

**Z 709-A-18**<sup>1</sup>

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

**15x30 A/g Pool  
No Permit**

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 08/28/18

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

I (WE) Ralph Hurlburt PRESENTLY

RESIDING AT NUMBER 7 White Birch Dr

TELEPHONE NUMBER 845-742-9373

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:

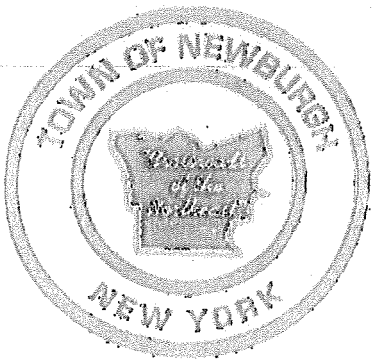
6-3-8,1 (TAX MAP DESIGNATION)

7 White Birch (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
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NEWBURGH, NEW YORK 12550

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: 08/17/18
- 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: shall not increase the degree of non-conformity, rear 28' LSO required

*N/A* 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:

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

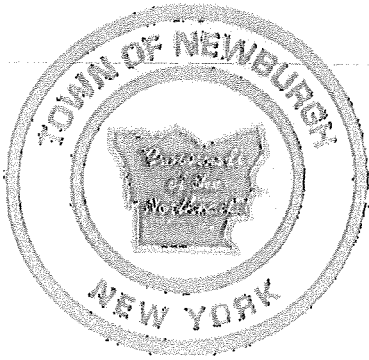
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- 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 POOL AND DECK ARE EXISTING AND  
FARLY WELL SCREENED BY VEGETATION.  
IT IS IN CHARACTER WITH THE NEIGHBORHOOD.

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:

MOVING THE POOL AND/OR DECK WOULD  
BE A FINANCIAL BURDEN.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

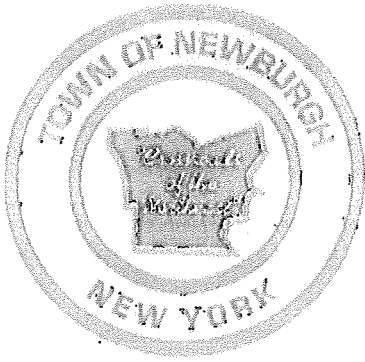
THE DECK IS IN LINE WITH THE EXISTING  
HOUSE AND THE POOL IS FURTHER FROM  
THE REAR PROPERTY LINE.

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 DECK AND POOL ARE EXISTING WITH  
NO NEGATIVE IMPACTS TO THE ENVIRONMENT.

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

OWNER BUILT THE DECK IN LINE WITH  
THE HOUSE NOT REALIZING THAT HE NEEDED  
VARIANCES.



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

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\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 20 18

\_\_\_\_\_  
NOTARY PUBLIC

**JACQUELINE CRAIG**

Notary Public - State of New York

No. 01CR6356787

Qualified in Orange County

My Commission Expires April 3, 2021

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.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

Alfred H Linda Hark WERT, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 9 white Birch Dr. Newburgh  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 7 white Birch Dr

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Charles T Brown  
<sup>Talcott Engineering</sup>  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8-27-18

[Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 2018

[Signature]  
NOTARY PUBLIC

**JACQUELINE CRAIG**

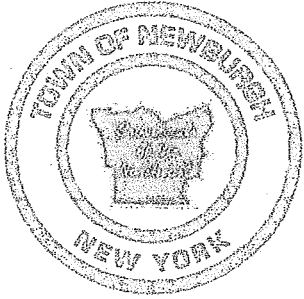
Notary Public - State of New York

No. 01CR6356787

Qualified in Orange County

My Commission Expires April 2, 2021





## 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

**2709-A-18**

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/17/2018

Application No. 18-0491

To: Ralph Hurlburt  
7 White Birch Dr  
Newburgh, NY 12550


SBL: 6-3-8.1  
ADDRESS: 7 White Birch Dr

ZONE: AR

PLEASE TAKE NOTICE that your application dated 05/24/2018 for permit to keep a 15' x 30' above ground pool that was installed without a permit on the premises located at 7 White Birch Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-19-C-1: Shall not increase the degree of non-conformity. (rear yard setbacks)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

**NAME:** Ralph Hurlburt      **Building Application #** 18-0491

**ADDRESS:** 7 White Birch Dr. Newburgh NY 12550

**PROJECT INFORMATION:**       *USE VARIANCE*      USE VARIANCE

**TYPE OF STRUCTURE:** 15' x 30' pool and pool deck without permits

**SBL:** 6-3-8.1      **ZONE:** A-R      **ZBA Application #** 2709-A-18

**TOWN WATER:** YES /  NO      **TOWN SEWER:** YES /  NO

|                      | MINIMUM | EXISTING | PROPOSED                                | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|---------|----------|---|----------|---------------------|
| LOT AREA             |         |          |   |          |                     |
| LOT WIDTH            |         |          |   |          |                     |
| LOT DEPTH            |         |          |   |          |                     |
| FRONT YARD           |         |          |   |          |                     |
| REAR YARD            | 50'     | 28'      | Increasing the degree of non-conformity |          |                     |
| 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:** Pool and pool deck increases the degree of non-conformity for the rear yard setback.

