



# 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: 12-6-2014

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

I (WE) RALPH & SARANN GIDDENS PRESENTLY

RESIDING AT NUMBER 118 MEADOW HILL ROAD, NEWBURGH, NY 12550

TELEPHONE NUMBER (845)-564-6345-H, (845)-728-1527-C

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:

SBL-60-1-11 (TAX MAP DESIGNATION)

118 MEADOW HILL ROAD (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Town Municipal Code 185-15-B



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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: 12/1/2014
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

*AREA VARIANCE*

4. DESCRIPTION OF VARIANCE SOUGHT: ALLOW GAZEBO TO

REMAIN WHERE IT HAS BEEN SINCE 1979 (35qrs)

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:

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

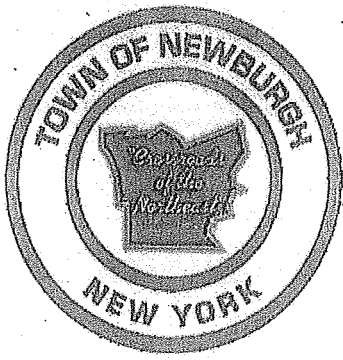
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- 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:

~~THE GAZEBO IN QUESTION, A 10<sup>th</sup> ANNIVERSARY WEDDING PRESENT FROM THE BRIDES PARENTS, HAS BEEN IN THE SAME LOCATION SINCE ~~19~~ MAY 1978 MUNICIPAL CODE 185-15-D WAS ENACTED IN 1998~~



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

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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:

WE ARE THE LONGEST RESIDENTS, EXCEPT FOR THE PIRGER FARM, IN THIS AREA, THE GAZEBO WAS IN PLACE BEFORE OUR NEIGHBORS MOVED TO THIS AREA, AND THEY DON'T KNOW OUR YARD WITHOUT THE GAZEBO

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 GAZEBO WAS A 10<sup>th</sup> ANNIVERSARY PRESENT FROM THE BRIDES LATE PARENTS. IT HAS A ROSE GARDEN WITH PLANTS GIFTED BY OUR LATE PARENTS, AND AS SUCH HAS TREMENDOUS SENTIMENTAL VALUE TO MY WIFE AND ME.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

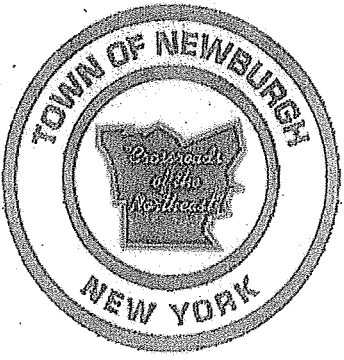
THE GAZEBO SITS MORE THAN 120 FT BACK FROM MEADOW HILL ROAD. ON MOST LOTS THAT WOULD BE IN THE BACK YARD THE GAZEBO HAS BEEN IN ITS CURRENT LOCATION FOR OVER 35 YRS.

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 GAZEBO IS A LARGE GARDEN ORNAMENT. IT HAS NO UTILITIES, LIGHTS, HEAT, WATER ETC. AND HAS BEEN IN PLACE FOR 35 YRS

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

THE GAZEBO WAS IN PLACE BEFORE THE CASE WAS ENACTED. THE PROBLEM AROSE WHEN WE TRIED TO APPLY FOR A LOT LINE CHANGE WITH OUR NEIGHBOR AT 108 MEADOW HILL ROAD.



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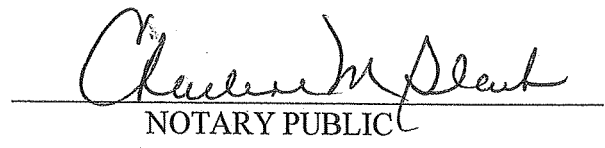
7. ADDITIONAL REASONS (IF PERTINENT):

My wife and I hope you will grant us  
an exemption based on the reasons  
given, plus your site visit - Thank you

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8<sup>th</sup> DAY OF December 2014

  
NOTARY PUBLIC

**CHARLENE M. BLACK**  
Notary Public, State of New York  
No. 01BL6149416  
Qualified in Orange County  
Commission Expires July 10, 2018

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.

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

617.20  
Appendix B  
Short Environmental Assessment Form

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>			
Name of Action or Project: ALLOW EXISTING GAZEBO TO REMAIN WHERE IT HAS BEEN SINCE 1979			
Project Location (describe, and attach a location map): 118 MEADOW HILL ROAD - 60-1-11			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: RALPH & SARAH GIDDENS		Telephone: (845) 564-6345	
		E-Mail: RGIDDENS@HVC.RR.COM	
Address: 118 MEADOW HILL ROAD			
City/PO: Newburgh, NY		State: NY	Zip Code: 12550
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	YES
		X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		X	
3.a. Total acreage of the site of the proposed action?		1.03	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): CENTER PIECE OF AN EXISTING ROSE GARDEN <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? (CURRENT REGULATIONS)	NO	YES	N/A
	X		
b. Consistent with the adopted comprehensive plan?			X
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	X		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	X		
	X		
	X		
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: N/A	NO	YES	
	X		
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	X		
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: N/A	NO	YES	
	X		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	X		
	X		
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	YES	
	X		
	X		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	X		
16. Is the project site located in the 100 year flood plain?	NO	YES	
X			
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
	X		
	X		
	X		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>RALPH GIDDENS</u> Date: <u>12-8-2014</u> Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> 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.	
<hr/> Name of Lead Agency	<hr/> Date
<hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)





