

TOWN OF NEWBURGH

Crossroads of the Northeast

Shed

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 8/9/2012

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

I (WE) Danielle DeBell PRESENTLY

RESIDING AT NUMBER 55 Wintgreen Ave

TELEPHONE NUMBER 245-784-4088

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A-2

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: 9/8/2012
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

The Shed is actually 2 ft from the property line and the variance should be for 3 ft.

4. DESCRIPTION OF VARIANCE SOUGHT: An Area Variance for 4 ft to keep a shed.

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 shed has been existence since before my purchase of the home and causes no problems for my neighbor.

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:

It is difficult - nearly impossible to place the shed at a different location and removing the shed would have a negative impact on neighboring properties because my property would appear quite undesirable.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

It has been in existence since well before my purchase of the home.

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 variance supports the appeal of the environment. w/out it lawn supplies, items + debris within the shed would be left exposed and would look quite shoddy.

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

The shed has been in existence prior to my purchase of the home.

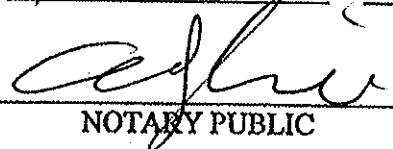
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS TENTH DAY OF AUGUST 2012



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 <i>DeBella's Shed</i>
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 → the road is perpendicular to RT 52. and parallel to Brookside Ave.</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 continued placement of a storage shed (7x7) on my property.</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>I am seeking a variance for 4 ft.</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:	
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>Danielle DeBella</i>	Date: <i>8/9/2012</i>
Signature: <i>DeBella</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? 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? If No, a negative declaration may be superseded by another involved agency. Yes 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)?

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)



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. 2310-12

Date: August 8, 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 August 6,
20 12 for permit to keep a Prior Built shed (7 x 7) (accessory bldg)
At the premises located at 55 Wintergreen Avenue

Is returned herewith and disapproved on the following grounds:

185 - 15 - A - 2 -
ACCESSORY BUILDINGS SHALL BE AT LEAST (5) FIVE FEET FROM ANY SIDE
LOT LINE.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: DANIELLE DEBELLA

ADDRESS: 55 WINTERGREEN AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 7 X 7 RESIN STORAGE SHED

SBL: 67-5-10 ZONE: R / 3

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
SETBACK	5'	1'		4'	80.0%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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: **PRIOR BUILT 7 X 7 SHED WITH 1' SETBACK TO THE SIDE YARD.**

VARIANCE(S) REQUIRED:

1 185-15-A-2 SHALL SETBACK AT LEAST 5' FROM ANY SIDE LOT LINE.

2 _____

3 _____

4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 7-Aug-12

FREE SHIPPING + **FREE IN STORE PICK UP** + **FREE RETURNS**



More saving. More doing.™

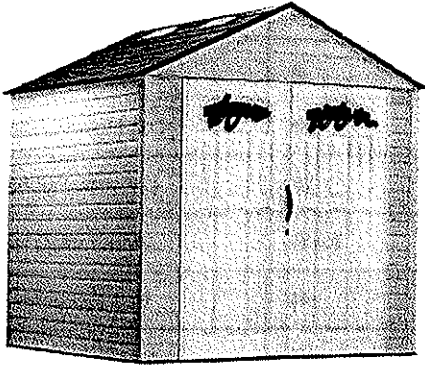
[Share](#) [Email](#) [Print](#)

Rubbermaid 7 ft. x 7 ft. Resin Storage Shed

Model # 5H80 Internet # 203287152

(33) [Write a Review](#) [Read All Q&A](#)

\$649.00 /CT-Carton



[Zoom](#) [More Views](#)

This item does not qualify for free shipping.

This item cannot be shipped to the following state(s): AK, HI, PR

[Product Description](#) | [Specifications](#) | [Customer Reviews](#) | [More Info](#) | [Shipping Options](#)

PRODUCT DESCRIPTION

With 325 cubic feet of storage capacity, the design of the new Rubbermaid 7 ft. 2 in. x 7 ft. 3 in. Storage Shed compliments your home and yard. Its double-walled construction provides extra protection for items stored inside. Durable, all-weather resin ensures no rot, no rust, no problems.

- Resin double-walled panels for strength and durability
- 68 in. resin sidewalls create lots of storage space
- 325 cu. ft. storage capacity helps you store a wide variety of items
- Easy to assemble
- 2 skylights and 2 front windows provide for natural lighting
- Heavy-duty floor resists impact
- Black gable-style roof provides a traditional finish to the building's exterior
- Wide double doors for convenient entry of larger items
- Lockable doors help you secure your belongings (lock not included)
- Review state and local building codes prior to assembly
- Inside dimensions: 6 ft. 9 in. w x 6 ft. 9 in. d x 7 ft. 7.5 in. h
- MFG Brand Name : Rubbermaid
- MFG Model # : 5H80
- MFG Part # : 1826710

[Return To Top](#)

SPECIFICATIONS

Approximate Shed Depth (ft.)	7	Approximate Shed Width (ft.)	7
Assembled Depth (in.)	86 in	Assembled Height (in.)	94 in
Assembled Width (in.)	87 in	Assembly Required	Yes

DeBella 67-5-10
55 Wintergreen Ave
NO 52