**VARIANCE(S) REQUIRED:**

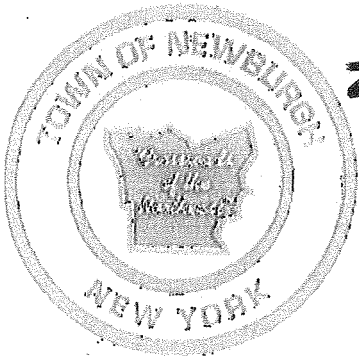
1 185-19-C-1 Shall not increase the degree of non-conformity.

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 17-Aug-18



2709-B-18, 2709-C-18, 2709-D-18

1

TOWN OF NEWBURGH

Crossroads of the Northeast

- No Permits -

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

B (#1) 28'x16' Shed  
C (#2) 7'x7' Shed  
D (#3) 10'x20' Shed  
With 14'x20' lean-to

APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 08/28/18

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

I (WE) Ralph Hurlbert PRESENTLY

RESIDING AT NUMBER 7 White Birch Dr

TELEPHONE NUMBER 845-742-9373

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- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

6-3-8.1 (TAX MAP DESIGNATION)  
7 White Birch Dr (STREET ADDRESS)  
AR (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).

18-15-A-1, 185-A-2, 185-15-B



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4. DESCRIPTION OF VARIANCE SOUGHT: 1028sf of Accessory buildings (1000sf max),

Shed on side property line (5' required), Accessory buildings closer than main building to front line

N/A

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

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

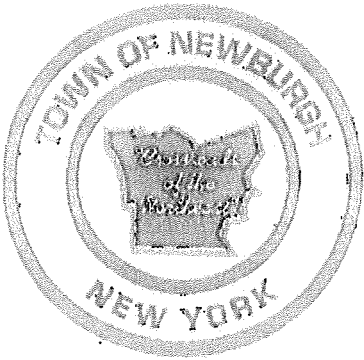
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



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OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

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

*[Handwritten Signature]*

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 2018

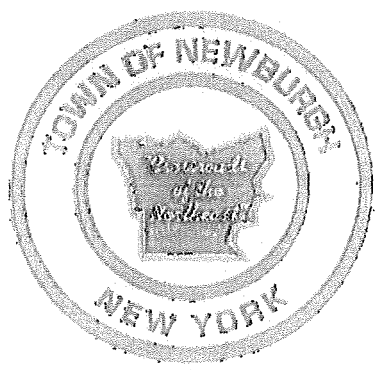
*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

**JACQUELINE CRAIG**  
Notary Public - State of New York  
No. 01CR6356787  
Qualified in Orange County  
My Commission Expires April 3, 2021

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*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

Ralph & Linda Hensbert, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 7 white Birch Dr. Newburgh  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 7 white Birch Dr.

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Charles T Brown PE, Talcott Engineer  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8-27-18 Ralph H Hensbert

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 2018

Jacqueline Craig  
NOTARY PUBLIC  
Notary Public - State of New York  
No. 01CR6356787  
Qualified in Orange County  
My Commission Expires April 3, 2021



