

SBL File - CC. INF

ZBA

Minutes

File

TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT

308 GARDNERTOWN ROAD

NEWBURGH, NEW YORK 12550

Miss Estes came in asked to be put on an agenda - June is closed - so she will be put on July 25th 2013 agenda under other Board Business said she would like to "New Hearing" (Materially Different)

ORDER TO REMEDY

TO: Dorothy Estes
43 Fletcher Dr
Newburgh, NY 12550

DATE: 06/04/2013

SEC-BLK-LOT: 93-1-2.21

COMPLAINT NO: 13-0129

LOCATION: 43 Fletcher Dr
Newburgh, NY 12550

PLEASE TAKE NOTICE, there exists a violation at the location described above, in that the above named individual(s) did commit or allowed to exist the following offense:
Constructed an attached carport to the residence without a building permit being issued. The carport violates town zoning and has been denied by the Town of Newburgh Zoning Board of Appeals.

Based upon the following:

In that on 06/04/2013 at 1:00 PM the defendant did:
did construct or had constructed an attached carport to the existing residence without a building permit. The carport violates Town of Newburgh Zoning Codes regarding setbacks.

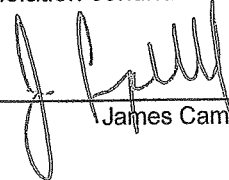
Which is in violation of:

Town of Newburgh Municipal Code\Chapter 71 - Building Construction\Article III - Building Permits and Certificates of Occupancy\71-8 When Required\71-8(A). **Which provides as follows:**

A. Improvements or demolition. No person shall commence the construction, alteration, conversion, repair, removal or demolition of any building, structure, sign or sanitary facilities thereto, excepting agricultural equipment in existing farm structures, without first obtaining a building permit from the Building Inspector. No permit shall be required for ordinary nonstructural repairs.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy the condition above mentioned forthwith on or before: 06/21/2013

For the purposes of assessing fines/penalties, your violation shall be deemed to have occurred as of 06/04/2013. Please Note: A violation of the above code provision is punishable by a fine/penalty not to exceed two hundred fifty (\$250.00) or imprisonment for a period not to exceed six (6) months. Each week that a violation continues shall be deemed a separate offense.


James Campbell, Code Compliance Dept.

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

Dorothy - 128-3952

September 18, 2012

Dorothy Estes
43 Fletcher Drive
Newburgh, NY 12550

Re: Illegal Carport
ZBA Denied
SBL: 93-1-2.21

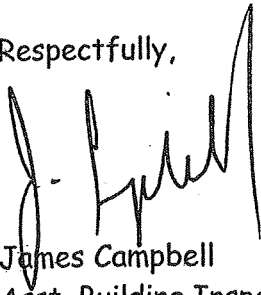
Dear Ms. Estes:

As you are aware that your request for a zoning variance to keep a prior built without a permit carport was denied back on April 26, 2012. This means you are in violation of Town of Newburgh and New York State codes and the carport needs to be removed.

Please contact me and let me know how you plan on proceeding. If this situation is not rectified by September 28th, 2012 I will have to take the next step to ensure compliance.

For your information the application on file can be converted to a demolition permit upon your request.

Respectfully,



James Campbell
Asst. Building Inspector

Follow up
10.05.12

4-97 (11-26-12) W
OTM 12-154

November 7, 2012

Dorothy Estes
43 Fletcher Drive
Newburgh, NY 12550

Re: Illegal Carport
ZBA Denied
SBL: 93-1-2.21

Dear Ms. Estes:

Since my last correspondence, dated September 18, 2012, nothing has been accomplished to rectifying the issue of the illegal carport. This issue has been ongoing since May of 2011. The following needs to be completed:

- ◆ Decide if you want to try to keep the carport or not.
- ◆ If not, apply for a demolition permit to remove the structure and perform the work after the permit is issued.
- ◆ If so, apply for a building permit with substantial changes to the drawings. There needs to be substantial changes from when you previously went to the Zoning Board of Appeals. For the ZBA to consider an application again the changes are required. The permit will be denied and referred to the ZBA.

Attached is the revised Order to Remedy, 11-57, as promised in my last correspondence to ensure compliance.

Feel free to contact me if you have any questions.

Respectfully,

James Campbell
Asst. Building Inspector

TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DOROTHY ESTES

DECISION

For area variances as follows:

- *Grant of a variance allowing a pool to be located 5.5 feet from the property line where a minimum of 10 feet is required;*
- *Grant of a variance allowing an accessory structure to be located 4.5 feet from the property line where a minimum of 5 feet is required;*
- *Grant of a variance allowing a side yard setback of 1 foot where a minimum of 30 feet is required;*
- *Grant of a variance allowing a combined side yard setback of 62 feet where a minimum of 80 feet is required.*

-----X

Introduction

Dorothy Estes is the owner of a single-family residential dwelling. Over the years, a pool, an accessory shed and a carport have been constructed on the premises. Building permits were neither applied for nor received before the structures were built. The pool, shed and carport do not meet the setback requirements. The applicant wishes to maintain the pool, shed and carport on the premises. Accordingly, the applicant seeks area variances as follows: (1) An

area variance allowing a pool to be located 5.5 feet from a property line where 10 feet is required; (2) An area variance allowing an accessory shed to be located 4.5 feet from a property line where 5 feet is required; (3) An area variance allowing a side yard setback of 1 foot where 30 feet is required; and (4) An area variance allowing a combined side yard setback of 62 feet where 80 feet is required.

