



Edward A. Pinnac
County Executive

Orange County Department of Planning

Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1,m, & n

Referral ID#:
County use only

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Local Referring Board:

Zoning Board of Appeals

Applicant:

Thomas P & Vickie M. Fitzgerald

Project Name:

163 Mill Street Walkill

Location of Project Site:

Tax Map #:

2-1-69

Tax Map #:

Tax Map #:

Local File No.:

Size of Parcel:

*If more than one parcel, please include sum of all parcels.

Reason for County

Review:

within 500ft of NYS Route 32

Current Zoning

District (include

any overlays):

RR

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan

Sq. feet proposed (non-residential only): _____

Which approval is the applicant currently seeking?

SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: _____

Which approval is the applicant currently seeking?

SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

(AREA) USE (circle one)

INCREASING Degree Non Conformity one

Other

SIDE YARD & COMBINED SIDE YARDS setback

Is this an update to a previously submitted referral? YES (NO) (circle one)

Local board comments
or elaboration:

Grace Cardone

4/10/13

Chairperson,
Zoning Board of Appeals

Signature of local official

Date

Title

Municipal Contact Phone Number:

845 566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 4/8/2013

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

I (WE) Thomas P & Vickie M. Fitzgerald PRESENTLY
RESIDING AT NUMBER 163 Mill St. Wallkill
TELEPHONE NUMBER 845 564 6870

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:

384600 2-1-69 (TAX MAP DESIGNATION)

163 Mill St. (STREET ADDRESS)

R-R (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).

185-19-C-1

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: 3/28/2013
- 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: _____

increasing degree of non-conformity

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:

it is the conversion of a screen room (existing structure) into habitable space (Family Room)

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 an ^{existing} ~~existing~~ structure outside
appearance is not change _____

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:

_____ the space on either side of house
~~is~~ doesnt meet requirements _____

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

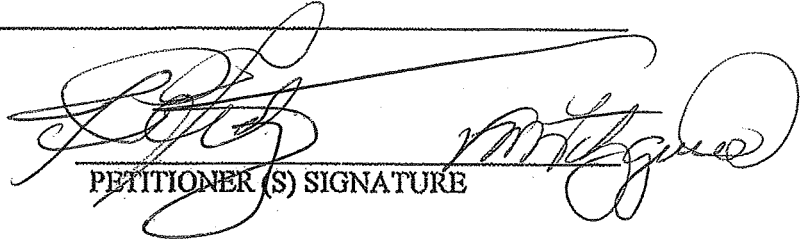
_____ we are only 18 ft away from
the minimum required space _____

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 structure exists already as a
3 season screened porch _____

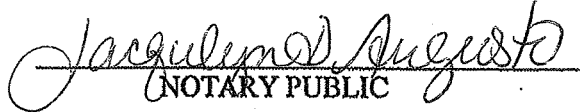
e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 8th DAY OF April 20 13


NOTARY PUBLIC

JACQUELYN D. AUGUSTO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01AU6128857
Qualified in Ulster County
My Commission Expires June 20, 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. 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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Thomas P & Vickie M. Fitzgerald, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 163 Mill St

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

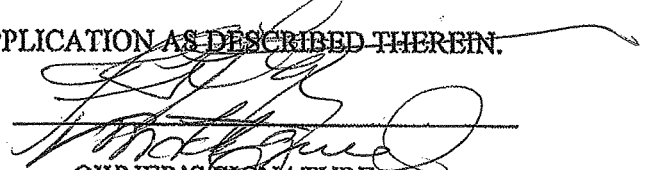
2-1-69

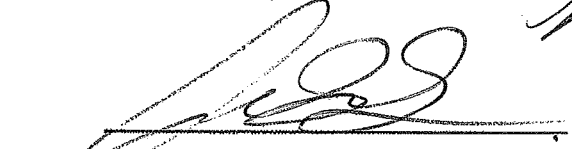
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Joseph Smith

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

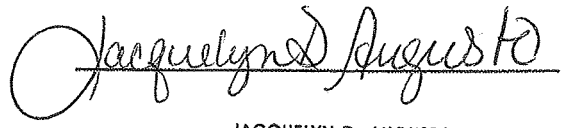
DATED: 4/8/2013


OWNER'S SIGNATURE


WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF April 20 13



NOTARY PUBLIC

JACQUELYN D. AUGUSTO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01AU6128857
Qualified in Ulster County
My Commission Expires June 20, 2013

