

We have lived at Red Oak Terrace for over 42 years. We have had the pleasure of bringing up our family in this lovely community. Throughout the years, we have seen many young families move into the area. It is always a pleasure to see many children playing in this neighborhood.

Receiving the letter of "Notice of Public Hearing" last week was a little disturbing. While we understand someone asking permission to operate a business in their home, we do not believe a firearms dealer business is compatible to our quiet residential neighborhood. The safety of this family oriented neighborhood is concerning, along with the possibility of more traffic.

Zoning laws are meant to keep everything in perspective. Therefore, Rockwood Hills is not meant to be zoned a business area. We would like to see this development stay a family friendly neighborhood as it always has been. To the ZBA, please disapprove this application.

Thank you,

Jack and Diane Hughes

**From:** cathy konno

**Sent:** Monday, November 23, 2020 8:46 AM

**To:** zoningboard@townofnewburgh.org

**Subject:** Opposition to zoning change in Rockwood area of Town of Newburgh.

November 23, 2020

Opposition to zoning change in Rockwood area of Town of Newburgh.

Greetings,

We have been residents of Rockwood Hills for 20 years. We moved here from the City of Newburgh and specifically chose this area as a safe place to raise children, have pets, and be able to walk or bike around the neighborhood. A deciding factor in moving here was that it was residential and non-commercial. Residing in a non-commercial area means that heavy traffic, noise, litter, and strangers coming and going would be less of a concern. It is likely, that if a variance is granted for one business others will follow. This will cause negative change to our neighborhood. There are numerous commercial properties within walking distance of this area thus we see no sound reason to change the zoning of Rockwood Hills. We oppose any zoning change.

Best regards,

Grant and Catherine Konno

Daniel and Heather Coughlin  
6 Ashwood Terrace  
Newburgh, NY 12550

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November 23, 2020

Town of Newburgh  
Zoning Board of Appeals  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

**Re: Alejandro Rivera  
28 Rockwood Drive, Newburgh, NY 12550  
Application to operate a small firearms dealer business**

To whom it may concern,

My name is Heather Coughlin. My husband and I have owned 6 Ashwood Terrace, Newburgh NY 12550 since September 2016. We have a 3-year-old, 1.5-year-old and I am currently pregnant with our third child due April 2021.

I would like to start my letter by saying that a residential neighborhood is NO place for a small firearms dealer business. This is a family-oriented neighborhood and I would not feel comfortable knowing that one of our neighbors is selling firearms out of his basement. There are plenty of stores available within the Orange County area to be rented for him to open his store, for example there are four or more available right next to the New China Restaurant located on 77 N Plank Rd, Newburgh, NY- not far from his home.

Furthermore, I believe that if there is a small firearms dealer in my neighborhood, it will devalue my property as well as everyone else's in the neighborhood, increase unnecessary traffic and not to mention there will be security issues. The application states that he will only be bolting the safe to the floor and the windows and doors will be reinforced with bolting mechanisms. Every firearms dealer that I have seen have a lot more security than bolts.

There are reasons why we have zoning and this is something we do not want in our neighborhood! I am asking you to please DENY this application as it imposes detrimental risks to our family neighborhood.

Thank you very much,

*Heather Coughlin*

Heather Coughlin

**§ 185-48.6 Home occupations.**

[Added 3-3-2014 by L.L. No. 4-2014]

**A.**

Findings. The Town of Newburgh permits customary home occupations to be conducted as accessory uses in dwellings subject to special permit in each of its residential districts and in the B (Business) district. The Town Board of the Town of Newburgh finds that certain occupations, which potentially could be conducted in dwellings, are detrimental to residential neighborhoods and accordingly are specifically prohibited. The Town Board of the Town of Newburgh additionally finds that occupations which require the use of outdoor motor equipment, machinery or vehicles or which involve outdoor on-premise work activities or outdoor storage upon the property occupied by the subject dwelling are also detrimental to residential neighborhoods as a result of noise, traffic on residential streets, emissions and related impacts, and accordingly the presence of such equipment, machinery and vehicles and such outdoor work activities should not be permitted on the property located in a residential zone in conjunction with home occupations.