The property is located at 43 Fletcher Drive in the R-1 Zoning District and is identified on the Town of Newburgh tax maps as Section 93, Block 1, Lot 2.21.

A public hearing was held on April 26, 2012, notice of which was published in *The Mid-Hudson Times* and *The Sentinel* and mailed to adjoining property owners as required by Code.

Law

Section 185-11 of the Code of Ordinances of the Town of Newburgh [Zoning], entitled "Utilization of Bulk Table," requires compliance with the bulk regulations set forth in the bulk and use schedules set forth within the zoning ordinance.

These schedules require, for this single family dwelling in the R-1 Zoning District, a setback of 10 feet for the pool.

Section 185-15 [Accessory buildings] of the Code of Ordinances of the Town of Newburgh provides that a permitted accessory building may be located in any required side or rear yard, provided that A. (1) such building, except for farm purposes, shall not exceed 15 feet in height; (2) such building shall be set back at least five feet from any side or rear lot line and at least 10 feet from the main building; (3) such building shall not occupy more than 10% of the required yard area in which it is proposed to be situated. Further, an accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined

by the following formula: $A + (B \times C)/100 = D$ [where A = Gross area of lot in square feet; B = Livable floor area of residence in square feet; C = Minimum requirement in the zoning district for one side yard, in feet; and D = Total square footage permitted for all accessory buildings]. Finally, under subparagraph "B." no accessory building shall project closer to the fronting street than the front of the main building.

These schedules also require, for this single-family dwelling in the R-1 Zoning District, a side yard setback of 30 feet (and a combined side yard setback of 80 feet).

Background

After receiving all the materials presented by the applicants and the testimony of the applicant at the public hearing held before the Zoning Board of Appeals on April 26, 2012, the Board makes the following findings of fact:

1. The applicant is the owner of a 15,000+/- square foot lot (tax parcel 93-1-2.21) located at 43 Fletcher Drive.
2. The lot is currently improved by a single-family dwelling, pool, accessory shed and carport. The pool is located 5.5 feet from the property line where a minimum of 10 feet is required, the accessory shed is located 4.5 feet from the property line where a minimum of 5 feet is required and the carport does not meet the required side yard and combined yard setbacks of 30 feet and 80 feet respectively as it was built only 1 foot from the property line.
3. Building permits were neither applied for nor obtained before construction of the referenced improvements.

4. The applicant testified that her ex-husband installed the above ground pool and the shed "about 30 years ago."
5. The applicant further testified that she arranged for the construction of the carport about "a year and a half" ago.
6. The applicant does not dispute the fact that the proper and necessary permits were never applied for or obtained.
7. The applicant's proposal is set forth on a series of photographs and hand drawn plans. The photographs and plans are hereby incorporated into this decision and a set shall remain in the zoning board's file in this matter.
8. The required, existing and proposed dimensions (in feet) and the extent of the variances requested are as follows:

Bulk Requirement	Allowance	Existing	Proposed	Variance	Percentage
Pool Setback	10'	5.5'	5.5'	4.5'	45%
Accessory Structure Setback	5'	4.5'	4.5'	5'	10%
Side Yard Setback	30'	1'	1'	29'	96.6%
Combined Side Yard	80'	18'	18'	62'	77.6%

9. No members of the public were heard during the hearing.
10. The Building Inspector denied a building permit application by letter dated February 3, 2012.

After hearing the testimony at the public hearing and considering the materials received by the Board and after viewing the subject site, the Board decides as follows:

SEQRA

This matter constitutes a Type II action under the State Environmental Quality Review Act inasmuch as it involves the granting of an area variance(s) for a single-family, two-family or three-family residence [6 NYCRR §617.5(c)(13)]. As such, this project is not subject to review under the State Environmental Quality Review Act.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review and report.

Findings

In reviewing the facts presented for the requested area variances, the Board considered the five standards for determining whether the applicant has sustained its burden of proof as required by Town Law Section 267-b (3). Each factor has been considered relevant to the decision of the board of appeals, but no single one is viewed as precluding the granting of the variances.

(1) Undesirable Change—Detriment to Nearby Properties

The applicant testified at the Hearing that the pool, accessory shed and carport are all in harmony with this existing, mature, neighborhood and do not in any way result in any undesirable changes to the neighborhood nor cause any detriment to any nearby properties.

The fact that the pool and shed have been in existence for some 30 years gives rise to an inference that their continued existence will not cause any undesirable change in the nature of the neighborhood.

However, the relative recent construction of the carport is another issue. The applicant did not describe the neighborhood in any detail and the record is therefore not complete as it does not contain any evidence supporting the applicant's position that a 99.6% (one side yard) and a 77.6% side yard (combined side yard) variance allowing only a 1 foot side yard setback is consistent with the existing neighborhood and will not change the essential character of that neighborhood.

Accordingly, based upon the evidence and testimony submitted to the Board, the Board finds that the requested variances relative to the pool and shed will not result in any serious, undesirable, detriment to surrounding property owners. With regard to the carport, however, and based upon the paucity of evidence submitted by the applicant, the Board finds that such an extreme variance may result in an undesirable effect of the character of the neighborhood.

(2) Need for Variance

It would appear that the need for the variances requested is generated by the applicant's desire to retain the existing pool, shed and carport. It is, of course, extremely difficult for the Board to evaluate this objective as it relates to the *need* for a variance. Moreover, the applicant offered no testimony or proof as to why the variances were *needed*, nor did the applicant offer any testimony as to whether the applicant had another feasible method to obtain the benefit she sought without resorting to a request for a variance or variances.

