



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.

TOWN: Town of Newburgh
MUNICIPALITY: Zoning Board of Appeals

TAX MAP ID: 27-3-25
(Section-Block-Lot)

Local File #: 2279-12

Project Name:

Applicant: RICHARD DIAMOND

Address: 70 ALBANY POST ROAD, Newburgh

Attorney, Engineer, Architect:

Location of Site: 70 ALBANY POST ROAD ECHOLANE (US 9W)
(Street, highway, nearest intersection)

Size of Parcel: 50X200 Existing Lots: Proposed Lots/Units

Present Zoning District: R-3

TYPE OF REVIEW:

[] Special Use Permit* (SUP):

[x] Variance* USE (VU):

AREA (AV): INCREASING DEGREE OF NON-CONFORMITY
ONE SIDEYARD SETBACK AND COMBINED SIDEYARDS SETBACK

[] Zone Change* FROM: TO:

[] Zoning Amendment** To Section:

[] Subdivision Major Minor

[] Sketch

[] Preliminary

[x] Final

DATE: 4/13/12

Signature: Grace Cardone

CHAIRPERSON, ZONING BOARD OF APPEALS
Signature and Title

*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

OFFICE OF ZONING BOARD
(845) 566-4901

APPLICATION

X DATED: 4-12-12

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

I (WE) Richard Diamond PRESENTLY
RESIDING AT NUMBER 70 Albany Post Rd. Newburgh NY 12550
TELEPHONE NUMBER 914-489-1596

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR
THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE *X*
- INTERPRETATION OF THE ORDINANCE

1. LOCATION OF THE PROPERTY:

27-3-25 (TAX MAP DESIGNATION)
70 Albany Post Rd (STREET ADDRESS)
R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-1-

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: 3/28/12
- 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: NOT PROPER

Set Backs

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:

Not changing the property
Building low 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:

the structure requires permit.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

low Deck with no ~~obstruction~~ view
obstruction

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


low Deck, ground level, does not obstruct
view

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

Does not obstruct view from any direction
for any neighbor.

7. ADDITIONAL REASONS (IF PERTINENT):

TO Enjoy and have place for
Kids to play



PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 13th DAY OF APRIL 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.

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>Richard Diamond</i>	2. PROJECT NAME <i>REAR 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>70 ALBANY POST RD 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>Building Rear DECK</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.25</i> acres Ultimately _____ 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>SMALL PROPERTY</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>Richard Diamond</i> Date: <i>4/13/12</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.
 Yes 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.
 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.

