

12-11 (A)

2269-12  
Brinbuilt pool +  
pool deck

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: March 12 2012

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. (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NUMBER; DO NOT QUOTE THE LAW).

185-43-B.

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: Swimming pool and pool deck (18ft round pool)

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:

It is close to the property line.

(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:

It is not visible to any of the neighbors - I keep it well kept + neat.

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

There is a 6ft fence + shrubs dividing the properties.

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 has a fence between properties  
and the yard is nicely maintained. It was  
bought 30 years ago.

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 was the only spot to put the  
pool & deck on the property.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 is put in a hidden spot on my  
property.

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

It has been there for 30 years and  
is not a problem or eye sore.

7. ADDITIONAL REASONS (IF PERTINENT) :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Joseph Este*  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK : COUNTY <sup>OF</sup> ~~OR~~ ORANGE :

SWORN TO THIS 12<sup>th</sup> DAY OF MARCH 2012

*A. J. Zarutskie*  
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.

## 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. Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>Behind meadow hill - off 17 onto Fletcher Dr. Straight down Fletcher onto dead end, 2nd house on left - next 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>18ft round pool w/ small dock</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>100 +/-</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 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 checked="" type="checkbox"/> Yes <input 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



NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2269-12 Date: February 3, 2012

To: DOROTHY ESTES SBL 93-1-2.21  
43 FLETCHER DRIVE ADD: 43 FLETCHER DRIVE  
NEWBURGH, NY 12550 ZONE R-1

PLEASE TAKE NOTICE that your application dated January 23,  
20 12 for permit to keep a Prior Built pool and pool deck  
At the premises located at 43 Fletcher Drive

Is returned herewith and disapproved on the following grounds:

185 - 43 - B-  
POOLS IN EXCESS OF 200 SQ. FT. SHALL BE LOCATED AT LEAST 10 FT. FROM  
ANY LOT LINE.

  
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:

*Prior Built*

TYPE OF STRUCTURE: POOL & POOL DECK

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

TOWN WATER:  NO

TOWN SEWER:  NO

MINIMUM SETBACK

MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
10'		5'-6"	4'-6"	45.0%

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 18' ROUND POOL WITH A 12 X 12 DECK**

## VARIANCE(S) REQUIRED:

1 185-43-B POOLS SHALL BE LOCATED AT LEAST 10' FROM ANY LOT LINE.

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA

DATE: 23-Jan-12

2269-12  
A