(3) Substantial Nature of Variances Requested

All of the variances requested are substantial. The side yard variances, generated by the construction of the carport, are substantial in the extreme.

(4) Adverse Physical & Environmental Effects

No testimony was given, nor was any evidence provided, that would indicate that issuance of the requested variances would result in any adverse physical and/or environmental effects. The applicant testified that no such effect would occur.

Based upon the evidence and testimony before the Board, therefore, the Board cannot conclude that any adverse physical or environmental effects would occur if the variances were granted.

(5) Self-Created Difficulty

The need for this variance is clearly self-created in the sense that the applicant purchased this property charged with the knowledge of the need to obtain building permits and variances in order to construct a pool, shed and carport on the premises.

Decision

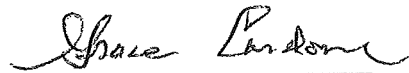
In employing the balancing tests set forth in Town Law Section 267-b (3), the Board hereby determines that the applicant has satisfied the requisites of Section 267-b with regard to the pool and shed and grants those variances as requested upon the following conditions:

1. The variances hereby granted are granted for the purpose of authorizing construction of what is shown on the plans or described within the application materials only. No construction other than as shown or described (architectural refinements aside) is authorized by this decision.

2. Section 185-55 [Procedure; construal of provisions; conflict with state law] of the Code of Ordinances of the Town of Newburgh provides, in subdivision "D," that this grant of variance shall become null and void at the expiration of six months from issuance, unless extended by this board for one additional six-month period.

In employing the balancing tests set forth in Town Law Section 267-b (3) with regard to the carport, the Board hereby determines that the applicant has *not* satisfied the requisites of Section 267-b and therefore denies that side yard variances as requested.

Dated: April 26, 2012.



Grace Cardone, Chair
Town of Newburgh ZBA

By roll call a motion to adopt the decision was voted as follows:

AYES: Chair Grace Cardone
Member Brenda Drake
Member Ronald Hughes
Member James Manley
Member John McKelvey

NAYS: Member Michael Maher

ABSENT: Member Ruth Eaton

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, BETTY GENNARELLI, Secretary to the Zoning Board of Appeals of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Decision maintained in the office of the Town of Newburgh Zoning Board of Appeals, said resulting from a vote having been taken by the Zoning Board at a meeting of said Board held on April 26, 2012


BETTY GENNARELLI, SECRETARY

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Decision was filed in the Office of the Town Clerk on

MAY 10 2012


ANDREW J. ZARUTSKIE, CLERK

TOWN OF NEWBURGH

ZBA MEETING – APRIL 26, 2012

(Time Noted – 7:07 PM) APR 30 2012

DOROTHY ESTES

43 FLETCHER DRIVE, BROGH
(93-1-2.21) R-1 ZONE
TOWN OF NEWBURGH
TOWN CLERK'S OFFICE

Applicant is seeking area variances for pools shall be 10 ft. from property line to keep a prior built pool and deck; for accessory structures shall be 5 ft. from any side lot line to keep a prior built shed and for one side yard setback and the combined side yards setback to keep a prior built carport.

Chairperson Cardone: Our first applicant this evening Dorothy Estes.

Ms. Gennarelli: The Public Hearing Notices for all the new applications being heard this evening were published in The Sentinel on Tuesday, April 17th and in the Mid-Hudson Times on Wednesday, April 18th. This applicant sent out nineteen registered letters, thirteen were returned. All the mailings and publications are in order.

Chairperson Cardone: Okay, are you Dorothy Estes? Could you please step up to the microphone?

Ms. Gennarelli: And you can tilt that down towards you.

Chairperson Cardone: And just for the record state your name and what you are looking for.

Ms. Estes: Dorothy Estes.

Chairperson Cardone: Okay.

Ms. Estes: Variances.

Chairperson Cardone: You have several items that you're looking for and these were built without any Permit, is that correct?

Ms. Estes: Yes, as far as I know, the three of them were anyway, yeah.

Ms. Gennarelli: Can you speak into the microphone, please?

Ms. Estes: Yes, they were...they were there like about thirty years ago. My ex-husband put those on the property.

Chairperson Cardone: And what brought you to us?

Ms. Estes: A...I put up a carport.

Chairperson Cardone: Okay.

Mr. McKelvey: You did it without a Permit?

Ms. Estes: Yes.

Ms. Drake: How long ago?

Ms. Estes: A...about a year and a half.

Mr. Maher: So the Town...the Town...

Ms. Gennarelli: Can you all pull your microphones in more? It has to be closer, thanks.

Mr. Maher: So the Town found and issued a Violation or a neighbor complained or what was the reason?

Ms. Estes: Yes, the Town found it.

Ms. Drake: Did you own the property thirty years ago when the other sheds were...?

Ms. Estes: Yes.

Chairperson Cardone: Do we have any other questions from the Board?

Mr. Hughes: I have. Maybe Jerry can address this? Jerry, I didn't know that...

Ms. Gennarelli: Excuse me, Ron and Mike a...John, can you pull it in closer, it's got to be about two inches.

Mr. Hughes: Can you hear it now?

Ms. Gennarelli: I can hear you now. Thank you.

Mr. Hughes: Jerry, I couldn't find anywhere where they even allow carports which kind of stumped me and I thought we had been through this before. Can you have a carport?

Mr. Canfield: Yes, carports are permitted.

Mr. Hughes: Okay.

Mr. Canfield: This is Joe's application. Joe is here with us tonight a...if you have any questions Joe has got all the information.

Mr. Hughes: Joe, can you give us the skinny on this?

