

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED: May 1, 1984

TO: The Zoning Board of Appeals  
The Town of Newburgh, New York

I ~~(WE)~~ Joan B. Overton presently residing at

Number 78 Balmville Road, Newburgh N. Y. 12550

Telephone Number: (914) 561-6369

Hereby make application to the Zoning Board of Appeals for the following

X A Use Variance

         An Area Variance

         Interpretation of the Ordinance

1. Location of the property: Section 43, Block 3, Lot 47

TAX MAP DESIGNATION

78 Balmville Road

STREET ADDRESS

R-1

ZONING DISTRICT

2. Provisions of the Zoning Law Applicable, (indicate the Section and Subsection of the Zoning Law applicable by number; do not quote law)

Article IV, Section 30.41, Accessory Uses Par. 7

3. A variance to the Zoning Law is requested.

\* 1. Appeal is made from disapproval by the Town Building Inspector of Building Permit application, See accompanying Notice

Dated: April 12 19 84

Denial by the Planning Board of the Town of Newburgh of an application to that board, See accompanying notice dated:

         19         

2. Description of the variance sought: ~~Permission to proceed with~~  
addition and alteration of apartment above garage, per drawing

herewith.

3. Five copies of Plot Plan submitted herewith: showing  
side yard distance of not over thirty feet, area of lot (given  
on Tax Map as 7.1 acres)

4. Strict application of the Zoning Law would produce undue hardship or practical difficulties because: (1) There is insufficient space in the main residence for a caretaker couple's quarters. (2) The Owner is a widow,

living alone, and requiring occasional emergency treatment, plus the necessity of someone to care for the property and the dogs.

5. The hardship or practical difficulty created is unique in this district because: \_\_\_\_\_

\_\_\_\_\_

6. The variance would observe the spirit of the Zoning Law and would not change the character of the district because: The created apartment is never to be rented, and would actually conform to the character of any such neighborhood where help traditionally lives on the estate.

7. Additional reasons (if pertinent): \_\_\_\_\_

Joan B. Overton  
PETITIONER (s) SIGNATURE

STATE OF NEW YORK::COUNTY OF ORANGE::SS:

Sworn to me this 2nd day of May, 1984.

John H. Flanagan  
NOTARY PUBLIC  
JOHN H. FLANAGAN  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1984

ENCLOSURES:

- (X) ✓ Receipt issued by the Town Clerk.
- (X) ✓ Building Inspector's Disapproval
- (X) ✓ Plot Plan, Five copies
- (X) ✓ Deed, or certified copy
- (X) ✓ Assessor's list of property owners
- (X) ✓ Four Photographs

APPENDIX B

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

(a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.

(b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.

(c) If all questions have been answered No it is likely that this project is not significant.

(d) Environmental Assessment

- 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? . . . . . Yes  No
- 2. Will there be a major change to any unique or unusual land form found on the site? . . . . . Yes  No
- 3. Will project alter or have a large effect on an existing body of water? . . . . . Yes  No
- 4. Will project have a potentially large impact on groundwater quality? . . . . . Yes  No
- 5. Will project significantly effect drainage flow on adjacent sites? . . . . . Yes  No
- 6. Will project affect any threatened or endangered plant or animal species? . . . . . Yes  No
- 7. Will project result in a major adverse effect on air quality? . . . . . Yes  No
- 8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? . . . . . Yes  No
- 9. Will project adversely impact any site or structure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? . . . . . Yes  No
- 10. Will project have a major effect on existing or future recreational opportunities? . . . . . Yes  No
- 11. Will project result in major traffic problems or cause a major effect to existing transportation systems? . . . . . Yes  No
- 12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? . . . . . Yes  No
- 13. Will project have any impact on public health or safety? . . . . . Yes  No
- 14. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? . . . . . Yes  No
- 15. Is there public controversy concerning the project? . . . . . Yes  No

PREPARER'S SIGNATURE: Raymond E. King

TITLE: Architect

REPRESENTING: Mrs. J.B. Overton

DATE: 4/24/84

Minutes

TOWN OF NEWBURGH ZBA

May 24, 1984

PRESENT: Ralph L. Holt, Chairman  
Charles W. Beck, Jr. Attorney  
Doris A. Beck, Secretary  
Richard Raskin  
Douglas Carle  
Joseph Filiberti  
Paul Blanchard  
John DeLessio

Re: Joan B. Overton

All mailings were in order and plot plan submitted to the Board.

