

TOWN OF NEWBURGH

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

12-11 (C)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2273-11

Date: February 3, 2012

To: DOROTHY ESTES
43 FLETCHER DRIVE
NEWBURGH, NY 12550

SBL 93-1-2.21
ADD: 43 FLETCHER DRIVE
ZONE R-1

PLEASE TAKE NOTICE that your application dated May 27,
20 11 for permit to keep a Prior Built car port (16' x 24')
At the premises located at 43 Fletcher Drive

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE (3) -
REQUIRES A MINIMUM SIDE YARD SETBACK OF 30 FT.
REQUIRES A COMBINED SIDE YARDS SETBACK OF 80 FT.

Joseph Mattina
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300")
File

Offsets to property line shown are not intended to be used in the erection of fences, retaining walls, pools, buildings or additions or any other construction or planting and should not be used for such purposes.

Unintentional alterations or addition to a survey map bearing a bearing and distance is a violation of section 20-100, subdivision 2, of the New York State Real Property Law.

Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered as the valid true copies.

Certification indicated herein signifies that this survey was prepared in accordance with the existing Code of Ethics for Professional Land Surveyors, as set forth in the laws and regulations of the State of New York, and that the surveyor is duly licensed and in good standing with the appropriate governmental agency and is duly qualified to perform such services.

Certifications are not transferrable to additional beneficiaries or subsequent owners.

Offsets to property line shown are not intended to be used in the erection of fences, retaining walls, pools, buildings or additions or any other construction or planting and should not be used for such purposes.

Survey shown is subject to the findings of a current and accurate title search.

Subsurface structures, when not visible, shall not be shown and their location and extent shall not be certified.

CERTIFIED TO:
DOROTHY J. ESTES
TOWNSHIP OF NEWBURGH

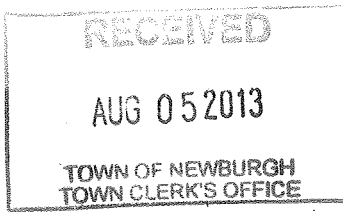
Jeffrey W. Donnellon NYS LS No. 049352

JANUARY 17, 2013

SURVEY FOR

DEED LIBER 5
LOCATED IN TA
NEWBURGH, OH

SC



ZBA MEETING – JULY 25, 2013

(Time Noted – 7:58 PM)

OTHER BOARD BUSINESS

DOROTHY ESTES

43 FLETCHER DRIVE, NBGH
(93-1-2.21) R-1 ZONE

AUG 05 2013

Chairperson Cardone: Under Other Board Business I have a communication from Dorothy Estes, who as some of you will recall that were on the Board at that time, had appeared before the Board and had been denied on the a...application. And I'll read a part of the letter:

I was informed that I could go back before the Town Zoning Board since I have a substantial change in my application. This is my first experience at a Zoning Board meeting and I was not aware of the procedures and thought I would be recalled to present further justification to the Board. Originally I only had a plot plan not a survey of my property and eventually discovered there were discrepancies with various measurements. I elected to have a survey done which corrected the inaccuracies of the plot plan. They are as follows: the shed which was granted a variance was actually 5'9" from the property line and not 4'5". No variance was needed. The car port was actually 2.2 feet from the property line as opposed to one foot as shown on the plot plan and 4 feet on the backside. If need be I'd be willing to take down the pool or cut the carport away from the house to make it an accessory structure to get the variance that I need.

In essence and a...along with this a new survey was submitted and everyone should have a copy of that. Okay I need some input from the Board as to whether or not you feel that this is a new application. In order to come back before the Board this would have to be a new application which would have to...and I'll let our attorney put it into legal terms.

Mr. Donovan: So your...your options are a...to deem this to reopen the old application because you have the ability to open an old application if it's the same application. You need a unanimous vote of the Board to do that. Alternatively if you decide that it is substantially different from the application that was previously decided you have the ability to tell the applicant that and then she can submit a new application. Either way it requires a Hearing in front of the Board. The only thing that's different if you reopen a prior...prior application, the same application requires a unanimous vote. I would say that it appears to be that this constitutes a sufficiently new evidence to be a new application which would entitle the applicant to submit to the Board again and have a new Public Hearing and seek the relief that she's asking for.

Chairperson Cardone: Okay is everyone clear on that? Is there any discussion on this?

Mr. McKelvey: I think he's right, I think that it should be...

Mr. Donovan: Some words I never heard from my wife, John.

Mr. McKelvey: You mean Ron didn't tell you that?

Mr. Donovan: He never told me that either, no. Sorry.

Chairperson Cardone: So do we have a motion to that...that effect that a...that this is substantially different and that the a...applicant should submit a new application?

Mr. McKelvey: I'll make that motion.

Chairperson Cardone: Do we have a second?

Mr. Masten: I'll second it.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: That motion is carried.

PRESENT ARE:

- GRACE CARDONE
- JOHN MC KELVEY
- MICHAEL MAHER
- JAMES MANLEY
- JOHN MASTEN
- ROSEANNE SMITH

ABSENT:

- BRENDA DRAKE
- CODE COMPLIANCE

ALSO PRESENT:

- DAVID A. DONOVAN, ESQ.
- BETTY GENNARELLI, ZBA SECRETARY

(Time Noted - 8:02 PM)

JG
8/5/13