Mr. Mattina: Yes, Joe from Code Compliance, yeah basically the Bulk Tables, Column A allow garages and/or carports and storage up to (4) four vehicles which isn't an issue.

Ms. Gennarelli: Joe, you've got to hold that closer when you're talking.

Mr. Mattina: Okay.

Mr. Hughes: So you have a clear understanding what's to be expected with the applicant?

Mr. Mattina: In regards to...?

Mr. Hughes: Well all...of all the variances that she's required?

Mr. Mattina: Yes, yes.

Mr. Hughes: Okay, I just wanted to clear up that thing about the carport. I know it came up before.

Chairperson Cardone: Do we have any comments from the public?

No response.

Chairperson Cardone: Okay, go ahead John.

Mr. McKelvey: How close is the pool from the property line?

Mr. Mattina: The pool is five foot, five inches.

Mr. McKelvey: And the shed?

Mr. Mattina: The shed is four foot, five inches and the carport is one foot.

Chairperson Cardone: That is the advantage of getting the Building Permit, then you would be able to put it in the right place so that you wouldn't need variances.

Ms. Estes: Right.

Ms. Drake: And Joe, the shed should be five feet and that's four and a half feet. The pool you said was (inaudible) five foot and that's supposed to be ten foot?

Mr. Mattina: Yes.

Ms. Drake: And the carport is supposed to be...?

Mr. Mattina: The carport needs to be, it's a R-1 district, so thirty foot minimum one side for a combined of eighty feet total.

Ms. Drake: Okay, thank you.

Chairperson Cardone: Is there anything else from the Board?

Ms. Drake: I'll make a motion to close the Public Hearing.

Mr. McKelvey: I'll second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

(Time Noted – 7:14 PM)

ZBA MEETING – APRIL 26, 2012 (Resumption for decision: 12:01 AM)

DOROTHY ESTES

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

Applicant is seeking area variances for pools shall be 10 ft. from property line to keep a prior built pool and deck; for accessory structures shall be 5 ft. from any side lot line to keep a prior built shed and for one side yard setback and the combined side yards setback to keep a prior built carport.

Chairperson Cardone: The Board is resuming its regular meeting. On the application Dorothy Estes seeking area variances for a pool, a prior built deck and a prior built carport at...

Ms. Gennarelli: And shed.

Chairperson Cardone: And prior built shed at 43 Fletcher Drive. This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Drake: The pool and the shed were built many years ago and are not a very large variance however the carport was built fairly recently and a ninety-nine percent (99%) variance. I think that's more of a bigger issue just allowing her to keep the...

Ms. Gennarelli: Brenda, is your mic on?

Ms. Drake: Yes.

Ms. Gennarelli: Okay, can you get a little closer to it?

Ms. Drake: ...the fact to allow her to keep the carport, in my mind, is a...not appropriate. I don't know if anyone else has any other discussion about it?

Chairperson Cardone: No, I would agree with that.

Ms. Drake: So I'll make a motion to approve to leave the shed and the pool and the deck but require her to eliminate the carport.

Mr. McKelvey: I'll second it.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ronald Hughes: Yes

Michael Maher: No

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
RONALD HUGHES
MICHAEL MAHER
JAMES MANLEY

ABSENT:

RUTH EATON

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY
GERALD CANFIELD, CODE COMPLIANCE
JOSEPH MATTINA, CODE COMPLIANCE
MARK TAYLOR, ATTORNEY FOR THE TOWN

(Time Noted – 12:02 AM)

RG 4/30/12

2273-12
Rior Built carport
(16x24)

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

X DATED: March 12 2012 **12-11** **C**

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

I (WE) DOROTHY ESTES PRESENTLY
RESIDING AT NUMBER 43 FLETCHER DR., N.B.G., N.Y.
TELEPHONE NUMBER 728 - 3952

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- ACCESSORY APARTMENT

1. LOCATION OF THE PROPERTY:
93-1-2.21 (TAX MAP DESIGNATION)
43 Fletcher Dr N.B.G.H (STREET ADDRESS)
R1 (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).
93F1-2.21
BT Sch.3

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: 2/3/12
- 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: 16' x 24' Car port

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:

It is a beautiful carport - looks like part of the house.

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:

I bought a new car and this was a perfect spot to build a carport on the side of the house in driveway.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

I needed to use this area to be able to fit the car. Asked neighbors they said it looks great. It is close to property line.

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

It fits and looks great with the house. Is not in the way of anything.

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

It was the only spot to put it to keep my car safe from the weather.

7. ADDITIONAL REASONS (IF PERTINENT) :


PETITIONER(S) SIGNATURE

STATE OF NEW YORK : COUNTY ^{OF} ~~OR~~ ORANGE :

SWORN TO THIS 12th DAY OF MARCH 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.