# TOWN OF NEWBURGH

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CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

2474-14

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/01/2014

Application No. 14-0903

To: Giddens RALPH + SARANN  
118 Meadow Hill Rd  
Newburgh, NY 12550

SBL: 60-1-11  
ADDRESS: 118 Meadow Hill Rd

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 11/24/2014 for permit to keep a prior built gazebo in a front yard on the premises located at 118 Meadow Hill Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:  
185-15-B Such building shall not project closer to the fronting street than the main building.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

*BUILT WITH OUT A PERMIT*



NAME: RALPH GIDDENS

ADDRESS: 118 MEADOW HILL RD NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: GAZEBO

SBL: 60-1-11 ZONE: R-3

TOWN WATER: YES /  NO TOWN SEWER:  / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
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 / 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-B -----  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: **BEFORE THE PLANNING BOARD FOR A LOT LINE CHANGE.**

**VARIANCE(S) REQUIRED:**

- 1 185-15-B Shall not project closer to the fronting street than the main dwelling.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 1-Dec-14

T1  
34, 10  
*[Handwritten signatures and initials]*

# This Indenture

Made the <sup>29th</sup> day of December Nineteen Hundred and  
seventy-five  
Between GRETCHEN K. WILLIAMS, residing at 9 Cortland Avenue  
in the City of Geneva, County of Ontario and State of New York,

E,  
RALPH GIDDENS and SARANN L. GIDDENS, his wife, residing at  
Powder Mill Road in the Town of Newburgh, County of Orange and  
State of New York, parties of the second part.

Witnesseth, that the said party of the first part, in consideration  
One and more - - - - - Dollars,  
(\$1.00 & more) lawful money of the United States,  
to her paid by the parties of the second part, do es hereby grant  
and release unto the parties of the second part, their heirs and assigns forever,

All that Tract or Parcel of Land, with the buildings and improvements  
thereon erected, in the Town of Newburgh, County of Orange and State  
of New York, bounded and described as follows: BEGINNING at a point  
in the stone wall marking the northerly line of Meadow Hill Road,  
said point being located north 62°12' west 343 feet from a fence <sup>post</sup> in  
the northerly line of Meadow Hill Road, said fence post marking the  
southeast corner of land of Gunderson Brothers; thence from said  
point of beginning and along the northerly line of Meadow Hill Road  
north 62°12' west 100 feet to a point; thence at right angles to  
said road north 27°48' east 300 feet passing approximately 20 feet  
west of the house on the herein described parcel to a point; thence  
on a line south 62°12' east 200 feet passing approximately 58 feet  
northerly of the rear of the house on the herein described parcel;  
thence through lands of Gunderson south 27°48' west 150 feet to a  
point; thence still through lands of Gunderson north 62°12' west  
100 feet to a point; thence still through lands of Gunderson south  
27°48' west 150 feet to the point of beginning.

Subject to a survey by Eustance and Horowitz, Engineers, dated  
October 6, 1961 and finalized on March 7, 1962;

Subject to Central Hudson Gas and Electric Corporation grant from  
Andrew J. Kovetses recorded in Liber 1423, Op 424;

Subject to rights, if any, in favor of any electric light or  
telephone company to maintain guy wires extending from said premises  
to poles located on the roads on which said premises abut;

Subject to underground encroachments or easements, if any, including  
pipes and drains and such rights as may exist for entry upon said  
premises to maintain and repair the same;

Being the same premises conveyed by the Administrator of Veterans'  
Affairs to John T. Williams and Gretchen K. Williams by deed dated  
November 15th, 1965 and recorded in the Orange County Clerk's  
Office on November 30th, 1965 in Liber 1731 of Deeds at Page 109.

Being the same premises conveyed by John T. Williams and Gretchen K. Williams to Gretchen K. Williams by Deed dated December 14, 1972 and recorded on January 19, 1973 in Liber 1931 at page 559.

Together with the appurtenances and all the estate and rights of the party of the first part in and to the said premises.

To have and to hold, the above granted premises unto the said parties of the second part, their heirs and assigns forever.

And the said Gretchen K. Williams party of the first part does covenant with said parties of the second part as follows:

First.— That the parties of the second part shall quietly enjoy the said premises.

Second.— That the said Gretchen K. Williams party of the first part will forever warrant the title to said premises.

Third.— Subject to the trust fund provisions of section thirteen of the lien law.