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 Thomas P/Vickie M Fitzgerald	2. PROJECT NAME Screen Room to Conversion Family Room
3. PROJECT LOCATION: Municipality <u>Newburgh, NY</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>163 Mill St</u> <u>Waukill, NY 12589</u> <u>2-1-69</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Converting existing attached screen room into habitable Great Room/Family Room</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately <u>0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Describe: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other	
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 checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Thomas P/Vickie M Fitzgerald</u> Date: <u>4/9/2013</u> Signature: <u>[Signatures]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING; (Answers may be handwritten, if legible)
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

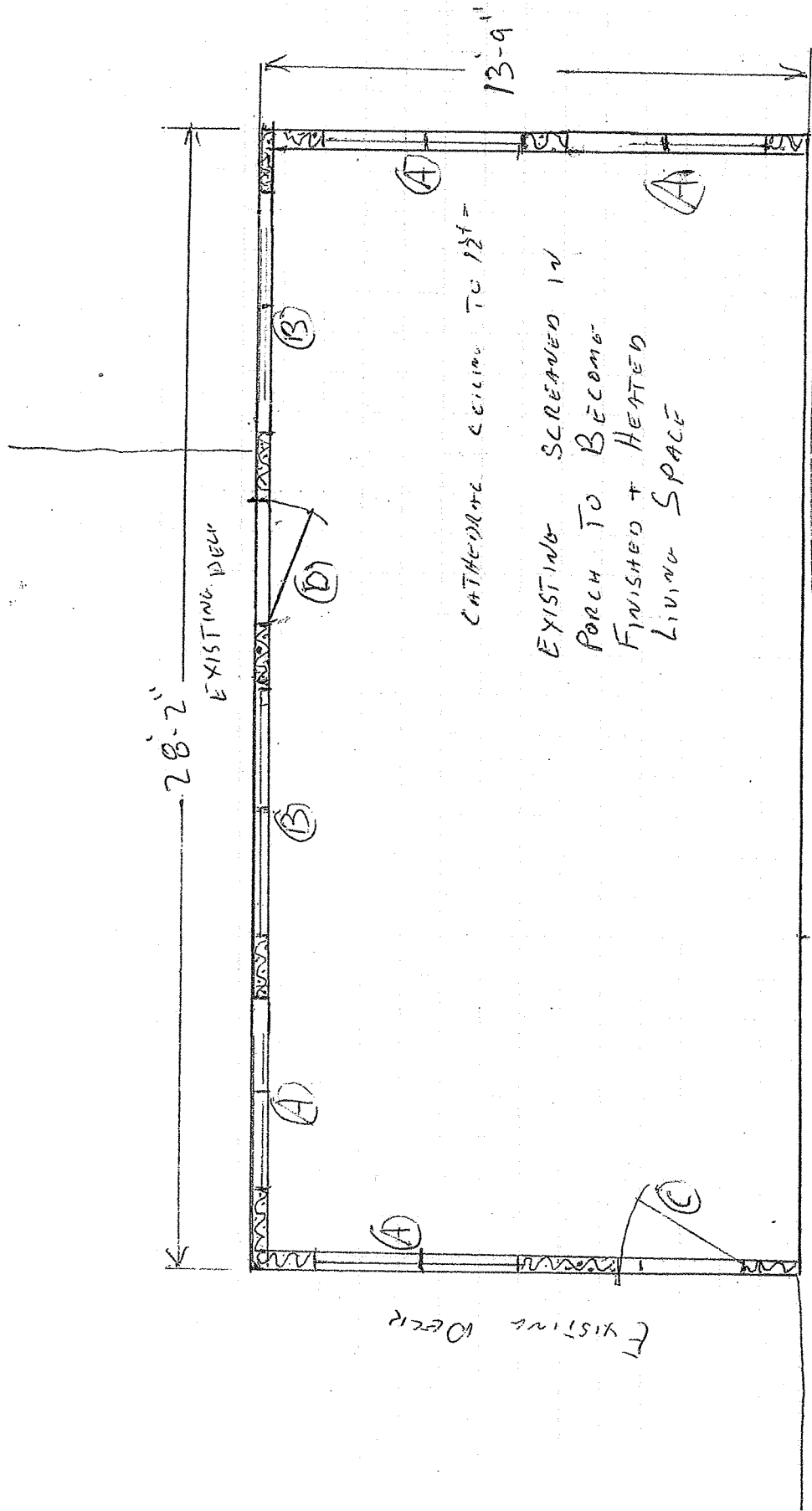
 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)

Reset

TOM & VICKI FITZGERALD
163 MILL ST.
WALLKILL NY 12589



EXISTING House

602901

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 7 th day of June , nineteen hundred and eighty five BETWEEN

JOSEPH MASZTALICS, presently residing at 8 Pine View Road, West Nyack, New York 10994,

party of the first part, and

THOMAS P. FITZGERALD and VICKIE M. FITZGERALD, presently residing at R.D.#2, Box 390, Mill Street, Wallkill, New York 12589,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN DOLLARS-----
-----(\$10.00)-----dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, Orange County, New York, bounded and decribed as follows:

BEGINNING at a point in the center of Mill Street, approximately 386 feet Northwesterly from the middle of pavement of State Highway Route No. 32 from Plattekill to Cronomer Vally; thence along the center of Mill Street N 61 degrees-18' 11" W, 190.00 feet to a point; thence N 28 degrees-41'-49" E, 26.63 feet to an iron pin set on the Northerly side of Mill Street; thence continuing along the subdivision line as shown on Map No. 4660 set forth above and along other lands of Joseph and Ilona A. Masztalics (N/F) on the Northwest N 28 degrees-41'-49" E, 407.23 feet to a point; thence along the lands of Soccorso Pappalardo (N/F) on the Northeast S 61 degrees-26'-49" E, 139.03 feet to a point about 1 foot Westerly of an Oak Tree; thence along the lands of Samuel Raab, Mordche Bernfeld, Moshe Schwab and Abraham Birnhack (N/F) on the Southeast S 22 degrees-00'-06" W, 409.69 feet to a point on the Northerly side of Mill Street thence continuing S 22 degrees-00'-06" W, 27.50 feet to the point and place of beginning, containing 1,6393 acres.

BEING and intended to be the same parcel conveyed from Elizabeth A. Colucci to Joseph Masztalics and Ilona A. Masztalics by Deed dated May 3, 1972 and recorded in the Office of the County of Orange on May 5, 1972 in Liber 1905 of Deeds at Page 677.

The above Ilona A. Masztalics having died a resident of the County of Orange on November 2, 1979.

050160

.268 %
T.T

2-1-69

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. **IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Joseph Masztalics
JOSEPH MASZTALICS

LIBER 2370 PG 139

STATE OF NEW YORK, COUNTY OF ORANGE

On the 7th day of June 19 85, before me personally came Joseph Masztalics

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Mary E. Dufona

MARY E. DOUFONA
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1986

STATE OF NEW YORK, COUNTY OF

On the _____ day of _____ 19____, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the _____ day of _____ 19____, before me personally came _____

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

that he knows _____ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

SECTION _____
BLOCK _____
LOT _____
COUNTY OR TOWN _____

JOSEPH MASZTALICS
TO

THOMAS P. FITZGERALD
AND
VICTOR M. FITZGERALD

STATE OF NEW YORK (COUNTY OF ORANGE) SS. I, DONNA L. BENSON, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 6-11-85 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

RETURN BY MAIL TO:

DANIEL J. BLOOM, ESQ.
530 BLOOMING GROVE TURNPIKE
P.O. BOX 4323
NEW WINDSOR, NEW YORK 12550

263 -
14 -
2 -
John Decker

Donna L. Benson 4-9-13
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

Reserve this space for use of Recording Office

RECEIVED
JUN 11 1985
ORANGE COUNTY
LIBRARY TAX

LIBER 2370 PG 140

Orange County Clerk's Office, S.S.
Recorded on the _____ day
of _____ 19____
at _____ M. in Liber 2370
and Examined.
at page 138

Mario J. Murphy



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

2349-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/28/2013

Application No. 13-0232

**To: Thomas Fitzgerald
163 Mill St
Wallkill, NY 12589**

**SBL: 2-1-69
ADDRESS: 163 Mill St**

ZONE: RR

PLEASE TAKE NOTICE that your application dated 03/28/2013 for permit to Convert a nonconforming screened porch into habitable space. on the premises located at 163 Mill St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section 185-19-C-1 The alterations shall not increase the degree of nonconformity. The alterations would change the space from nonhabitable space to habitable space.


Joseph Mattina

**Cc: Town Clerk & Assessor (300')
File**

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* *NO*

NAME: Thomas Fitzgerald

ADDRESS: 163 Mill St Walkill NY 12589

PROJECT INFORMATION:

TYPE OF STRUCTURE: Converting a screened in porch into habitable space

SBL: 2-1-69 **ZONE:** R-R

TOWN WATER: **NO** **TOWN SEWER:** **NO**

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ONE SIDE YARD	50'	26'	INCREASING DEGREE NON CONFORMITY		
COMBINED SIDE YARD	100'	82'	INCREASING DEGREE NON CONFORMITY		
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES**

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: **EXPANDING HABITABLE SPACE INTO AN EXISTING NONCONFORMING REAR SCREENED IN PORCH**

VARIANCE(S) REQUIRED:

1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY.

2 _____

3 _____

4 _____

REVIEWED BY: JOSEPH MATTINA **DATE:** 28-Mar-13