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>Dorothy Estes</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>43 Fletcher Dr NEBH</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>behind meadow hill. 055-17K onto Fletcher Dr. straight down Fletcher onto dead end - 2nd house on left. gray w/ blue trim.</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>16'x24' open car port with single^{pitched} roof - matching the house</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>100 x 150</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>too close to property line</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/Fores/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 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: _____	Date: <i>3/12/12</i>
Signature: <i>Dorothy Estes</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



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. 2273-12

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

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES

NAME: DOROTHY ESTES

ADDRESS: 43 FLETCHER DR NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 16 X 24 PRIOR BUILT CAR PORT

SBL: 93-1-2.21 ZONE: R / 1

TOWN WATER: NO TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ONE SIDE YARD	30'	1'		29'	96.6%
COMBINED SIDE YARD	80'	18'		62'	77.6%

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

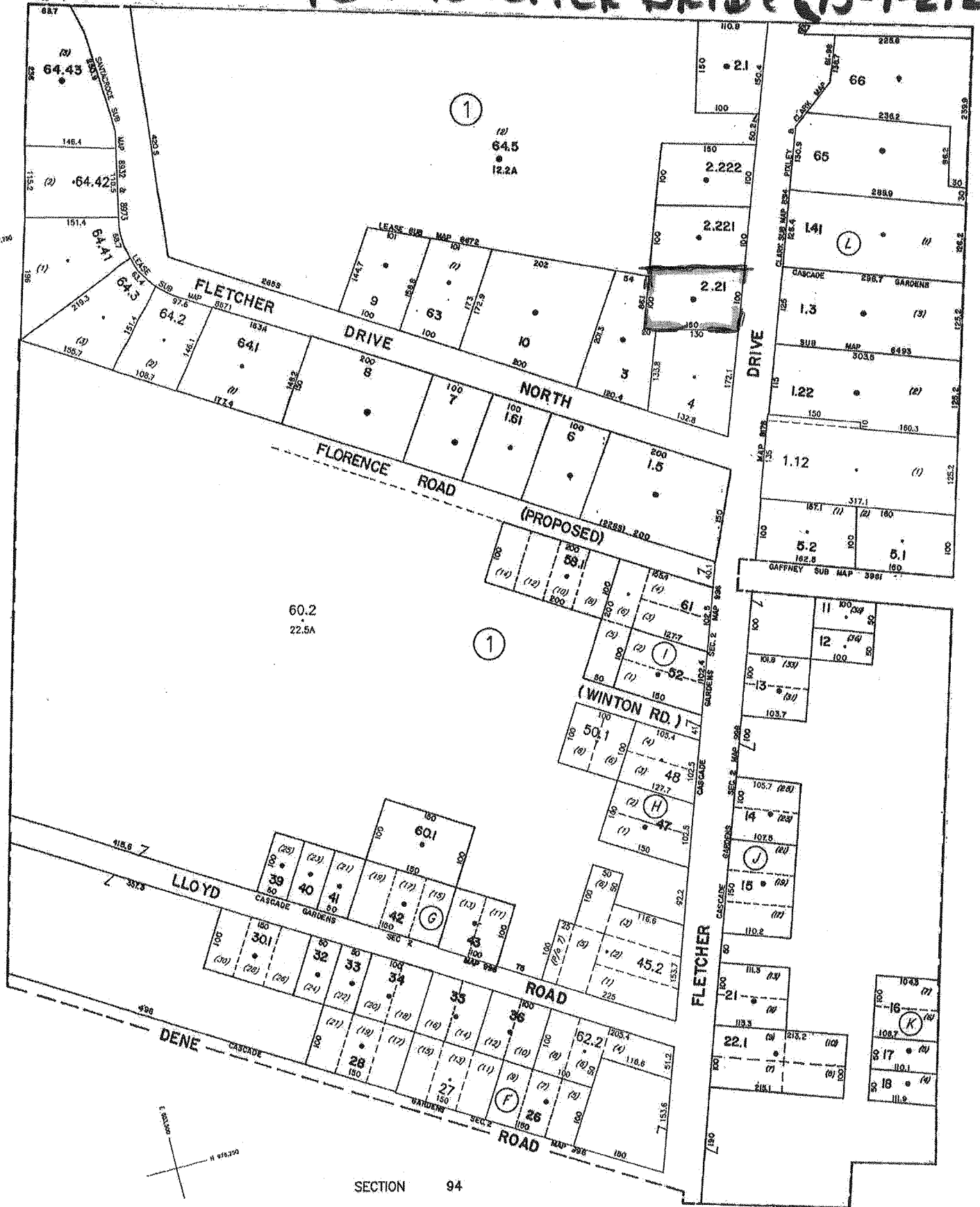
NOTES: **PRIOR BUILT 16 X 24 ATTACHED CARPORT**

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE (3) REQUIRES ONE SIDE YARD OF 30'
- 2 BULK TABLE SCHEDULE (3) REQUIRES BOTH SIDE YARDS OF 80' MINIMUM.
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 23-Jan-12

Estes 43 Fletcher Drive (93-1-2.21)



SECTION 94





Snap off

CARBONLESS FORM 3801

NO CARBON REQUIRED

RAPID LETTER

NOTE: Send White and Pink copies. Sender retains Canary copy. TRIPLICATE

TO Building Insp.
From: Assessor

93-1-2.21

SUBJECT 93-1-2.21, Dorothy Estes, 43 Fletcher Av. Nbg. NY

MESSAGE

DATE 5/6/11

Owners have added a Car Port to side of house. (no permit)

Thank You
SIGNED

REPLY

DATE

SIGNED

PROPERTY IDENTIFICATION

OWNERSHIP & MAILING ADDRESS

SWIS 234800 S B L SUFFIX

Estes Dorothy J
43 Fletcher Drive
Newburgh NY 12550

CLASS CODE 0101 E GRID COORDINATE
PROPERTY ADDRESS Fletcher Dr

RECORD OF OWNERSHIP

Table with columns: DATE (MO, YR), SALE PRICE, UNCONFIRMED BUYER, SELLER, AGENT, VALIDITY. Includes entries for 11 80 and 07 01.

SITE DESCRIPTION

Table with columns: T, DEPTH FACTOR, ADJUSTED FF PRICE, INFLUENCE CODE, INFLUENCE %, LAND VALUE

NEIGHBORHOOD I.D.

