

# 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: 1/29/2013

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

I (WE) DANIEL RESIDENCE PRESENTLY  
RESIDING AT NUMBER 5-43 47th RD Apt 2L, LIC, NY 11101  
TELEPHONE NUMBER (718) 874-2787

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:

65-3-13 (TAX MAP DESIGNATION)  
28 WARING RD (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BULK TABLE - SCHEDULE 5 -

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: JANUARY 24, 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: REQUIRES A MINIMUM REAR YARD SETBACK OF 40 FT. REQUIRES A MINIMUM ONE YARD SETBACK OF 15 FT. REQUIRES A MINIMUM COMBINED SIDE YARDS SETBACK OF 30 FT. ALLOWS A MAXIMUM LOT BUILDING COVERAGE OF 15%.

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:

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

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:

PROPOSED USE IS RESIDENTIAL, WHICH IS WHAT NEIGHBORING PROPERTIES ARE USED AS. EXISTING BUILDING FOOTPRINT WILL REMAIN THE SAME.

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:

EXISTING BUILDING IS ON EXISTING PROPERTY LINES.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

IT IS AN EXISTING BUILDING OF WHICH ITS FOOTPRINT WILL REMAIN THE SAME. THIS PROPERTY WAS GRANTED ALL VARIANCES ALLOWING CONVERSION FROM GARAGE TO 1-FAMILY RESIDENCE ON APRIL 22, 2010.

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

PROPOSED CONVERSION TO RESIDENCE WILL BE COMPATIBLE WITH ADJACENT PROPERTIES. THE BUILDING FOOTPRINT WILL REMAIN THE SAME.

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

IT WAS PURCHASED AFTER ALL VARIANCES WERE APPROVED BY THE ZBA ON APRIL 22, 2010.

7. ADDITIONAL REASONS (IF PERTINENT):

ON APRIL 22<sup>nd</sup> 2010 THE ZBA GRANTED PERMISSION TO CONVERT THE GARAGE TO A 2-FAMILY RESIDENCE. I BEGAN TO MOVE FORWARD ON THE PROJECT WHEN UNEXPECTED CONDITIONS SURFACED REQUIRING MY ATTENTION AND FINANCES WHICH IMPACTED MY BUDGET AND TIMELINE.

  
PETITIONER (S) SIGNATURE

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

SWORN TO THIS 30 DAY OF JANUARY 2013

  
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. 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.

617.20  
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>DANIEL HESIDENCE</i>	2. PROJECT NAME <i>CONVERT GARAGE TO 1-FAMILY RESIDENCE</i>
3. PROJECT LOCATION: Municipality <i>TOWN OF NEWBURGH</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>28 WARING RD, NEWBURGH, NY 12550. LOCATED NEAR ALCONQUIN PARK.</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:  <i>CONVERT GARAGE TO 1-FAMILY RESIDENCE</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1/2</i> acres    Ultimately _____ 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  <i>RESIDENTIAL NEIGHBORHOOD</i>	
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 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 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 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: <i>DANIEL HESIDENCE</i>	Date: <i>JAN 28 2013</i>
Signature: <i>[Handwritten Signature]</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**



**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?  Yes  No If No, a negative declaration may be superseded by another involved agency.

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:

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

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

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:

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

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

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

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

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. 2336-13 Date: January 24, 2013

To: DANIEL HESIDENCE SBL 65-3-13  
5-43 47th ROAD - Apt 2L ADD: 28 Waring Road, Nbgh  
LONG ISLAND CITY, NY 11101 ZONE R-3

PLEASE TAKE NOTICE that your application dated January 9,  
20 13 for permit to convert garage to 1-family residence  
At the premises located at 28 Waring Road

Is returned herewith and disapproved on the following grounds:

**BULK TABLE - SCHEDULE 5 -**  
REQUIRES A MINIMUM REAR YARD SETBACK OF 40 FT.  
REQUIRES A MINIMUM ONE <sup>SIDE</sup> YARD SETBACK OF 15 FT.  
REQUIRES A MINIMUM COMBINED SIDE YARDS SETBACK OF 30 FT.  
ALLOWS A MAXIMUM LOT BUILDING COVERAGE OF 15%.

  
\_\_\_\_\_  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File

# Town of Newburgh Code Compliance

2336-13

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*

NAME: DANIEL RESIDENCE

ADDRESS: 5-43 47TH ROAD APT 2L LONG ISLAND CITY NY 11101

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: CONVERT GARAGE TO 1 FAMILY @ 28 WARING RD

SBL: 65-3-13      ZONE: R / 3

TOWN WATER:  YES      TOWN SEWER:  YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA	12,500.00	19,683.00	OK		
LOT WIDTH	85.00	94.00	OK		
LOT DEPTH	100.00	195.00	OK		
FRONT YARD	40.00	150+	OK		
REAR YARD	40.00	4.30		35.70	89.3%
ONE SIDE YARD	15.00	0.00		15.00	
COMBINED SIDE YARD	30.00	7.40		22.60	75.5%
BUILDING COVERAGE	15%=2952	3,987.00		1,035.00	35.0%
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-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:      **ORIGINAL VARIANCE GRANTED 4-22-2010 NEVER STARTED, CHANGED DESIGN  
 NEW SURVEY HAS NEW DIMENSIONS.**

**VARIANCE(S) REQUIRED:**

- 1 BULK TABLE SCHEDULE 5 REQUIRES A REAR YARD OF 40' MINIMUM
- 2 BULK TABLE SCHEDULE 5 REQUIRES ONE SIDE YARD OF 15' MINIMUM.
- 3 BULK TABLE SCHEDULE 5 REQUIRES BOTH SIDE YARDS OF 30' MINIMUM.
- 4 BULK TABLE SCHEDULE 5 ALLOWS A MAXIMUM LOT BUILDING COVERAGE OF 15%.

REVIEWED BY: JOSEPH MATTINA      DATE: 14-Jan-13





**Hesidence Road**  
**28 Waring Road**  
**(65-3-13)**