (RIGHT SIDE OF 12.2')

REVIEWED BY: JOSEPH MATTINA DATE: 31-Jul-12

SIDENCE DESCRIPTION

04
 06 CONTEMPORARY 11 LOG CABIN
 12 DUPLEX
 13 BUNGALOW
 14 OTHER
 15 TOWN HOUSE

01
 4 COMPOSITION 7 STONE
 5 CONCRETE
 6 STUCCO

1940
 YEAR BUILT

2
 2 BATH
 5 TOTAL

4
 3 PARTIAL 4 FULL
 SEMENT GARAGE CAPACITY

3
 2 HOT AIR
 4 ELECTRIC

4
 5 WOOD 7 COAL
 6 SOLAR

0
 1 YES

1
 1 YES

2
 2 KITCHENS
 3 QUALITY

2
 2 BATHS
 3 QUALITY

0
 0 TRIM (SF)
 0 BRICK 1 YES
 0 FIREPLACES

3
 3

INTERIOR CONDITION
 1 POOR 2 FAIR 3 NORMAL
 4 GOOD 5 EXCELLANT

COST FACTORS
 GRADE DC GRADE ADJ. +1
 PERCENT GOOD
 FUNCTIONAL/ECONOMIC OBSOLESCENCE AV
 CDU (EX, VG, G, AV, P, VP, UN)

LIVING AREA: FIRST FLOOR (SF) 672
 SECOND FLOOR (SF)
 ADDITIONAL FLOOR (SF)
 HALF STORY FINISHED (SF)
 HALF STORY UNFINISHED (SF)
 THREE QUARTER STORY FIN. (SF)
 THREE QUARTER STORY UNFIN. (SF)
 FINISHED BASEMENT (SF)
 FINISHED ATTIC (SF) 269
 FINISH OVER GARAGE (SF)
 UNFINISHED ROOM (SF)
 TOTAL LIVING AREA (SF) 941
 UNFINISHED ATTIC (SF)
 RECREATION ROOM (SF)

STR. CODE	MOD. CODE	U. MEASURE	MEASURE	QUAN. GR. TITY **	YEAR BUILT	C. FUNC. †	RATE	TOTAL
LP3	320	1	01	01	1940	3		
RP3R12	370	1	01	01	1940	3		
LP3	330	1	01	01	1940	3		