ZONING: 01 - NONE 04 - FARM 07 - MIXED 08 - COMMERCIAL 09 - GOVERNMENT
02 - SINGLE RES. 03 - MULTI RES. 05 - INDUSTRIAL

INFLUENCE CODES:
1-CORNER
2-TOPOGRAPHY
3-UNIMPROVED
4-EXCESSIVE FRONT
5-SHAPE OR SIZE
6-RESTRICTIONS
7-ECONOMIC
MISIMPROVED
8-VIEW
9-OTHER
10-NONE

TOPOGRAPHY RATING: 1-GOOD 2-FAIR 3-POOR 4-VERY POOR
VIEW: 1-DETRIMENTAL 2-TYPICAL 3-ENHANCING
LAYOUT (FARMS ONLY) 1-POOR 2-AVERAGE 3-GOOD

FLOOD RATING: 1-ALWAYS 2-MIXED 3-OFTEN 4-SOME 5-NEVER
MUCK: 1 2 3 4
SITE ELEVATION: 1-BELOW GRADE 2-LEVEL 3-ABOVE GRADE
DWELLING SETBACK: NEAREST 10 FEET
ROAD: 1-NONE 2-UNIMPROVED 3-IMPROVED
WATER: 1-NONE 2-PRIVATE 3-COMM/PUBLIC
SEWER: 1-NONE 2-PRIVATE 3-COMM/PUBLIC
UTILITIES: 1-NONE 2-GAS 3-ELECTRIC 4-GAS AND ELECTRIC

NEIGHBORHOOD TYPE

1-RURAL 2-SUBURBAN 3-URBAN 4-COMMERCIAL

SITE DESIRABILITY

1-INFERIOR 2-TYPICAL 3-SUPERIOR

LOT LANDSCAPING

1-EXCELLENT 2-GOOD 3-FAIR 4-POOR 5-NONE

DRIVEWAY

1-NONE 2-UNIMPROVED 3-IMPROVED

FRONTING TRAFFIC

1-HEAVY 2-MEDIUM 3-LIGHT

BUILDING PERMIT RECORD

Table with columns: DATE (MO, YR), TYPE (1-DEMOL, 2-ADDN), AMOUNT, NUMBER

68800

SPECIAL DISTRICTS

SCHOOL-331100
FIRE F0030

WATER
SEWER
LIGHT
PARK

TOTAL

ASSESSMENT

LAND

IMPROVEMENTS

TOTAL

EXEMPTION

19 88 93

6500 6500

36,000 39,900

H. 227.13

19

19

19

93-1-2-21



RESIDENCE DESCRIPTION
 STYLE: 01 RANCH 06 CONTEMPORARY 11 LOG CABIN
 02 RAISED RANCH 07 MANSION 12 DUPLEX
 03 SPLIT LEVEL 08 OLD STYLE 13 BUNGALOW
 04 CAPE COD 09 COTTAGE 14 OTHER
 05 COLONIAL 10 ROW 15 TOWN HOUSE
 NUMBER OF STORIES: 1.0

EXTERIOR WALLS:
 1 WOOD/FRAME 4 COMPOSITION 7 STONE
 2 BRICK 5 CONCRETE
 3 ALUM/VINYL 6 STUCCO
 AGE: YEAR BUILT 1950
 REMODELED 1997
 EFFECTIVE YR BUILT

ROOMS BED 2.5 BATH 0 TOTAL 2.5
 FAMILY 0
BASEMENT:
 1 PIERS/SLAB 2 CRAWL 3 PARTIAL 4 FULL
 BASEMENT GARAGE CAPACITY 0
HEAT TYPE:
 1 NO CENTRAL 2 HOT AIR 2
 3 STEAM/HOT WATER 4 ELECTRIC
FUEL TYPE:
 1 NONE 3 ELECTRIC 5 WOOD 7 COAL
 2 GAS 4 OIL 6 SOLAR
AIR CONDITIONING: 1 YES 2

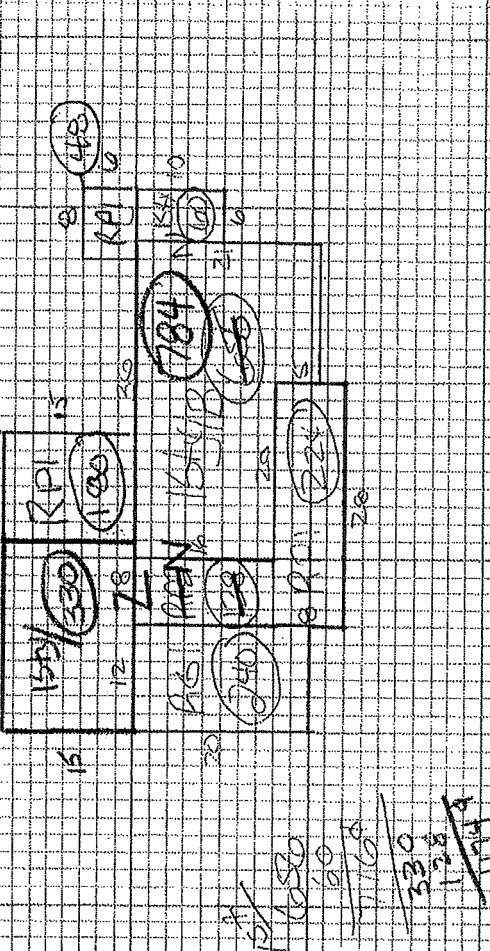
PLUMBING: 1 YES 2

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

COST FACTORS
 GRADE ADJ. 1.2
 PERCENT GOOD 1
 FUNCTIONAL/ECONOMIC OBSOLESCENCE 1
 CDU (EX, YG, G, AV, P, VP, UN)