# Short Environmental Assessment Form

## Part 1 - Project Information

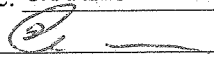
### Instructions for Completing

**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.

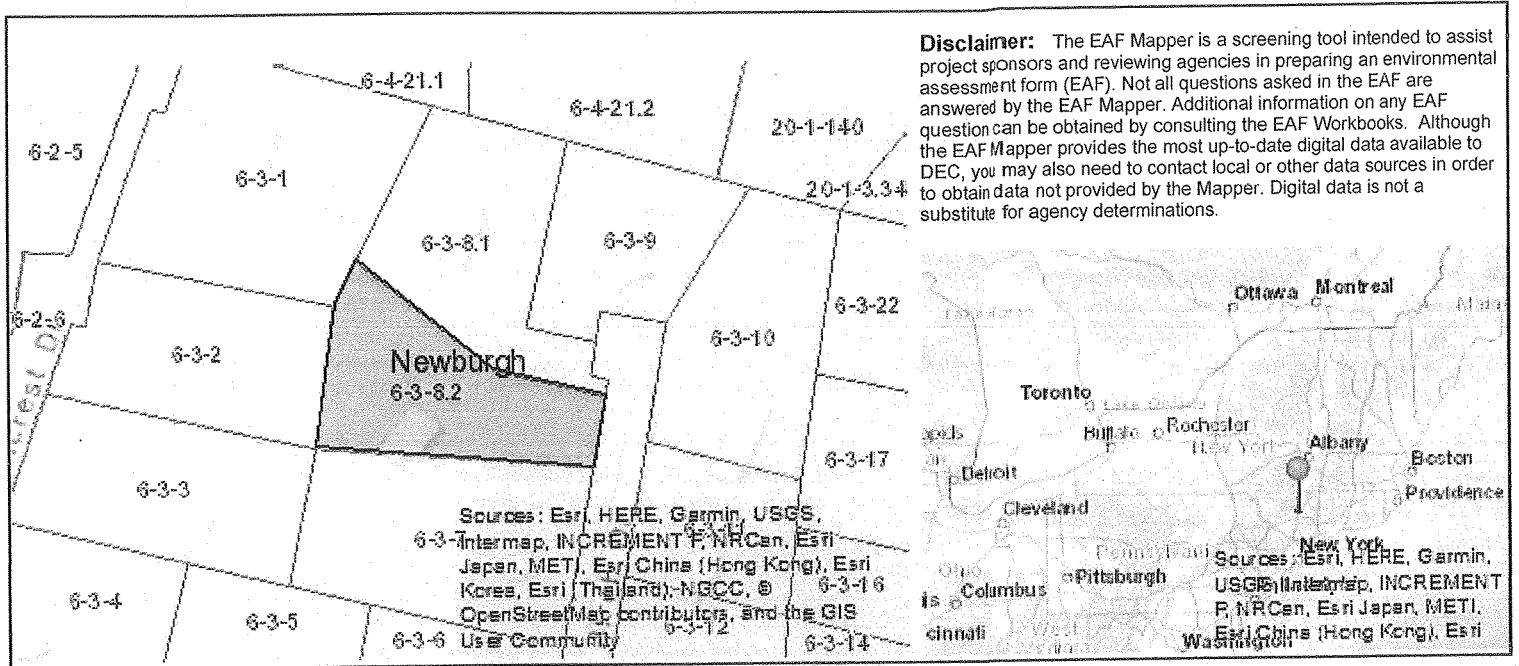
| <b>Part 1 - Project and Sponsor Information</b>  |  |   |  |
|--|--|---|--|
| Name of Action or Project:<br>HURLBURT VARIANCES   |  | TED #18199-HBT                            |  |
| Project Location (describe, and attach a location map):<br>7 WHITE BIRCH DRIVE, TOWN OF NEWBURGH   |  |   |  |
| Brief Description of Proposed Action:<br>AREA VARIANCES FOR PROIR BUILT POOL/DECK, SHEDS, AND A REAR ADDITION TO THE RESIDENCE.  |  |   |  |
| Name of Applicant or Sponsor:<br>RALPH HURLBURT  |  | Telephone: 845-742-9373                   |  |
|  |  | E-Mail: RALPHHURLBURT@GMAIL.COM           |  |
| Address:<br>7 WHITE BIRCH DRIVE  |  |   |  |
| City/PO:<br>NEWBURGH   |  | State:<br>NY                              | Zip Code:<br>12550                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:<br>BUILDING PERMITS FROM THE TOWN OF NEWBURGH BUILDING DEPARTMENT   |  | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | _____ 1.06 acres                          |  |
| b. Total acreage to be physically disturbed?   |  | _____ 0.00 acres                          |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | _____ 1.06 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 type="checkbox"/> Other (specify): _____  |  |   |  |
| <input type="checkbox"/> Parkland  |  |   |  |