In Witness Whereof, The said party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

Gretchen K. Williams

State of New York } ss. On this 29th day of December
County of Ontario } Nineteen Hundred and seventy-five
before me, the subscriber, personally appeared

Gretchen K. Williams

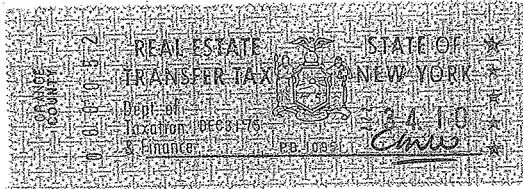
to me personally known and known to me to be the same person described in and who executed the within Instrument, and she duly acknowledged to me that she executed the same.

Elsie B. Kloten

Elsie B. Kloten

Notary Public, Erie County, N.Y.

My comm. exp. 3/30/77



DEED

GRETCHEN K. WILLIAMS

To

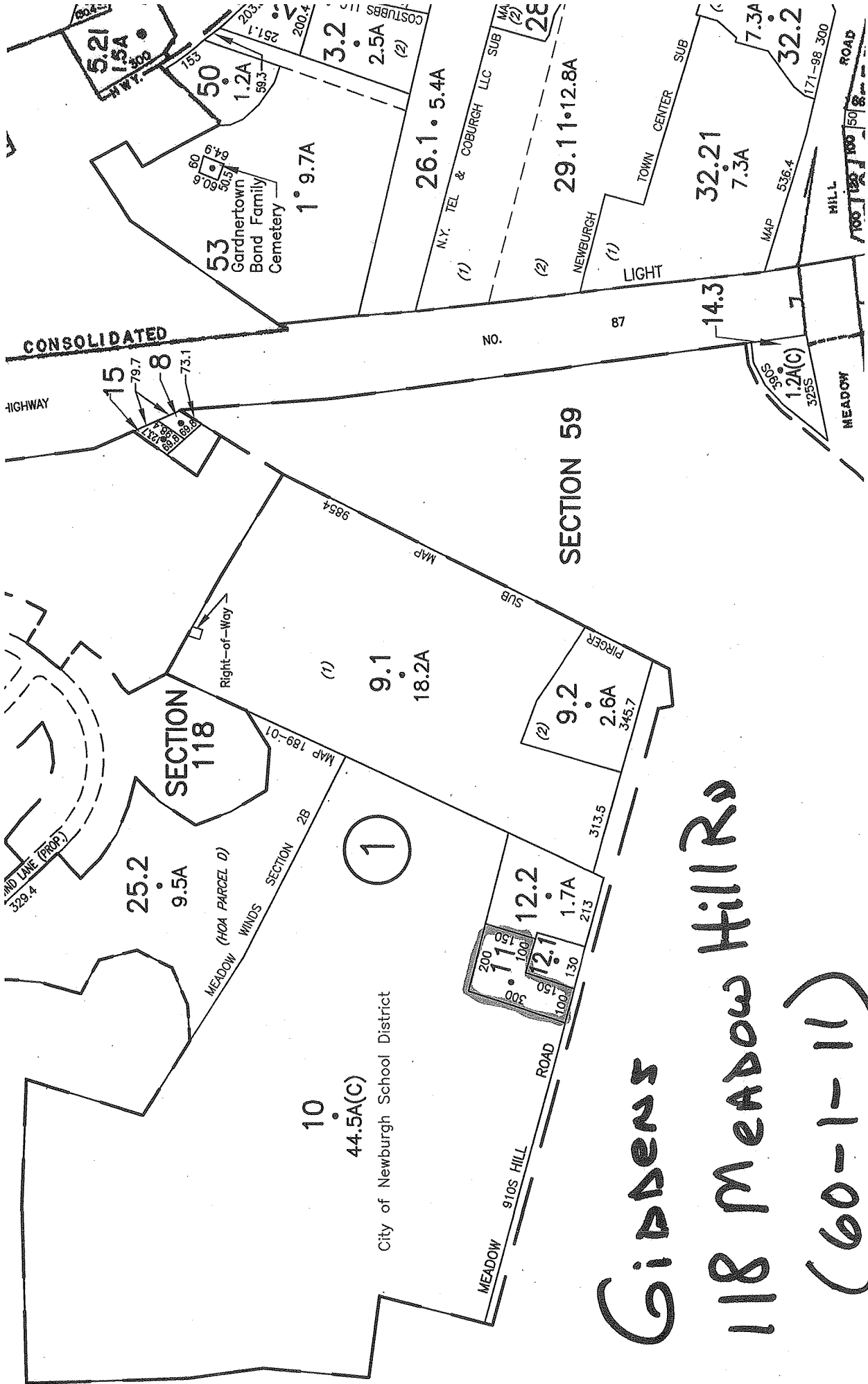
RAIPH GIDDENS and
SARANN GIDDENS, his
wife

Dated December 19 1975

Orange County Clerk's Office, S.S.
Recorded on the 29th day
of Dec. 1975 at 11:26 AM
at page 227
and Examined.

R + R
Greenblatt & Newman, P.C.
368 Follen Ave.
Newburgh, N.Y. 12550

3410
R.F. Erdelings H-



**Giddens**  
**118 Meadow Hill Rd**  
**(60-1-11)**