LIVING AREA: FIRST FLOOR (SF) 1174
 SECOND FLOOR (SF) 770
 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)
 FINISH OVER GARAGE (SF)
 UNFINISHED ROOM (SF) 1174
 TOTAL LIVING AREA (SF) 770
 UNFINISHED ATTIC (SF)
 RECREATION ROOM (SF)

NOTES:



EXTERIOR IMPROVEMENTS
 STR. CODE 1 FC1 2 L55 3 RPI
 MOD. CODE 1 2
 U MEASURE QUAN/GR TITY **
 1 3280 / 01
 2 3432 / 01
 3 3180 / 01
 YEAR BUILT 7 7 2
 RATE 3 3 3
 C FUNC. 1 1 1
 + OBSSG 1 1 1
 TOTAL 100 Permit

ATTACHED IMPROVEMENTS
 STR. CODE 1 FC1 2 L55 3 RPI
 MOD. CODE 1 2
 U MEASURE QUAN/GR TITY **
 1 3224 / 01 1970
 2 3000 / 01 1950
 3 3180 / 01
 4 RPI 3180 / 01 7
 5 RPI 349 / 01 7
 YEAR BUILT 1970 1950
 RATE 3 3 3
 C FUNC. 3 3 3
 + OBSSG 3 3 3
 TOTAL 3 No Permit 3 No Permit

OTHER FACTORS:
 MASONRY TRIM (SF) 2
 STONE/BRICK 1 YES 2
 FIREPLACES

DETACHED IMPROVEMENTS

STR. CODE	MOD. CODE	U MEASURE	QUAN/GR TITY **	YEAR BUILT	RATE	C FUNC. + OBSSG	TOTAL
1 FC1		3280	/ 01	7	3	1	100
2 L55		3432	/ 01	7	3	1	Permit
3 RPI		3180	/ 01	2	3	1	Permit
4							
5							
6							
7							
8							
9							
10							

ATTACHED IMPROVEMENTS

STR. CODE	MOD. CODE	U MEASURE	QUAN/GR TITY **	YEAR BUILT	RATE	C FUNC. + OBSSG	TOTAL
1 FC1		3224	/ 01	1970	3	3	3
2 L55		3000	/ 01	1950	3	3	3
3 RPI		3180	/ 01		3	3	3
4 RPI		3180	/ 01	7	3	3	No Permit
5 RPI		349	/ 01	7	3	3	No Permit
6							

OTHER FACTORS:
 MASONRY TRIM (SF) 2
 STONE/BRICK 1 YES 2
 FIREPLACES

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

CODE ENFORCEMENT OFFICE
TOWN OF NEWBURGH
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7801

NOTICE OF COMPLAINT

DATE: 05/06/2011

TO: DOROTHY ESTES
43 FLETCHER DR
NEWBURGH

SEC-BLK-LOT: 93-1-2.21

COMPL NO: 11-74


LOCATION: 43 FLETCHER DRIVE

PLEASE TAKE NOTICE, a complaint has been registered against the location described above, in that the above named individual(s) did commit or permit to occur the following offense:

SEE ATTACHED SCHEDULE A

YOU ARE THEREFORE DIRECTED AND ORDERED to contact this office immediately to arrange for an inspection of the above described condition.

Failure to promptly comply with this directive may result in a fine or imprisonment or both


Code Compliance

**CODE ENFORCEMENT OFFICE
TOWN OF NEWBURGH**

308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

SEC-BLK-LOT: 93-1-2.21

PAGE: 2

DATE: 05/06/2011

LOCATION: 43 FLETCHER DRIVE

COMP NO: 11-74

**NOTICE OF COMPLAINT
- SCHEDULE A -**

COMPLAINT:

BUILT A CARPORT TO SIDE OF HOUSE, NO PERMIT ON FILE

Dorothy Estes
43 Fletcher Dr.
Newburgh N.Y. 12550
SBL: 93-1-2.21

May 12, 2011

Mrs. Estes

A complaint has been filed for the construction of a carport with out obtaining a building permit. A site inspection conducted today affirms the complaint.

A long with this letter is a copy of that complaint.

Please respond to the Town of Newburgh Building Department no later then 5-27-2011 with a completed building permit application for this structure.

From the site inspection it appears the carport is in violation of the required minimum side yard setback for this zone. With your application submit a survey or detailed plot plan.

If you have any questions please call.

Joseph Mattina
Code Compliance

OTR
11-57

CODE ENFORCEMENT OFFICE

TOWN OF NEWBURGH

308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7801

ORDER TO REMEDY VIOLATION

DATE: 05/27/2011

TO: DOROTHY ESTES
43 FLETCHER DRIVE
NEWBURGH NY 12550

SEC-BLK-LOT: 93-1-2.21

VIOL NO: 11-57
ORIG. COMP NO: 11-74

LOCATION: 43 FLETCHER DRIVE

PLEASE TAKE NOTICE, there exists a violation at the location described above, in that the above named individual(s) did commit or allow to exist the following offense:

SEE ATTACHED SCHEDULE A

which is in violation of:

Town of Newburgh Municipal Code

SEC: 71-8

SUB-DIV: A

TITLE: BUILDING PERMITS AND CERTIFICATES

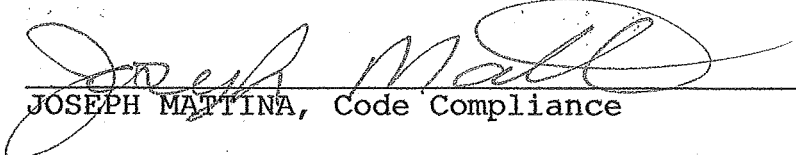
PAGE: 71:4

Based upon the following:

SITE INSPECTION CONFIRMED A CARPORT CONSTRUCTED WITH OUT APPROVALS OR PERMITS. APPEARS TO VIOLATE LOCAL ZONING REQUIREMENTS.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy the condition above mentioned forthwith on or before: 06/24/2011

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.