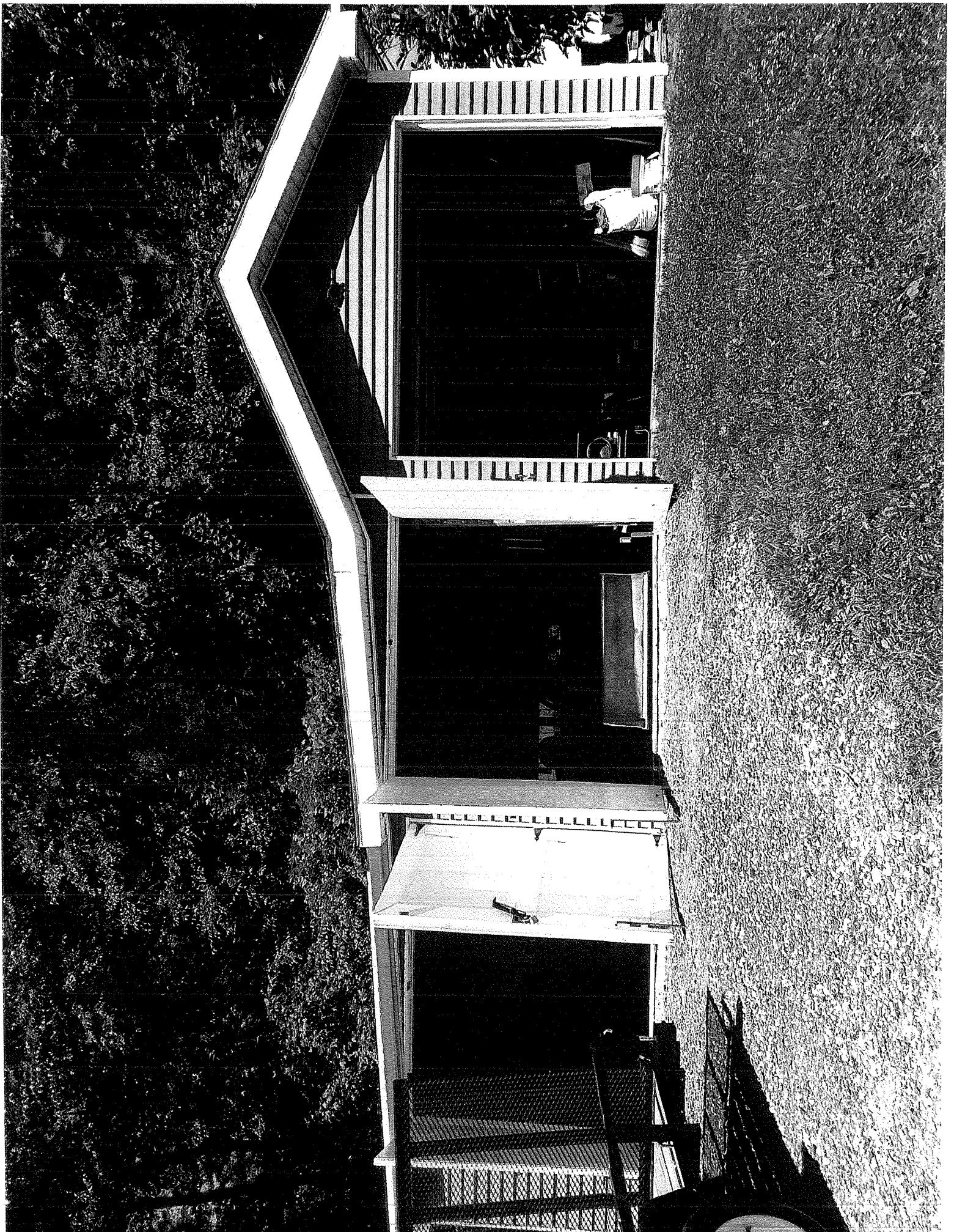
|  |  |  |
|--|--|--|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: CHARLES T. BROWN, PE <span style="float: right;">Date: 9-4-2018</span></p> <p>Signature: <u></u></p> |  |  |