DETACHED IMPROVEMENTS

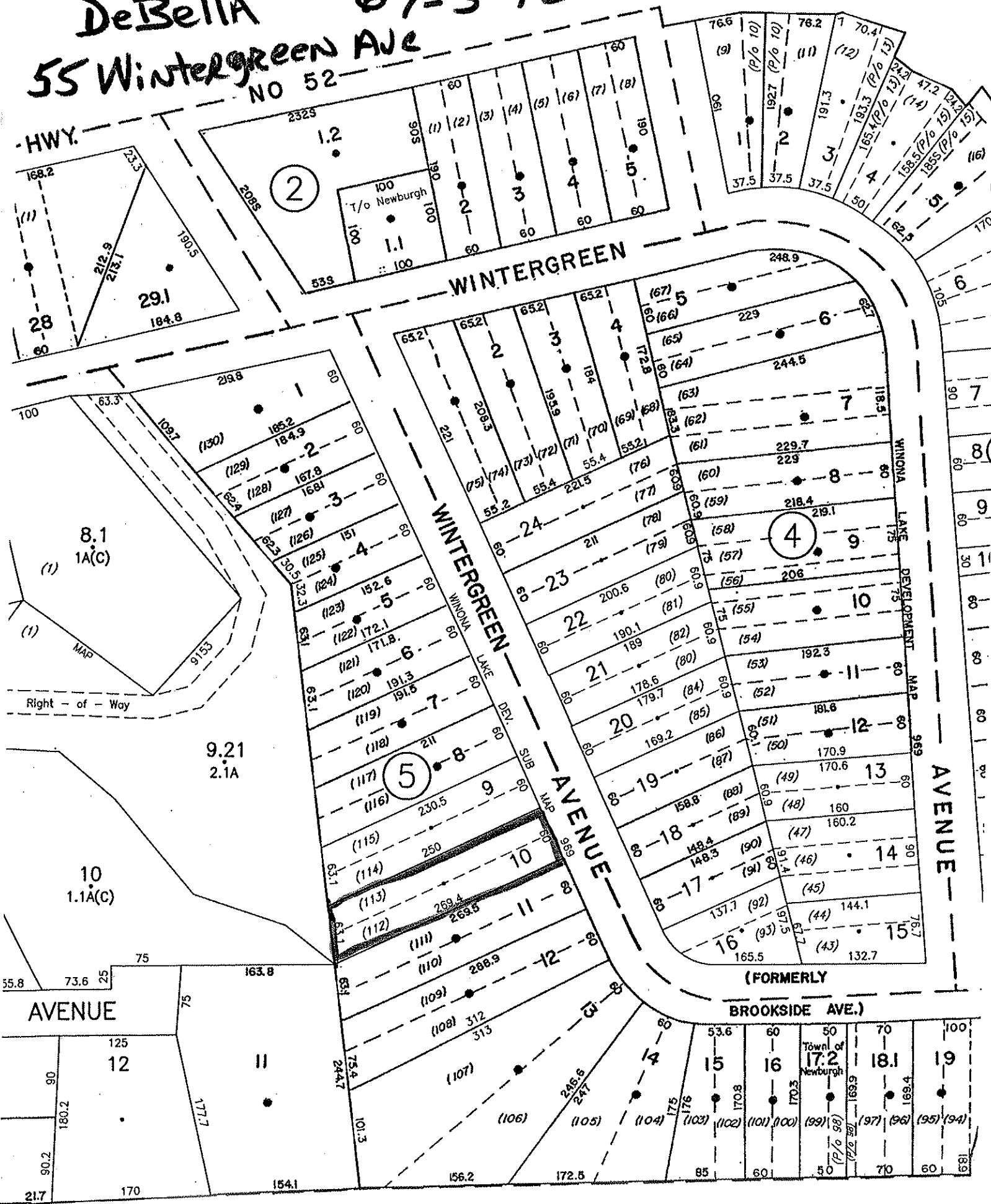
STR. CODE	MOD. CODE	U. MEASURE	MEASURE	QUAN. GR. TITY **	YEAR BUILT	C. FUNC. †	RATE	TOTAL
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

BASE PRICE
 PLUMBING
 BASEMENT
 BSMT FINISH
 ATTIC
 HEATING/AC
 TOTAL BASE
 GRADE ADJ.
 TOTAL
 DEPRECIATION
 TOTAL
 ATT. IMPROV.
 DET. IMPROV.
 TOTAL
 FACTOR UPDATE
 TOTAL

NOTES:

UNITS: 1 QUANTITY 2 DIMENSIONS 3 SQUARE FEET 4 DOLLARS (MST ONLY)
 † CONDITION: 1 POOR 2 FAIR 3 NORMAL 4 GOOD 5 EXCELLENT
 ** GRADE: A EXPENSIVE B GOOD C AVERAGE D ECONOMY E MINIMUM

DeBella 67-5-10
55 Wintergreen Ave
NO 52



2

4

5

10

11

12

13

14

15

16

8.1
1A(C)

9.21
2.1A

10
1.1A(C)

AVENUE

(FORMERLY
BROOKSIDE AVE.)

Town of
Newburgh

AVENUE

WINOMA LAKE
DEVELOPMENT
MAP

WINTERGREEN

WINTERGREEN

AVENUE

HWY.

28

29.1

8.1

9.21

10

AVENUE

(FORMERLY
BROOKSIDE AVE.)

Town of
Newburgh

AVENUE

WINTERGREEN

WINTERGREEN

AVENUE

HWY.

28

29.1

8.1

9.21

10

AVENUE

(FORMERLY
BROOKSIDE AVE.)

Town of
Newburgh

AVENUE