JOSEPH MATTINA, Code Compliance

YOUR IMMEDIATE AND PROMPT RESPONSE TO THIS NOTICE IS MANDATORY.

SEC-BLK-LOT: 93-1-2.21

PAGE: 2

DATE: 05/27/2011

LOCATION: 43 FLETCHER DRIVE

INCIDENT NO: 11-57

ORDER TO REMEDY VIOLATION

- SCHEDULE A -

IN VIOLATION OF:

Improvements or demolition. No person shall commence the construction, alteration, conversion, repair, removal or demolition of any building, structure, sign or sanitary facilities thereto, excepting agricultural equipment in existing farm structures, without first obtaining a building permit from the Building Inspector. No permit shall be required for ordinary nonstructural repairs.

DOROTHY ESTES
43 FLETCHER DR NEWBURGH NY 12550

LOCATION
PROJECT: PRIOR BUILT CAR PORT
CONTRACTOR:
S.B.L.: 93-1-2.21
PHONE # 564-5618
DATE: 5-31-2011
APPLICATION # 11-195

PLEASE SUBMIT ALL ITEMS LISTED BELOW AT ONE TIME !!!!!

1. After a review of your application for the prior built carport, the permit can not be referred to the zoning board of appeals for the necessary variance at this time.

A sign and sealed survey will be required that includes the carport. Scaling out the survey submitted, there is only 14' between your existing garage and your property line. A 16' x 24' carport would cross the property line by 2'.

Please be aware there is still an outstanding violation for this structure and must be corrected immediately.

Add-9328

Joseph Mattina
Code Compliance

9/12/11 - 9:17 - working w/ Doce for new survey.

Dorothy Estes
43 Fletcher Dr
Newburgh, N.Y. 12550

September 7, 2011

RE: Building with out a permit.

This letter is a reminder that as of the above date, the compliant (# 11-57) and Order to Remedy (# 11-74) still remain unresolved for the building of a carport with out obtaining proper approvals or permits.

As previously discussed it appears the structure was constructed out side of your property line. If this is incorrect supply a survey showing it's location.

A variance from the Town of Newburgh Zoning Board of Appeals will still be required due to the violation of the minimum allowed side yard setback.

This matter must be resolved no later then September 30, 2011 so that further actions can be avoided.

Joseph Mattina
Code Compliance

43 FLETCHER DR

MAILING ADDRESS: DOROTHY ESTES NEWBURGH NY 12550
PROJECT: PRIOR BUILT CAR PORT
CONTRACTOR:
S.B.L.: 93-1-2.21
PHONE #: 564-5618
DATE: 9-30-2011
APPLICATION # 11-195

PLEASE SUBMIT ALL ITEMS LISTED BELOW AT ONE TIME !!!!!

A VARIANCE FROM THE ZONING BOARD OF APPEALS IS REQUIRED

1. The survey submitted only shows the carport. I need the full copy. A variance is required for 1 side yard setback and combined side yard setbacks. Other variances are possible. The survey does not show any decks, sheds or pool. Supply a copy of the certificate of occupancies for the decks and pool. If the pool and decks do not have certificates submit building permit applications at this time and if variances are required for them they can be applied for at the same time as the carport.

Joseph Mattina
Code Compliance

43 FLETCHER DR

MAILING ADDRESS: DOROTHY ESTES
PROJECT: CARPORT, SHED, POOL
CONTRACTOR:
S.B.L.: 93-1-2.21
PHONE # 564-5618
DATE: 11-03-2011
APPLICATION # 11-195

PLEASE SUBMIT ALL ITEMS LISTED BELOW AT ONE TIME !!!!!

A VARIANCE FROM THE ZONING BOARD OF APPEALS IS REQUIRED

1. Remove the 2 decks with out permits. (7' x 8' & 12' x 13.9')
2. Submit an application for the swimming pool. This will be denied and referred to the zoning board where a variance will be required for not having 10' setback distance to the property line.
3. Submit an application for the 10' x 16' shed. This will also be denied and referred to the zoning board for not having the required 5' from the property line.
4. The carport application will be denied and referred to the zoning board where 2 variances will be required. One variance is for the single side yard setback violation and the second variance will be for combined side yard setback.

**Joseph Mattina
Code Compliance**

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.

*Unauthorized erection or addition to a survey may be deemed a breach of contract and a violation of section 2202, subdivision 2 of the New York State Education Law.

Only copies from the original of this survey made on or after the date of the survey are valid and shall be considered to be valid in all respects.

Confessions and admissions made by the surveyor 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.

Confessions 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.

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.

Deeds, office instruments, where not void, will not be shown and their location and extent will not be certified.

CERTIFIED TO:
DOROTHY J. ESTES
TOWN OF NEWBURGH



Jeffrey W. Donnellon NYS LS No. 049352

JANUARY 17, 2013

SURVEY FOR

DEED LIBERTY
LOCATED IN THE
NEWBURGH, OH

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.

SC