# EAF Mapper Summary Report

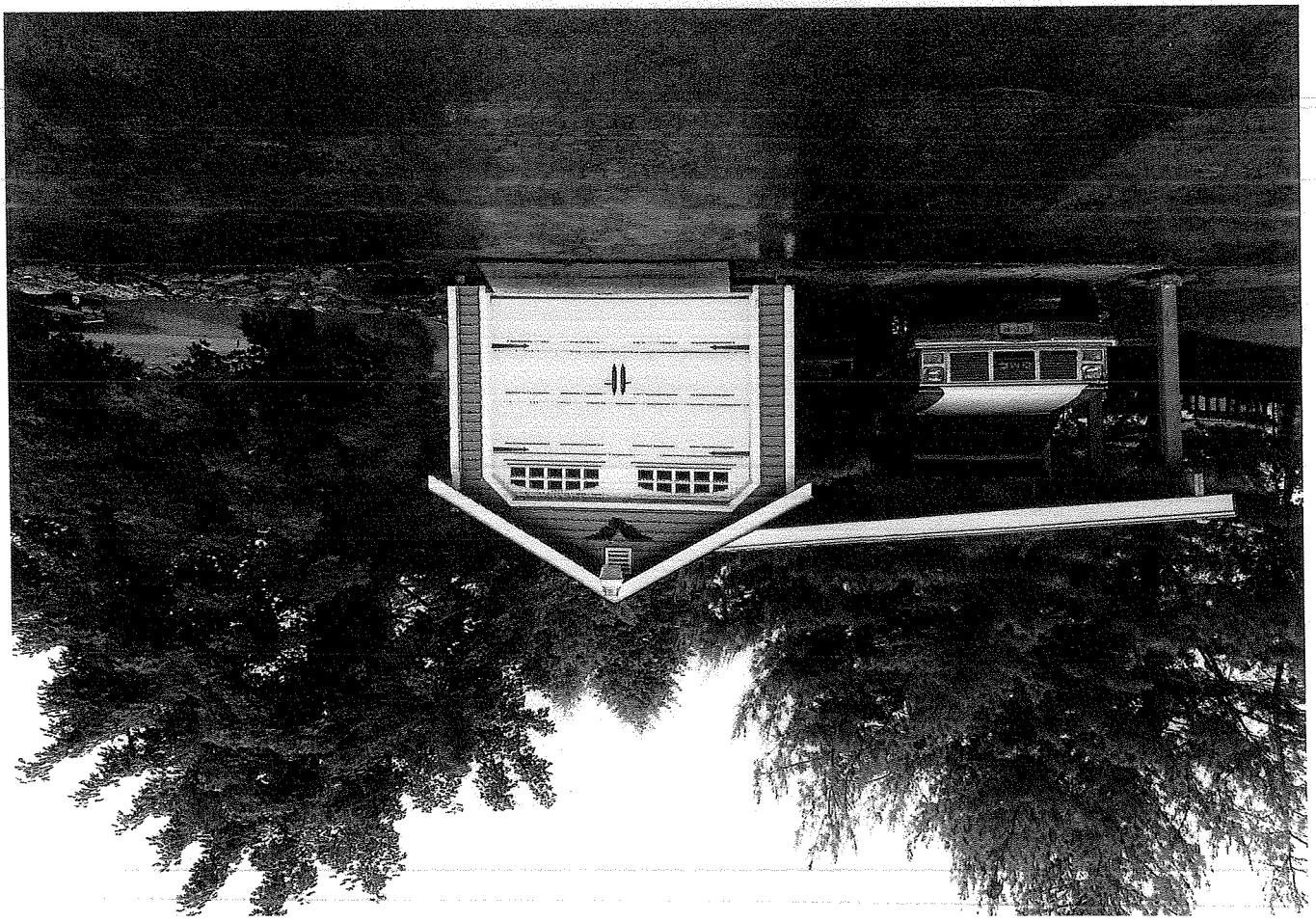
Tuesday, September 04, 2018 2:48 PM

