



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

Zoning Board of Appeals  
**OCT 08 2019**  
Town of Newburgh

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: \_\_\_\_\_

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

I (WE) ROSEANN FARROW PRESENTLY

RESIDING AT NUMBER 351 LAKESIDE ROAD

TELEPHONE NUMBER 914-213-0852

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

S/B/L: 33-1-25 (TAX MAP DESIGNATION)

351 LAKESIDE ROAD (STREET ADDRESS)

R-1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- BULK TABLE SCHEDULE 3 40' REQ'D REAR YARD SEBACK
- BULK TABLE SCHEDULE 3 ALLOWS MAXIMUM 20% SURFACE COVERAGE
- 185-19-C-1 DEGREE OF NON CONFORMITY SHALL NOT INCREASE (ONE SIDE YARD)
- 185-19-C-1 DEGREE OF NON CONFORMITY SHALL NOT INCREASE (TOTAL SIDE YARDS)



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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: MARCH 22, 2019
- 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: AREA VARIANCES FOR DEFICIENT SIDE YARD, REAR YARD, AND COMBINED SIDE YARD SETBACKS, AND EXCESSIVE TOTAL % LOT COVERAGE.

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:

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





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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:

THE SUBJECT PROPERTY IS RESIDENTIAL AND THE REQUESTED AREA VARIANCES WILL ALLOW FOR A PREVIOUSLY CONSTRUCTED DECK THAT IS NOT HIGHLY VISIBILE FROM ADJACENT PROPERTIES AS IT IS IN THE REAR OF THE HOUSE AND THE PROPERTY HAS MATURE LANDSCAPE SCREENING.

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:

ANY CONSTRUCTION ON THE SUBJECT PROPERTY INCLUDING BUT NOT LIMITED TO A DECK WOULD SIMILAR OR MORE INTENSE AREA VARIANCES DUE TO EXISTING LOT DIMENSIONS AND PROPERTY LINE SETBACKS.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE DECK IS NOT VISIBLE FROM LAKESIDE ROAD AND DISTURBED AREA FOR CONSTRUCTION OF THE DECK IS MINIMAL.

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

THE DECK IS NOT VISIBLE FROM THE ROAD AND THE MAJORITY OF PROPERTIES ON LAKESIDE ROAD HAVE SIMILAR DEFICIENT SETBACKS FOR EXISTING STRUCTURES AS THEY WERE CONSTRUCTED PRIOR TO CURRENT ZONING.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

THE SMALL LOT WAS CREATED PRIOR TO THE CURRENT OWNER PURCHASING THE PROPERTY.

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



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OFFICE OF ZONING BOARD  
(845) 566-4901

### 7. ADDITIONAL REASONS (IF PERTINENT):

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

*Roseanne Farrow*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF October 2019

*Joseph P. PEDI*

NOTARY PUBLIC

JOSEPH P. PEDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01PE6370913  
Qualified in Orange County  
Commission Expires February 12, 2022

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. **(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)





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ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

ROSEANN FARROW, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 351 LAKESIDE ROAD

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

351 LAKESIDE ROAD, NEWBURGH, NEW YORK 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10/4/19 Roseann Farrow

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF October 2019

JOSEPH P. PEDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01PE6370913  
Qualified in Orange County  
Commission Expires February 12, 2022