**B.**

Purposes.

**(1)**

Home occupations are permitted subject to special permit in recognition that certain occupations and professions have been customarily conducted within dwellings by residents without changing the character of the structure as a residence or the property occupied by the structure. A home occupation will change the residential character of the structure and the property it occupies, however, if it is not confined to the interior of the dwelling or if the presence of nonresidential employees is not limited. If an occupation which commences as a home occupation prospers and grows to a point where it is a business with more than one nonresident employee, then it should no longer be conducted as a home occupation. It is accordingly appropriate that the Zoning Board of Appeals requires, as a condition of the granting of all home occupation special permits, that the permit be for a finite time period and subject to application by the applicant at the stated interval for renewal following review and hearing by the Zoning Board of Appeals.

**(2)**

Certain occupations due to the traffic they generate, noise or odor impacts are detrimental to neighboring residential properties or neighborhoods. Certain occupations which have indoor office components but also entail the use, maintenance, storage, testing, cleaning, repair, loading or unloading of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities, to the extent such activities are conducted upon the property occupied by the dwelling, also have detrimental impacts to neighboring residential properties and neighborhoods.

**(3)**

The purpose of this section is to establish regulations for home occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones in order to preserve the character of residential neighborhoods.

**C.**

No more than one nonresident employee, associate, assistant or intern shall work on the premises at any one time. The nonresident employee's, associate's, assistant's or intern's work activities shall be confined to a space within the dwelling. The nonresident employee, associate, assistant or intern shall not engage in outdoor work activities. No additional nonresident employees, associates, assistants or interns shall report to the property for any purpose, including, but not limited to, transportation to off-site work premises, conferences, training or testing.

**D.**

Prohibited and nonconforming home occupations.

**(1)**

The following are prohibited as home occupations:

**(a)**

Clinic;

**(b)**

Hospital;

**(c)**

Barbershop;

**(d)**

Beauty parlor;

**(e)**

Restaurant;

**(f)**

Animal hospital;

**(g)**

Commercial animal breeding;

**(h)**

Uses in residential zones which include the outdoor use, maintenance, servicing, testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles;

**(i)**

Uses in residential zones which include outdoor work activities conducted on the property containing the dwelling; and

**(j)**

Taxi or ambulance service or yard.

**(2)**

Any such use which has previously received a special permit from the Zoning Board of Appeals or existed prior to prohibition in the Zoning Code shall be deemed nonconforming.

**E.**

No outdoor machinery, motor equipment or commercial vehicular maintenance, service, testing, cleaning or repair, nor the loading and unloading of motor equipment in conjunction with a home occupation shall be conducted on the residential premises of the home occupation in residential zones, except inside a building on the premises.

**F.**

No commercial vehicle, trailer or motor equipment parking, storage, loading or unloading in conjunction with the home occupation shall take place outdoors on the residential premises of a home occupation in a residential zone, except for the parking of one vehicle as permitted pursuant to § **185-13E**. Home occupations shall provide off-street parking for any and all anticipated increases in vehicles at the premises above and beyond the parking already required. Off-street parking required for the home occupation shall not be located in a front yard.

**G.**

Delivery and pickup of material or commodities to and from the residential premises of a home occupation in a residential zone by a commercial vehicle shall not exceed 20 vehicle trips per week.

**H.**

The home occupation shall not use, store, produce or dispose of any toxic or hazardous material.

**I.**

The home occupation in a residential zone shall not produce any odor, noise, vibration, smoke, dust, heat or glare discernible at the property line.

**J.**

No outdoor display of goods other than agricultural food products or outdoor storage of goods, equipment, containers or material used in the home occupation shall be permitted in a residential zone.

**K.**

Home occupations shall be limited to one per lot.

**L.**

When applicable, the building construction classification and fire separations for the building shall comply with the applicable fire and building safety requirements of the Town for mixed use of residential and the applicable nonresidential use classification of such home occupation and shall be certified by the Building Inspector.

**M.**

No unlawful use of a building or structure or lot for a home occupation existing at the effective date of the local law enacting this section shall be deemed to be a nonconforming use.