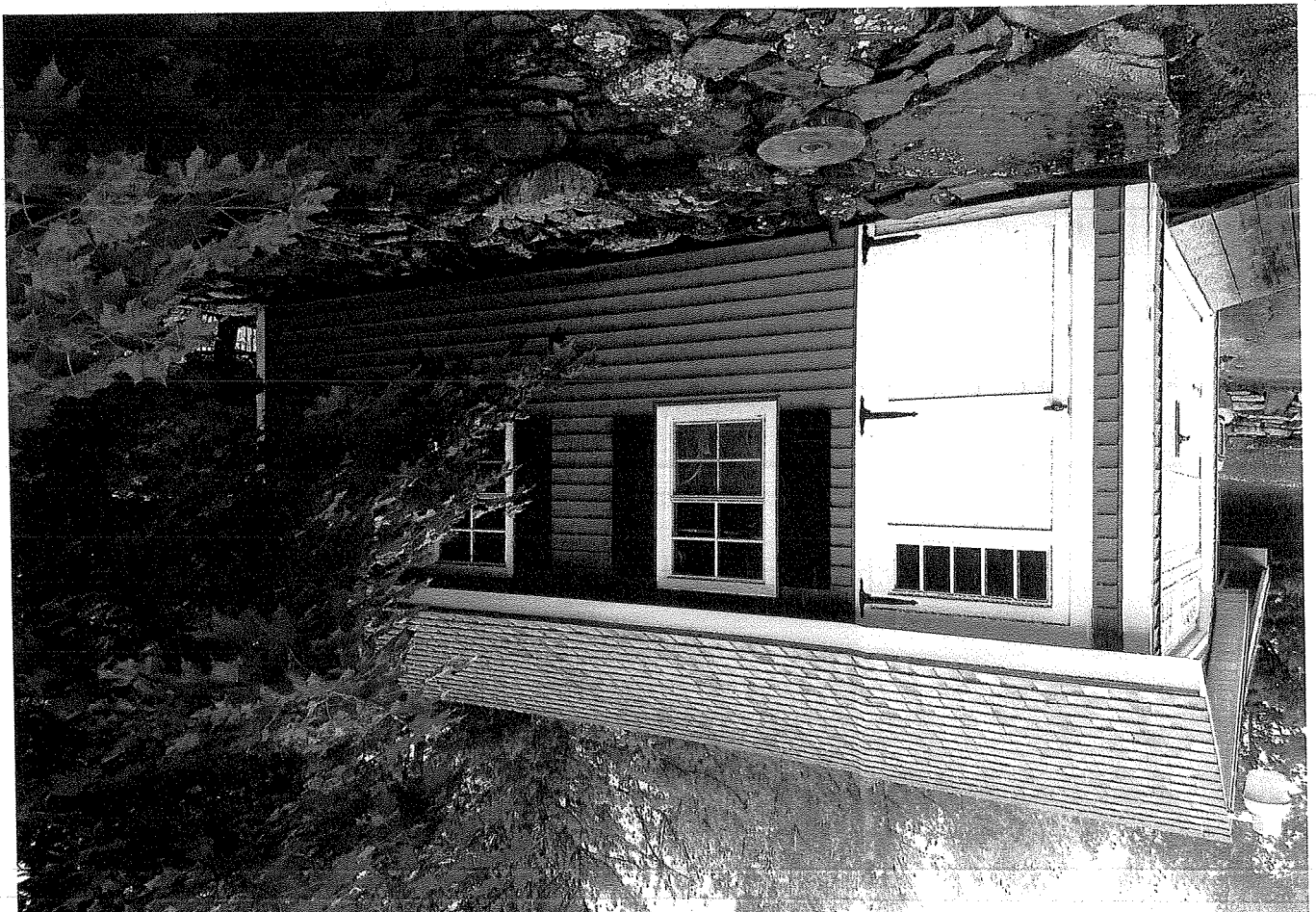
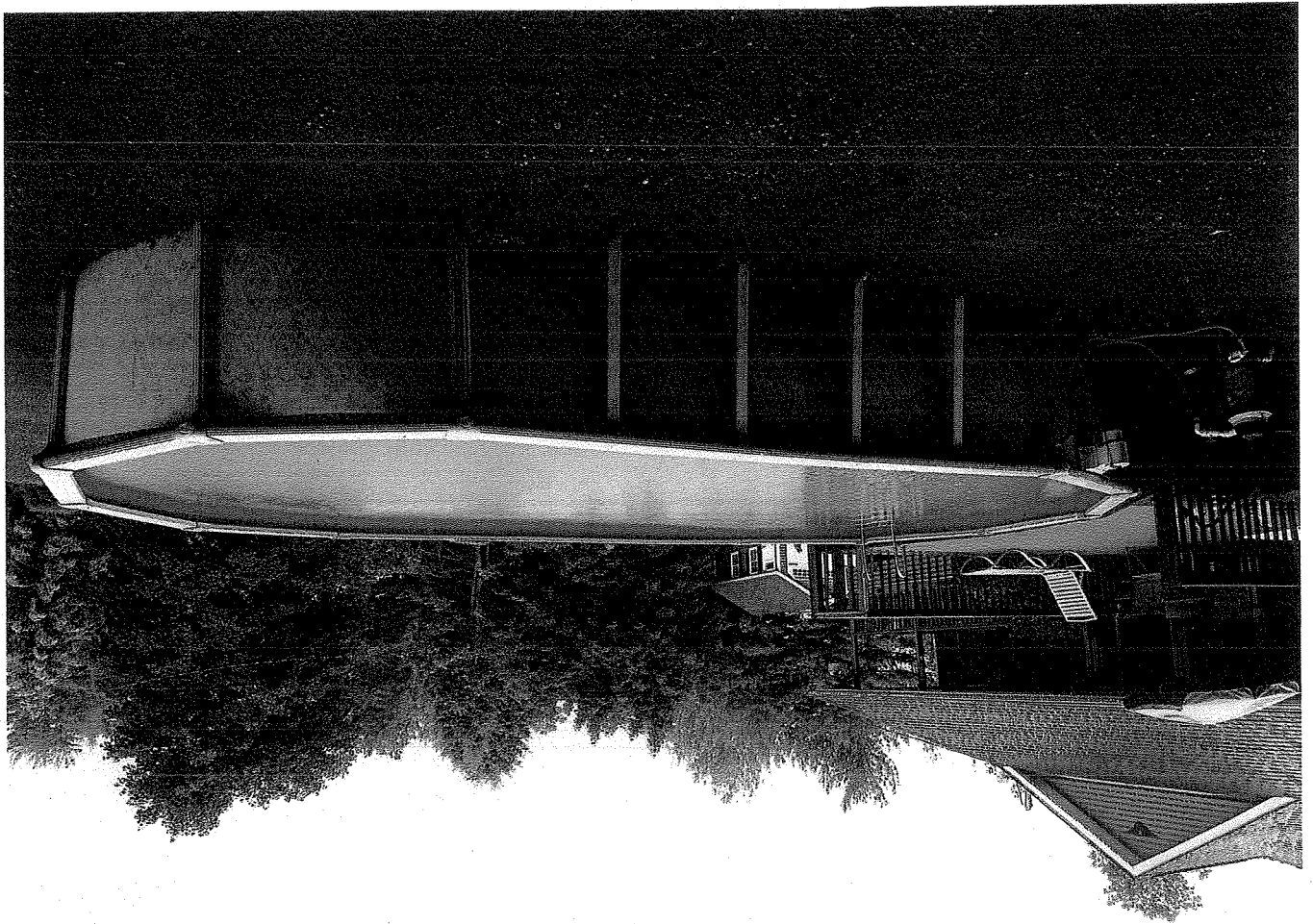


