

# 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: 6/3/14

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

I (WE) John + Carol Hudelson PRESENTLY

RESIDING AT NUMBER 200 Oak St, Newburgh

TELEPHONE NUMBER 504 250 7588

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:

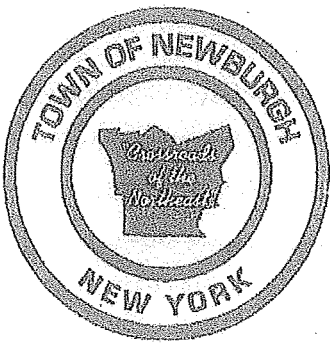
9-3-50.11 (TAX MAP DESIGNATION)

200 Oak St. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A-4  
185-15-A-1



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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: 5/13/14
- 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: ± 100 additional sq feet, area.  
± 8.5 additional height

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:

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

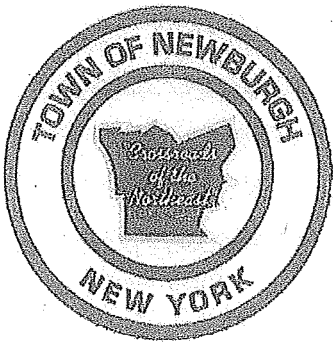
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- 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:

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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:

The stone and wood structure will match our home and enhance the property.

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 storage space is needed. The 30' width at one end provides a more stable wall than the existing one at that end. The height allows for roof angles consistent with our home and better for snow.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The area is about 100 sq ft over code. The height is less than that of trees that screen our lot from the neighboring lot.

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

It improves an existing foundation. It will be attractive from our home and not visible from others.

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

The storage space is needed, and the architect recommends this design as an attractive solution.



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7. ADDITIONAL REASONS (IF PERTINENT):

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

*Carol Louise Hudelson*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3<sup>rd</sup> DAY OF June 2014

*Nancy L. Elgueta*  
\_\_\_\_\_  
NOTARY PUBLIC

NANCY L. ELGUETA  
NOTARY PUBLIC, STATE OF NEW YORK  
LIC. NO. 01EL6215588  
ORANGE COUNTY  
MY COMMISSION EXPIRES 01-04-2018

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>			
Hudelson Accessory Building			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
X 200 Oak St, Newburgh, NY 12550			
Brief Description of Proposed Action:			
Construct a wood and stone accessory building			
Name of Applicant or Sponsor:		Telephone: 584 250 7588	
John + Carol Hudelson		E-Mail: carol.pauli@gmail.com	
Address:			
200 Oak St			
City/PO:	State:	Zip Code:	
Newburgh, NY	NY	12550	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			✓
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			✓
3.a. Total acreage of the site of the proposed action?		2.51 acres	
b. Total acreage to be physically disturbed?		4.03 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
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  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Carol June Hudson</u> Date: <u>6/3/14</u> Signature: <u>Carol June Hudson</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.

- 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.
- 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.

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)





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CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

2428-14

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/13/2014

Application No. 14-0297

To: John Hudelson  
200 Oak St  
Newburgh, NY 12550

SBL: 9-3-50.11  
ADDRESS: 200 Oak St

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 05/13/2014 for permit to build a 40' x 30' x 23'-8.5" two story accessory building on the premises located at 200 Oak St is returned herewith and disapproved on the following grounds:

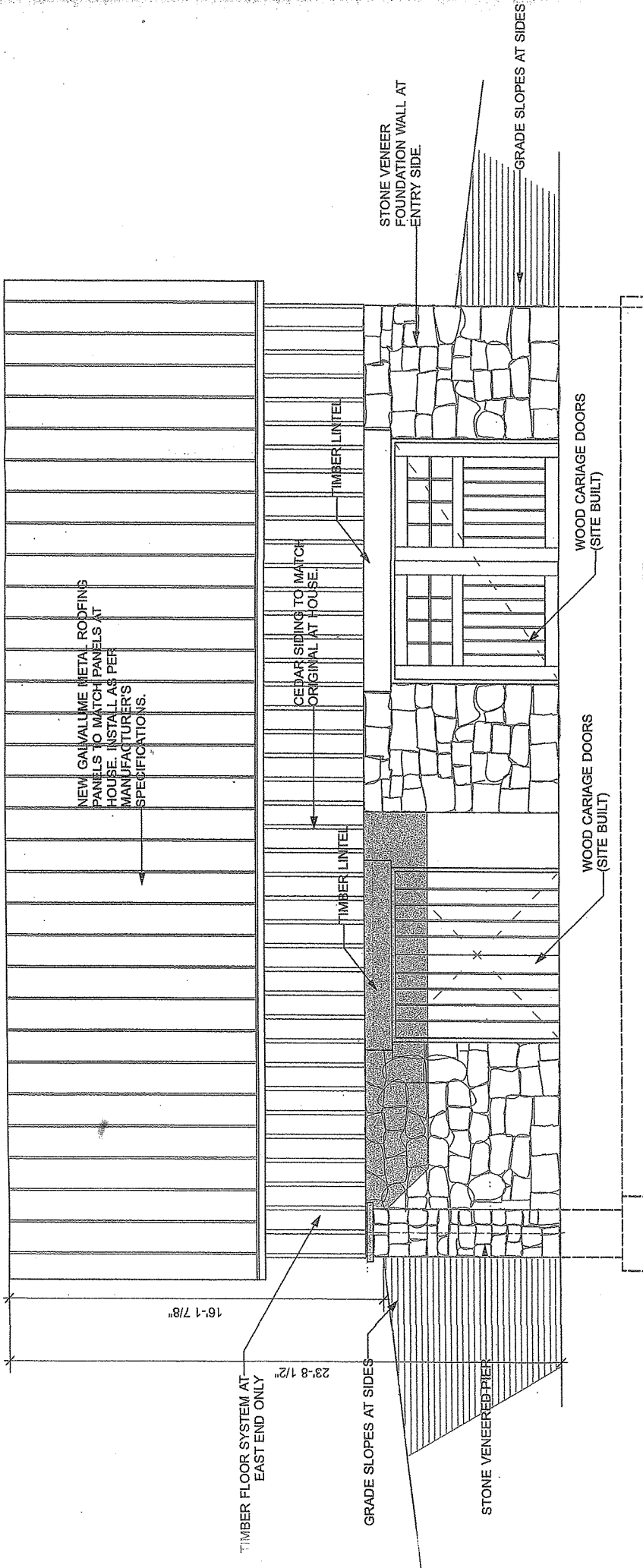
Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4 The maximum allowed square footage for an accessory building is 1000 s.f.
- 2) 185-15-A-1 The maximum allowed height for an accessory building is 15'.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