[Signature]  
NOTARY PUBLIC

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

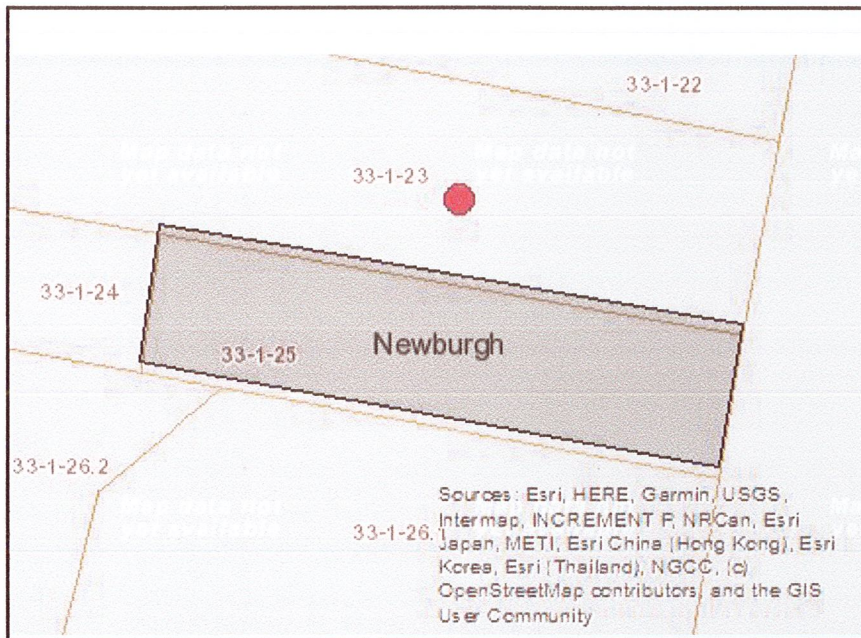
<b>Part 1 – Project and Sponsor Information</b>				
PROPOSED SITE PLAN AND BUILDING PERMIT INCLUDING AREA VARIANCES FOR CONSRUCTION OF REAR DECK AT 351 LAKESIDE ROAD				
Name of Action or Project: AREA VARIANCES FOR REAR DECK AT 351 LAKESIDE ROAD, TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK				
Project Location (describe, and attach a location map): 351 LAKESIDE ROAD (S/B/L: 33-1-25), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK				
Brief Description of Proposed Action: LEGALIZATION OF PREVIOUSLY CONSTRUCTED DECK ON REAR OF EXISTING RESIDENCE AT 351 LAKESIDE ROAD IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.  TO OBTAIN CERTIFICATE OF OCCUPANCY FOR PREVIOUSLY CONSTRUCTED DECK AN APPROVAL IS REQUIRED FORM THE TOWN ZBA FOR REQUIRED AREA VARIANCES AND CODE COMPLIANCE DEPARTMENT FOR STRUCTURAL INSPECTIONS.				
Name of Applicant or Sponsor: ROSEANN FARROW		Telephone: 914-213-0852 E-Mail: roseann@rfseminars.com		
Address: PO BOX 10065				
City/PO: NEWBURGH		State: NEW YORK	Zip Code: 12552	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: TOWN OF NEWBURGH ZONING BOARD OF APPEALS FOR AREA VARIANCES AND BUILDIG DEPARTMENT FOR BUILDING PERMIT			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.12 acres		
b. Total acreage to be physically disturbed?		<0.05 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.12 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				



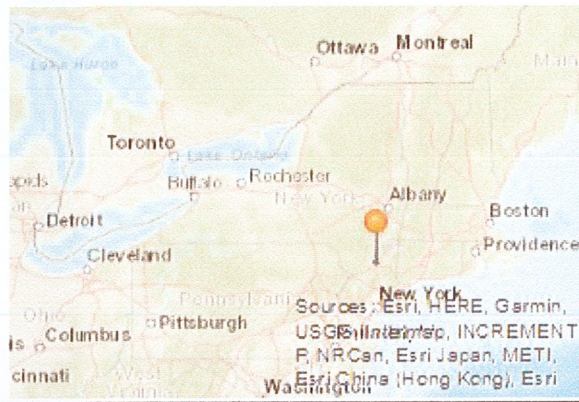
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ PRIVATE WELL _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	







**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

# 2794-19

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/25/2019

Application No. 19-1002

To: Roseann Farrow  
P.O. Box 10065  
Newburgh, NY 12552

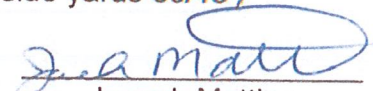
SBL: 33-1-25  
ADDRESS: 351 Lakeside Rd

ZONE: R1

PLEASE TAKE NOTICE that your application dated 09/10/2019 for permit to keep a 12' x 20' rear deck built without a permit on the premises located at 351 Lakeside Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 3 requires a 40' rear yard setback
- 2) Bulk table schedule 3 allows a maximum lot surface coverage of 20%
- 3) 185-19-C-1 Shall not increase the degree of non-conformity. (one side yard 30/2')
- 4) 185-19-C-1 Shall not increase the degree of non-conformity. (Combined side yards 80/13')