Mrs. Overton seeks a use variance to permit the expansion and conversion of an existing structure into garage and caretakers quarter. Mr. Rugl (architect) went over plans for the remodeling and improvement of property. The applicant is the owner of a parcel 7.1 acres of land located between Balmville Road and Grand Avenue. Has been title to same since August 23, 1949. The parcel is improved by the applicant's residence and an existing garage (carriage house) structure. There were no objections from John Lease, who is a neighbor of Mrs. Overton.

Hearing Closed:

I CERTIFY that this is a condensed transcript of the hearing conducted.

Newburgh, New York  
June 14, 1984

  
Doris A. Beck, Secretary

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

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In the Application of  
JOAN B. OVERTON.

DECISION and  
RESOLUTION

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The application of Joan B. Overton seeks a use variance to permit the expansion and conversion of an existing structure into garage and caretakers quarters upon premises location at 78 Blamville Road, an R-1 Zoning District in the Town of Newburgh.

The applicant having submitted her application, paid the required fee, provided a true copy of the property description, submitted a plot plan and list of property owners within three hundred (300) feet, the matter was noticed for public hearing and notice thereof was mailed by the applicant to said owners and caused to be published by the Chairman of the Board; and the hearing being conducted the Board thereupon entered into executive session and does find as follows:

1. That the procedural requirements of the Town Law for the State of New York, the Zoning Ordinance of the Town of Newburgh and the regulations of this Board have been complied with in all respects.

2. The applicant is the owner of a parcel being

approximately 7.1 acres of land located between Balmville Road and Grand Avenue, being in title to the same since August 23, 1949. The parcel is improved by the applicant's residence and an existing garage (carriage house) structure.

3. The applicant seeks a variance from this Board to permit the improvement and expansion of the garage (carriage house) structure to include an apartment living facility for the use and occupancy of an employed caretaker of the lands of the applicant.

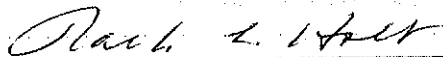
4. The Zoning Ordinance of the Town of Newburgh specifically provides, as accessory permitted use, in the R-1 Zoning District, "Separate living quarters within the permitted use structure for persons employed on the premises". The applicant has demonstrated that there is insufficient space in the existing residential structure to accommodate separate living quarters for persons employed and has presented an attractive plan of improvement and development of the existing garage structure.

That, there being no appearances in opposition to the relief sought by the applicant and the granting of variance relief herein is deemed to be in harmony with the general purpose and intent of the Zoning Ordinance of the Town of Newburgh, does not represent a radical departure therefrom and will not be injurious to, or change the character of the neighborhood.

THERE BEING NO FURTHER FINDINGS REQUIRED of this Board, the application of Joan B. Overton be, and the same hereby is granted and the Building Inspector is authorized to issue permit for the same upon the following terms and conditions:

1. that the use and occupancy of the residential unit hereby permitted shall be limited to such person or persons as may qualify as an employee of the owner, employed on the premises,
2. that the use and occupancy of the residential unit hereby permitted shall never be utilized as a rental unit and further,
3. that the granting of the variance herein shall not become the basis for subdivision of the lands of Overton, or any successor in title, for the creation of an additional one family dwelling structure.

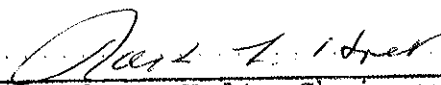
DATED: Newburgh, New York  
June 12, 1984

  
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Ralph L. Holt, Chairman

VOTE APPLICATION OF JOAN B. OVERTON

RALPH L. HOLT	VOTE	AYE
DOUGLAS CARLE	VOTE	AYE
JOSEPH FILIBERTI	VOTE	AYE
PAUL BLANCHARD	VOTE	AYE
RICHARD RASKIN	VOTE	AYE
JOHN P. DE LESSIO	VOTE	AYE

DATED: Newburgh, New York  
June 12, 1984

  
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Ralph L. Holt, Chairman