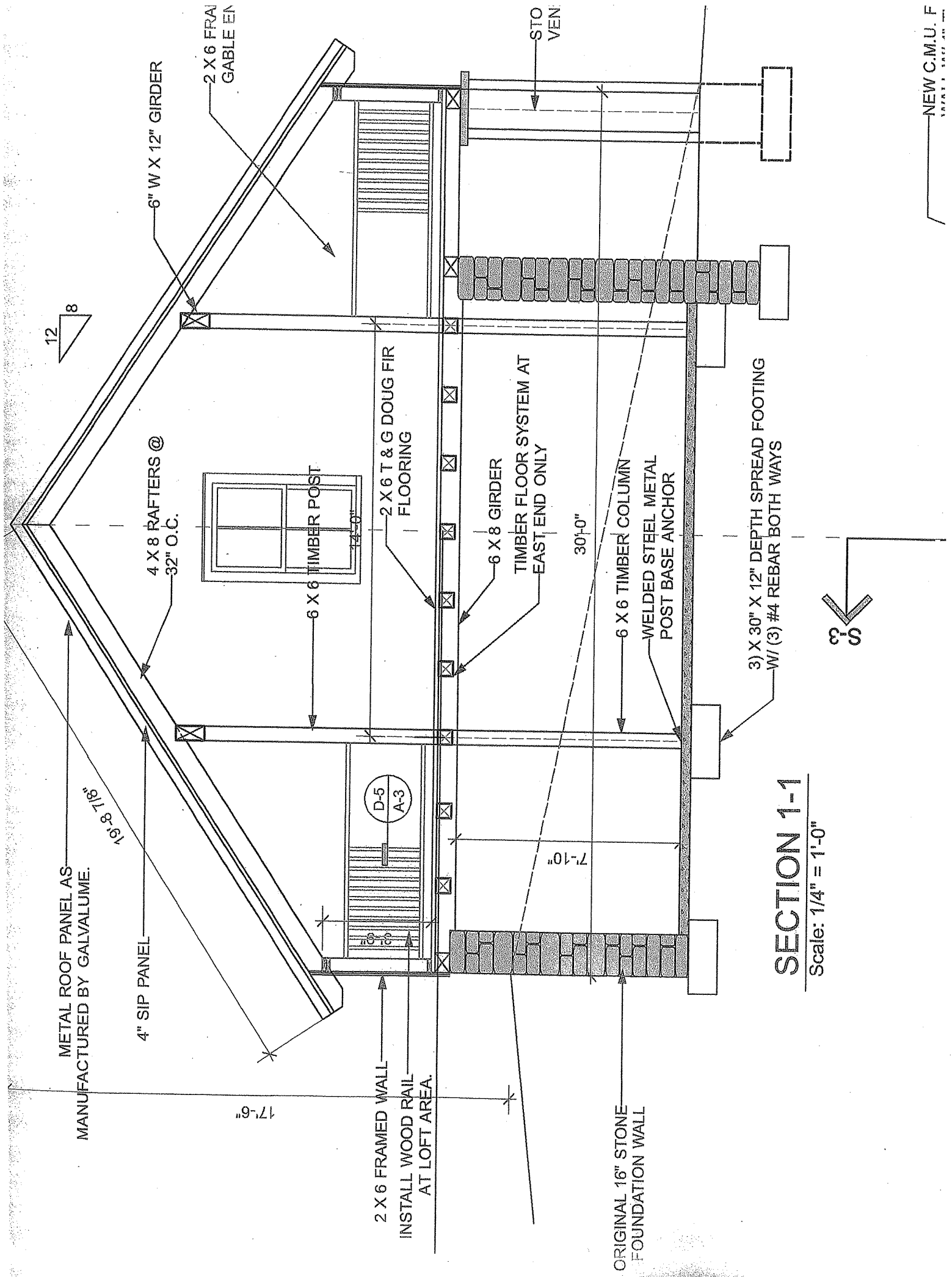


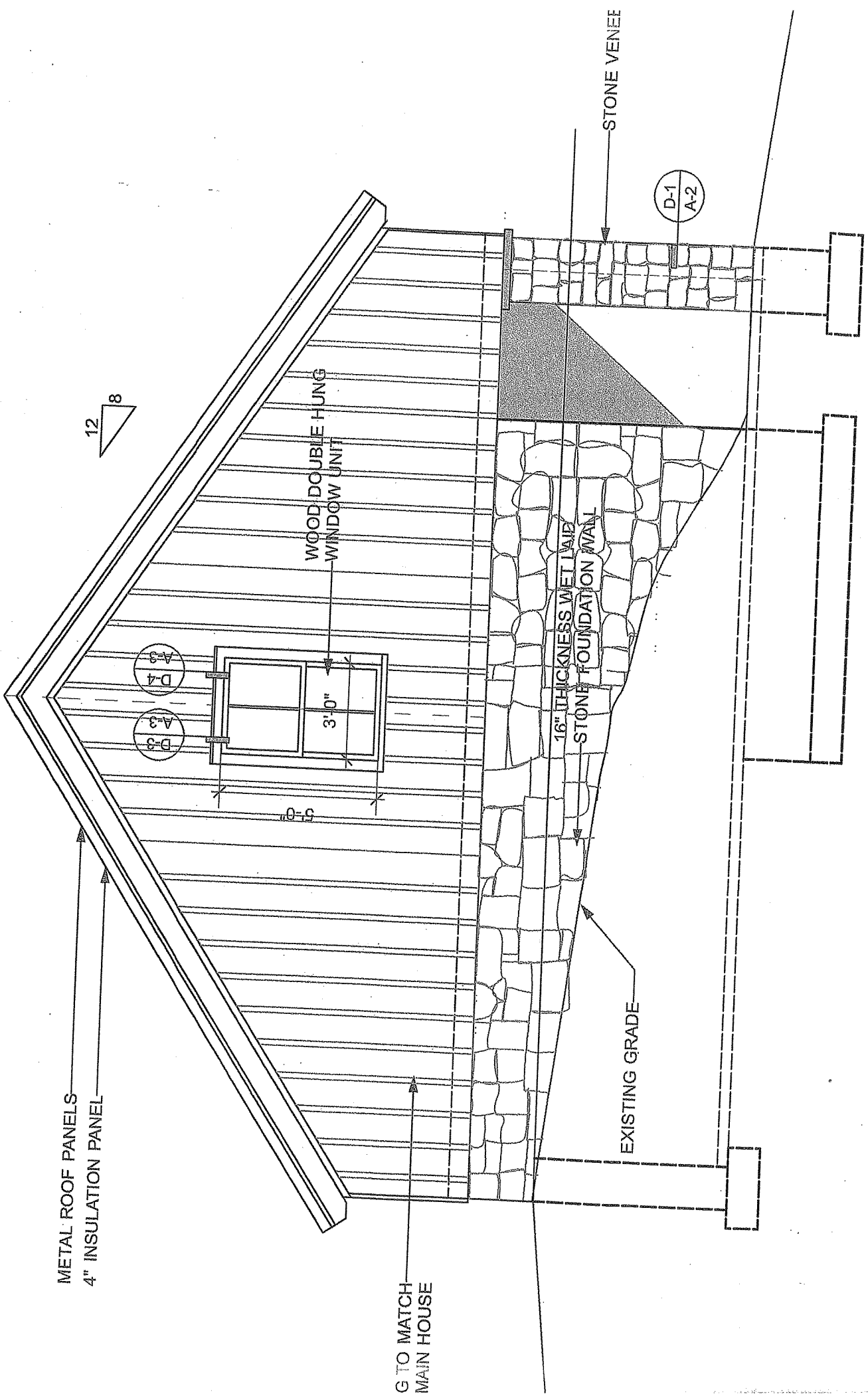


**NORTH ELEVATION**

Scale: 1/4" = 1'-0"