|   |    |
|---|----|
| Part 1 / Question 7 [Critical Environmental Area]               | No |
| Part 1 / Question 12a [National Register of Historic Places]    | No |
| Part 1 / Question 12b [Archeological Sites]                     | No |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | No |
| Part 1 / Question 15 [Threatened or Endangered Animal]          | No |
| Part 1 / Question 16 [100 Year Flood Plain]                     | No |
| Part 1 / Question 20 [Remediation Site]                         | No |

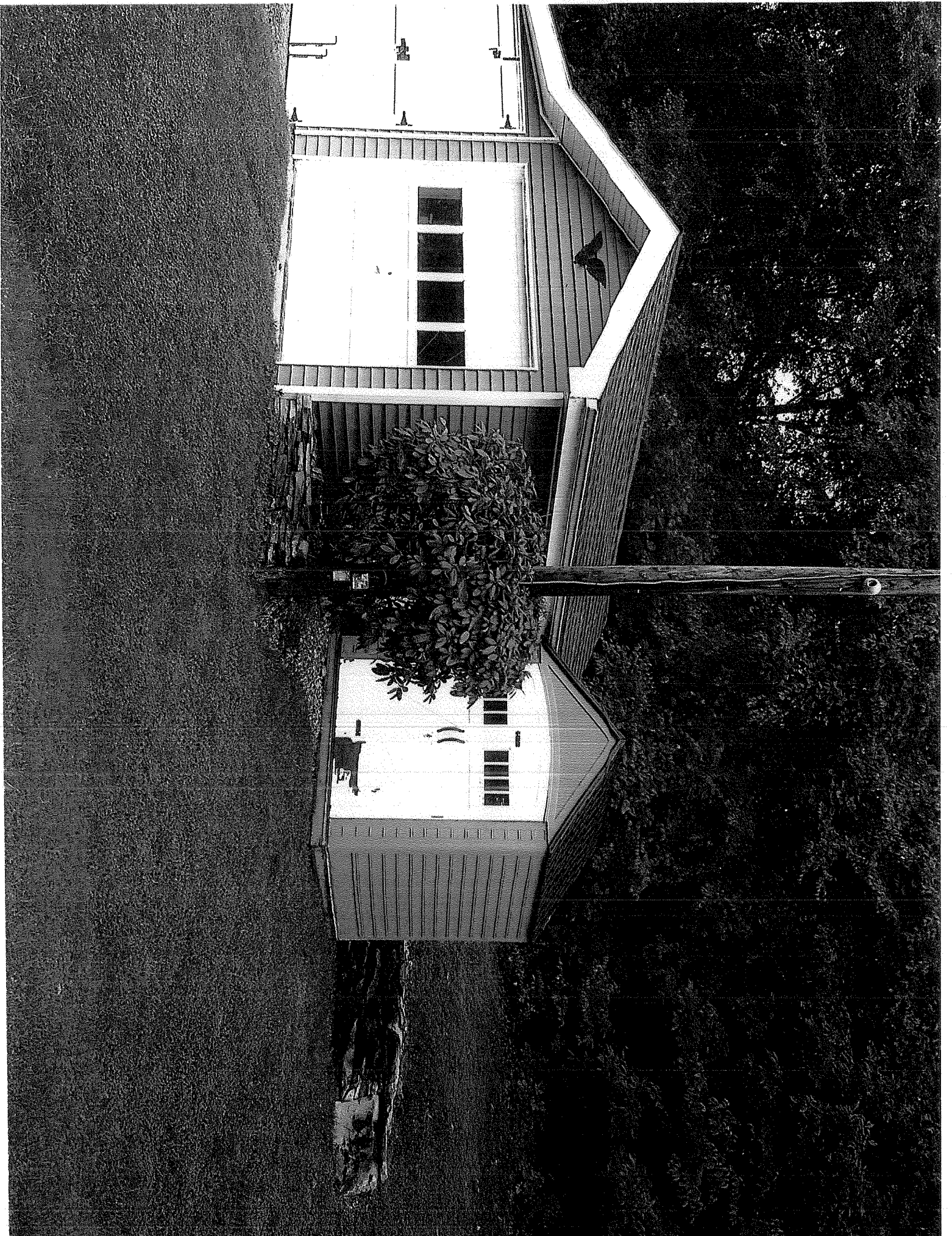




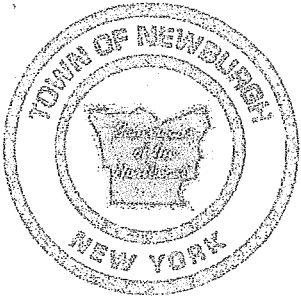












## TOWN OF NEWBURGH

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CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