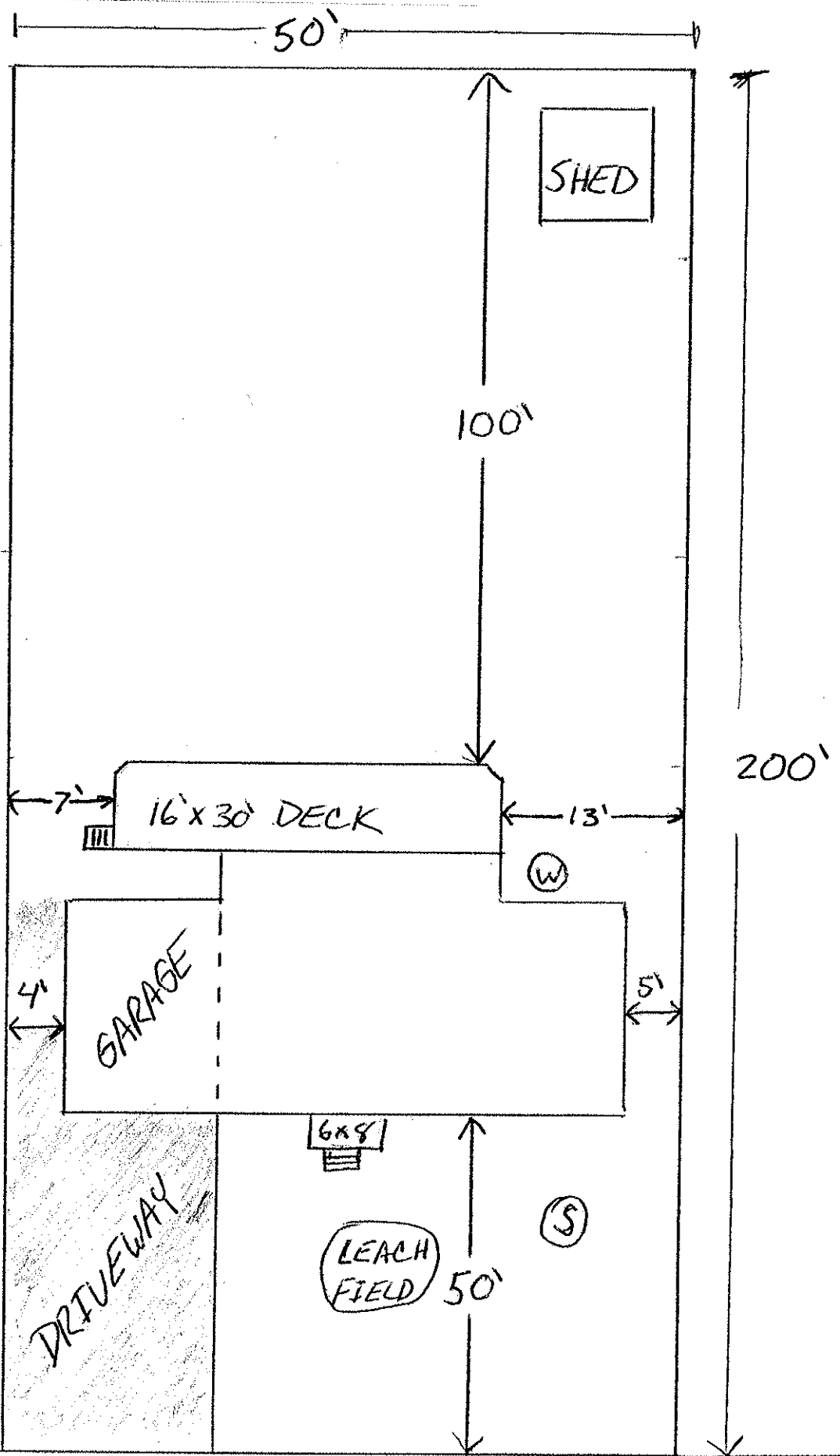
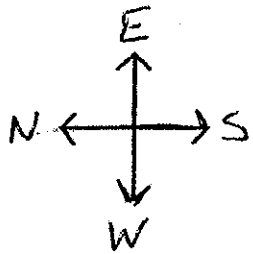
 Name of Lead Agency _____
 Date

 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)

Reset





ALBANY POST ROAD

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. 2279-12 Date: March 20, 2012

To: RICHARD DIAMOND SBL 27-3-25
70 ALBANY POST ROAD ADD: 70 ALBANY POST ROAD
NEWBURGH, NY 12550 ZONE R-3

PLEASE TAKE NOTICE that your application dated March 16,
20 12 for permit to build a rear deck (16 x 30)
At the premises located at 70 Albany Post Road

Is returned herewith and disapproved on the following grounds:

185 - 19 - C - 1 -
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY. (ONE SIDE YARD
SETBACK AND THE COMBINED SIDE YARDS SETBACK)


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: RICHARD DIAMOND

ADDRESS: 70 ALBANY POST RD NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 16' X 30' REAR DECK

SBL: 27-3-25 **ZONE:** R / 3

TOWN WATER: **TOWN SEWER:**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ONE SIDE YARD	30'	4'	7'		
COMBINED SIDE YARD	80'	9'	20'		
INCREASE THE DEGREE NON CONFORMITY 1 SIDE YARD					
INCREASE THE DEGREE NON CONFORMITY BOTH SIDE YARDS					

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: **EXISTING SIDE YARD 4' AND 5' NEW DECK SETBACKS ARE 7' AND 13'**

VARIANCE(S) REQUIRED:

- 1 185-19-C-1 SHALL NOT INCREASE DEGREE OF NON CONFORMITY (ONE SIDE YARD)
- 2 185-19-C-1 SHALL NOT INCREASE DEGREE OF NON CONFORMITY (COMBINED SIDE YARD)
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA

DATE: 20-Mar-12