WIDTH CONCRETE SLAB  
 THICKNESS MIN. SET ON 6"  
 COMPACTED GRAVEL

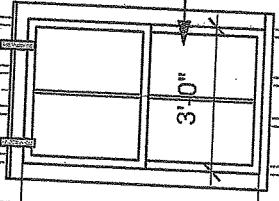




METAL ROOF PANELS  
4" INSULATION PANEL



WOOD DOUBLE HUNG  
WINDOW UNIT



A-3  
D-4  
D-3

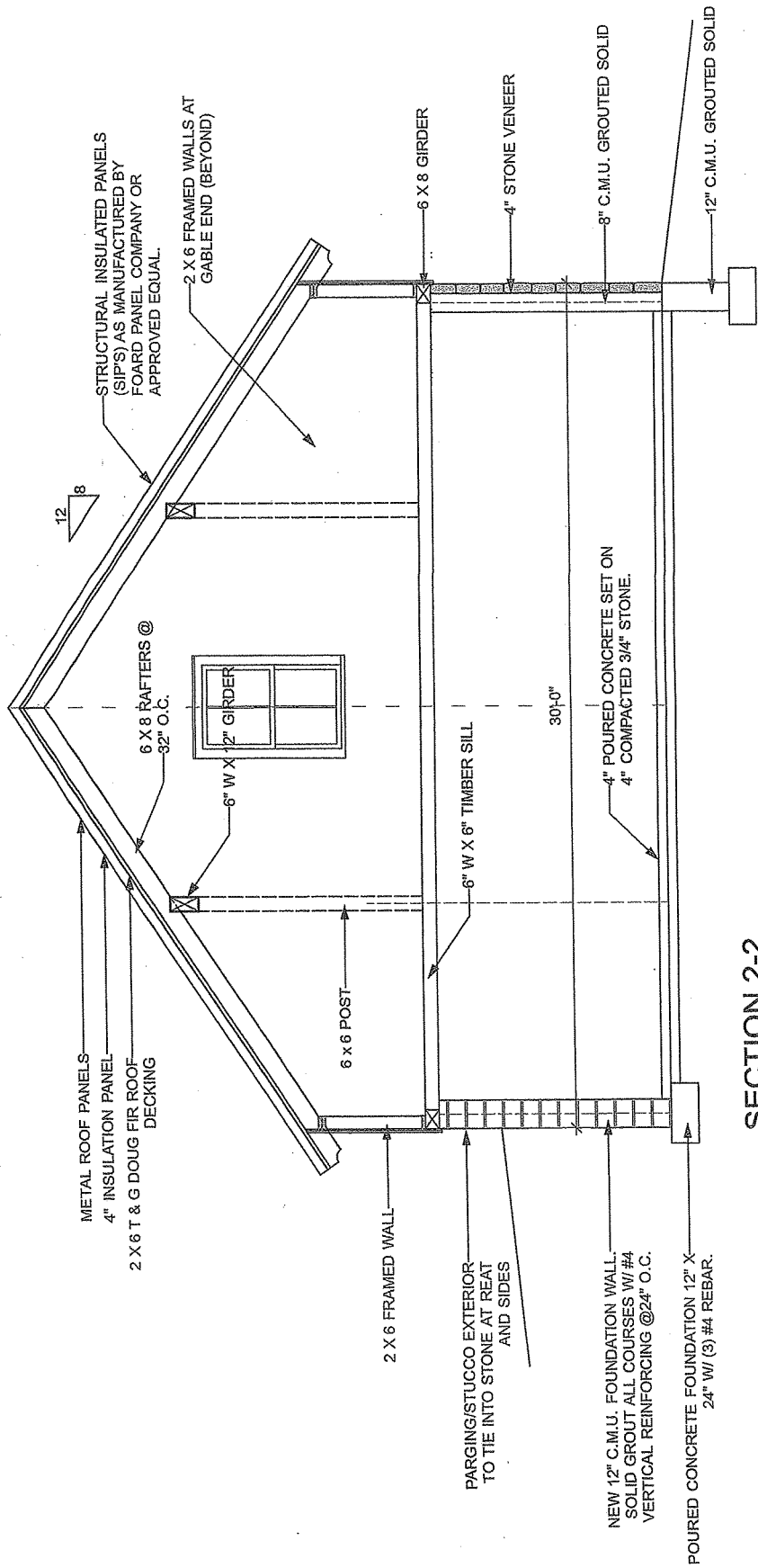
D-1  
A-2

16" THICKNESS WET LAID  
STONE FOUNDATION WALL

STONE VENEER

EXISTING GRADE

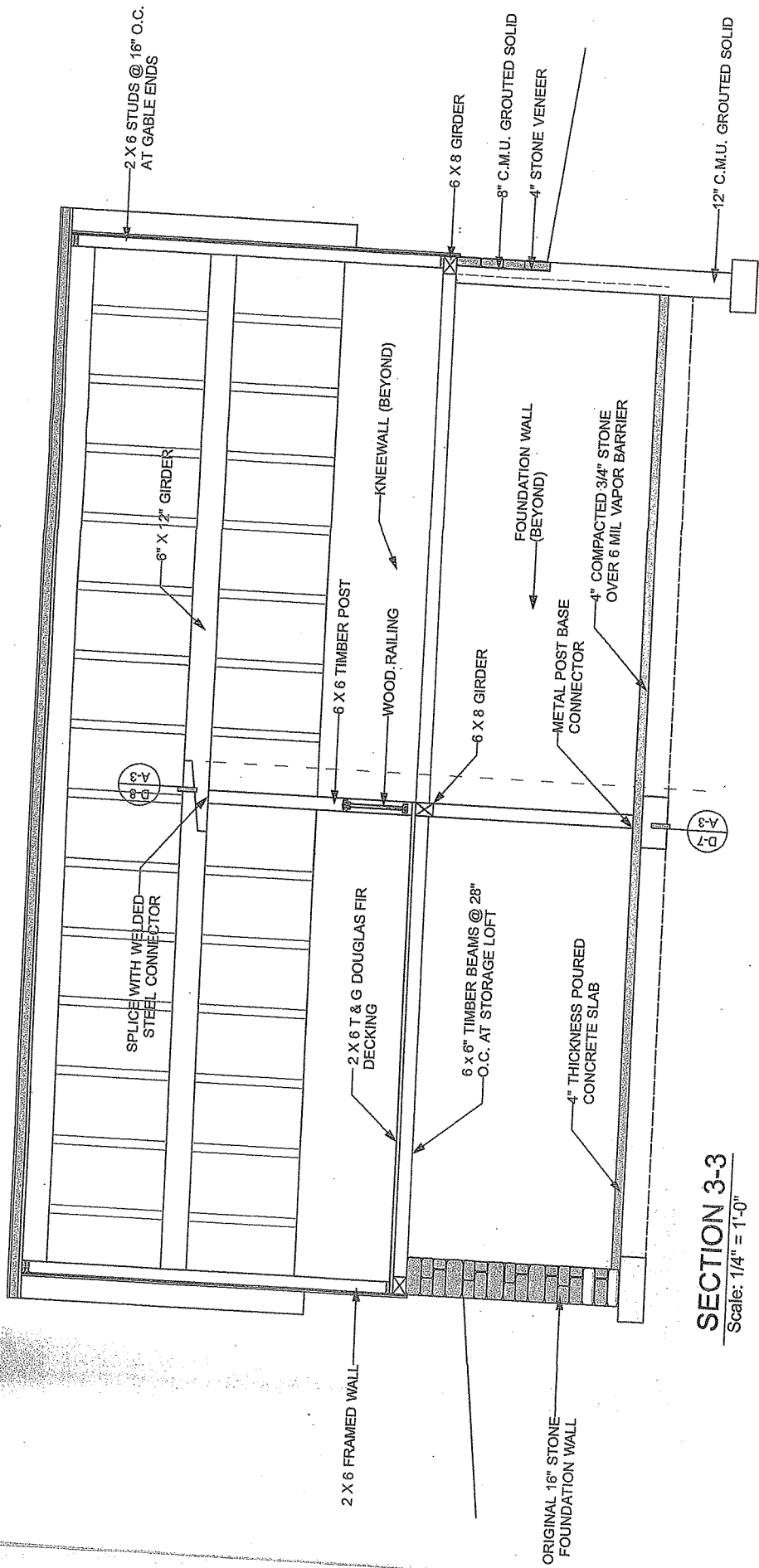
G TO MATCH  
MAIN HOUSE



**SECTION 2-2**

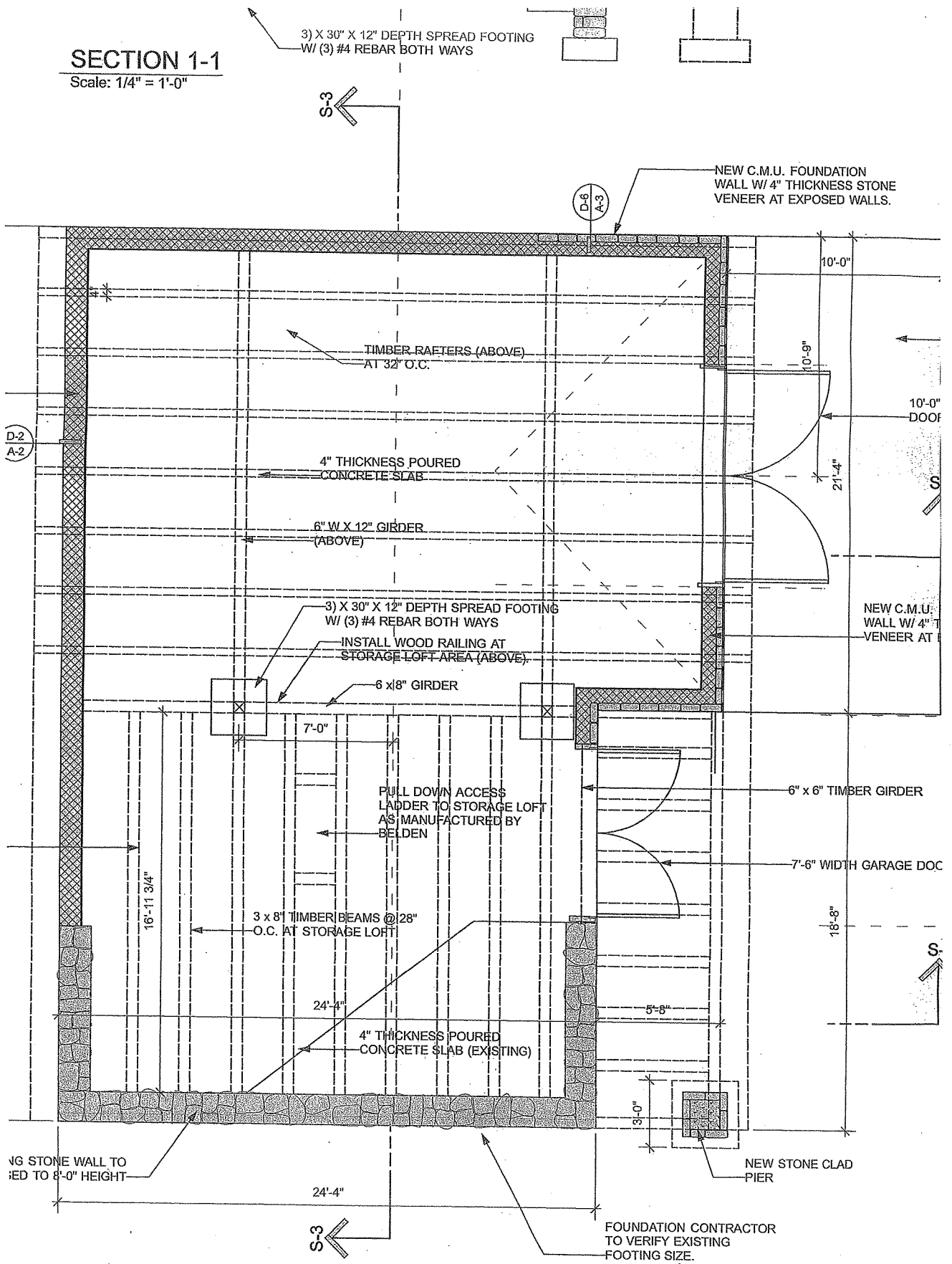
Scale: 1/4" = 1'-0"

EXPOSED 4 X 8 TIMBER  
RAFTERS @ 32" O.C.



**SECTION 1-1**

Scale: 1/4" = 1'-0"



**PROPOSED FIRST FLOOR PLAN**

Scale: 1/4" = 1'-0"





All that tract or parcel of land situated in the Town of Newburgh, County of Orange, and State of New York, being