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT** YES / NO

NAME: Roseann Farrow Building Application # 19-1002

ADDRESS: 351 Lakeside Rd. Newburgh NY 12550

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 12' x 20' rear deck

SBL: 33-1-25 ZONE: R-1 ZBA Application # 2794-19

TOWN WATER: YES / NO

TOWN SEWER: YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'		37'	3'	7.50%
ONE SIDE YARD	30'	2'	Increasing the degree of non-conformity		
COMBINED SIDE YARDS	80'	13'	Increasing the degree of non-conformity		
BUILDING COVERAGE					
SURFACE COVERAGE	20.0%		65%	45%	225.00%

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: Built without a permit

**VARIANCE(S) REQUIRED:**

- 1 Bulk table schedule 3 requires a 40' rear yard setback \_\_\_\_\_
- 2 Bulk table allows a maximum lot surface coverage of 20% \_\_\_\_\_
- 3 185-19-C-1 / Shall not increase the degree of non-conformity. (1 side yard) \_\_\_\_\_
- 4 185-19-C-1 / Shall not increase the degree of non-conformity. (Combined side yard) \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 25-Sep-19





PICTURE # 1  
PROPERTY FRONTAGE ALONG  
LAKESIDE ROAD



PICTURE # 2  
PARTIAL FRONT  
FROM SUBJECT DRIVEWAY

AREA VARIANCES  
ROSEANN FARROW  
351 LAKESIDE ROAD (S/B/L: 33-1-25)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.  
51 HUNT ROAD

DATE:  
10.02-2019

WALLKILL, NEW YORK 12589  
(845) 741-0363  
jonathancell@hotm@il.com

SHEET NO.:  
1 OF 3





PICTURE # 3  
SOUTHEAST SIDE OF PROPERTY  
FROM SUBJECT DRIVEWAY



PICTURE # 4  
SOUTHWEST SIDE OF PROPERTY  
FROM SUBJECT DRIVEWAY

AREA VARIANCES  
ROSEANN FARROW  
351 LAKESIDE ROAD (S/B/L: 33-1-25)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.  
51 HUNT ROAD

DATE:  
10-02-2019

WALLKILL, NEW YORK 12589  
(845) 741-0363  
jonathancell@hotm@il.com

SHEET NO.:  
2 OF 3





PICTURE # 5  
WEST SIDE OF PROPERTY



PICTURE # 6  
NORTH SIDE OF  
EXISTING RESIDENCE

AREA VARIANCES  
ROSEANN FARROW  
351 LAKESIDE ROAD (S/B/L: 33-1-25)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.  
51 HUNT ROAD

DATE:  
10-02-2019

WALLKILL, NEW YORK 12589  
(845) 741-0363  
jonathancellla@hotmail.com

SHEET NO.:  
3 OF 3

**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

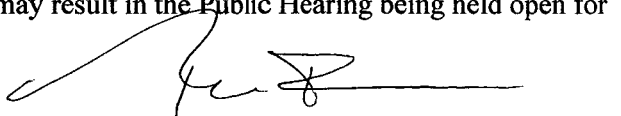
STATE OF NEW YORK: COUNTY OF ORANGE:

I Roseann Tarrow, being duly sworn, depose and say that I did on or before

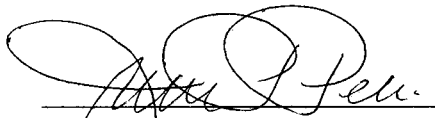
October 10, 2019, post and will thereafter maintain at

351 Lakeside Rd 33-1-25 R-1 Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.



Sworn to before me this 9  
day of October, 2019.

  
Notary Public

JOSEPH P. PEDI NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PE6370913 Qualified in Orange County Commission Expires February 12, 2022
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[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]



351 Lakeside Road, Newburgh, NY

10/8/19