Parcel I, as shown on a filed map entitled "Lot Line Change for the Estate of Reginald Young and Carl Fredrickson", dated 10/30/85 revised 11/26/85, 12/2/85 and March 27, 1986, said filed map being filed in the Orange County Clerk's Office on April 3, 1986, as map no. 7554, bounded and described as follows:

Beginning at a point on the Westerly line of Oak Street, said point being the intersection of the Westerly line of Oak Street, with the Southerly line of lands now or formerly Farkas (Liber 1255, CP-66); thence along the Westerly, Southerly and Southeasterly line of Oak Street, the following: South 19-55-00 West 99.44, South 30-38-20 West 61.15 feet, on a curve to the left having a radius of 62.50 feet or a distance of 143.73 feet, North 78-52-40 East 45.00 feet, North 68-00-00 East 59.86 feet, and North 56-24-50 East 141.11 feet to a point; thence along lands now or formerly Kent (Liber 1816, CP-260), South 59-10-00 East 45.97 feet to a point; thence along lands now or formerly Kcor Corp. (Liber 1707, CP-173), South 56-26-00 West 397.15 feet to a point; thence along Parcel A, on said filed map no. 7554, the following: North 60-06-00 West 234.36 feet, North 08-40-00 East 138.06 feet, North 50-11-00 West 107.95 feet, and North 46-58-00 East 226.17 feet to a point; thence along lands now or formerly Farkas (Liber 1255, CP-66), and along a stone wall, South 59-10-00 East 204.17 feet to the point or place of beginning. Containing 2.51 acres of land, more or less.

Subject to a 20 foot wide right of way bounded and described as follows:

Beginning at a point on the Westerly line of Oak Street, said point being South 19-55-00 West 99.44 feet, and South 30-38-20 West 61.15 feet from the intersection of the Westerly line of Oak Street, with the Southerly line of lands now or formerly Farkas (Liber 1255, CP-66); thence along the Westerly line of Oak Street, on a curve to the left having a radius of 62.50 feet for a distance of 23.30 feet to a point; thence over and through Parcel I, on said filed map no. 7554, South 79-39-00 West 201.03 feet to a point; thence along Parcel A, on said filed map no. 7554, North 08-40-00 East 21.15 feet to a point; thence over and through Parcel I, on said filed map no. 7554, North 79-39-00 East 205.83 feet to the point or place of beginning.

Subject to the existing easements and right of ways of record, if any.

BEING a portion of the premises described in three deeds: (1) dated 4/28/34, made by Henry Judge to Reginald Young and recorded in Orange County Clerk's Office on 7/17/34, in Liber 750 of Deeds at page 27; (2) dated 7/11/50, made by New York Trap Rock Corporation to Reginald Young and recorded in Orange County Clerk's Office on 11/28/50 in Liber 1180 of Deeds at page 540; (3) dated 7/10/51, made by Joseph S. Peller and Anna Peller to Reginald Young and recorded in the Orange County Clerk's Office on 7/19/51 in Liber 1202 of Deeds at page 203. The said Reginald Young died a resident of the State of California on March 26, 1985, leaving a Last Will and Testament admitted to probate by the Superior Court of California on June 4, 1985, under and by which Will the subject premises were devised to Carl Fredrickson, and the said Last Will and Testament having been admitted to ancillary probate by the Surrogate of Orange County on March 10, 1986.

SCHEDULE A TO DEED DATED 4/9/86, FREDRICKSON  
TO HUELSON

**parties**  
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,

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

**parties**  
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.

*Premises herein are not subject to credit line mortgage.*

**parties** **parties**  
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.

**parties** **parties**  
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:

*Stanley P. Glen*

*Carl Fredrickson*  
CARL FREDRICKSON

STATE OF NEW YORK, COUNTY OF ORANGE

STATE OF NEW YORK, COUNTY OF

On the 9th day of April 19 86, before me personally came CARL FREDRICKSON

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.

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

*Stewart P. Glenn*  
NOTARY PUBLIC  
STEWART P. GLENN  
Notary Public, State of New York  
Qualified in Orange County  
My commission expires Mar. 30, 1987

STATE OF NEW YORK, COUNTY OF

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.

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

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.

, 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.

**Bargain and Sale Deed**

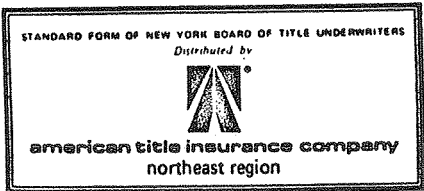
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

CARL FREDRICKSON

TO

JOHN HUDELSON and CAROL HUDELSON



A Member of The Commercial Insurance Companies

SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

120-  
17-  
18-  
2-

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:

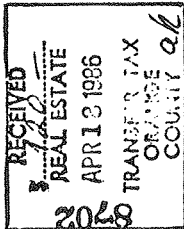
Jonathan G. Jacobson, Esq.  
380 Broadway P.O. Box 910  
Newburgh, New York 12550

50  
ing  
Clear Chat

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, 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 4/18/86 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt* 5/30/14

COUNTY CLERK & CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY



Orange County Clerk's Office, S.S.  
Recorded on the 18th day of April 1986  
of 1986  
of 1986  
at 11:00 AM  
54  
and Extension  
*Marion S. Murphy*  
Clerk