**2709-B-18**

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/17/2018

Application No. 18-0934

To: Ralph Hurlburt  
7 White Birch Dr  
Newburgh, NY 12550

SBL: 6-3-8.1  
ADDRESS: 7 White Birch Dr

ZONE: AR

PLEASE TAKE NOTICE that your application dated 08/06/2018 for permit to keep an accessory building that was built without a permit on the premises located at 7 White Birch Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4: Maximum allowed total square foot of all accessory buildings is 1000 SF.
- 2) 185-15-A-2: Building shall sit back 5' from side property lines.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

NAME: Ralph Hurlburt Building Application # 18-0934

ADDRESS: 7 White Birch Dr. Newburgh NY 12550

PROJECT INFORMATION:  AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 459 SF Accessory Building #1

SBL: 6-3-8.1 ZONE: A-R ZBA Application # 2709 B-18

TOWN WATER: YES /  NO TOWN SEWER: YES /  NO

|                      | MINIMUM  | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|--|----------|----------|----------|---------------------|
| LOT AREA             |  |          |          |          |                     |
| LOT WIDTH            |  |          |          |          |                     |
| LOT DEPTH            |  |          |          |          |                     |
| FRONT YARD           | All 4 accessory building built without permits equal 1028 SF |          |          |          |                     |
| 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:**

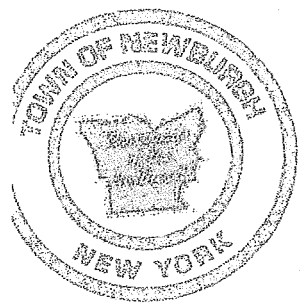
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4  YES / NO  
 FRONT YARD - 185-15-B ..... YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES ..... YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 ..... YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ..... YES / NO

NOTES: 28'-8" x 16' -2" Accessory building built without permits

**VARIANCE(S) REQUIRED:**

- 1 185-15-A-4 1000 SF Total allowed for all accessory buildings
- 2 185-15-A-2 Shall sit back 5' from any side yard lot line
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 17-Aug-18



**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

2709-C-18

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

Date: 08/17/2018

Application No. 18-0935

To: Ralph Hurlburt  
7 White Birch Dr  
Newburgh, NY 12550

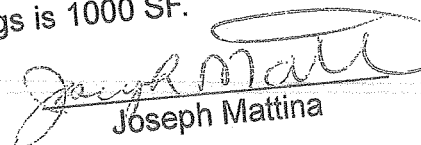
SBL: 6-3-8.1  
ADDRESS: 7 White Birch Dr

ZONE: AR

PLEASE TAKE NOTICE that your application dated 08/06/2018 for permit to keep an accessory building built without a permit on the premises located at 7 White Birch Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4: Maximum allowed total square foot of all accessory buildings is 1000 SF.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**

**BUILT WITH OUT A PERMIT**

YES / NO

NAME: Ralph Hurlburt Building Application # 18-0935

ADDRESS: 7 White Birch Dr. Newburgh NY 12550

**PROJECT INFORMATION:**

**AFTER VARIANCE**

USE VARIANCE

TYPE OF STRUCTURE: 49 SF Accessory Building #2

SBL: 6-3-8.1 ZONE: A-R ZBA Application # 2709-C-18

TOWN WATER: YES /  NO

TOWN SEWER: YES /  NO

|                      | MINIMUM  | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|--|----------|----------|----------|---------------------|
| LOT AREA             |  |          |          |          |                     |
| LOT WIDTH            |  |          |          |          |                     |
| LOT DEPTH            |  |          |          |          |                     |
| FRONT YARD           | All 4 accessory building built without permits equal 1028 SF |          |          |          |                     |
| 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:**

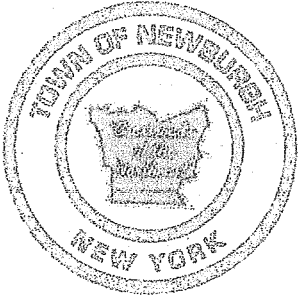
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 \_\_\_\_\_  YES / NO  
 FRONT YARD - 185-15-B \_\_\_\_\_ YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES \_\_\_\_\_ YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 \_\_\_\_\_ YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 \_\_\_\_\_ YES / NO

NOTES: 7' x 7' shed next to shed #1

**VARIANCE(S) REQUIRED:**

- 1 185-15-A-4 1000 SF Total allowed for all accessory buildings
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 17-Aug-18



**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

**2709-D-18**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 08/17/2018**

**Application No. 18-0936**

**To: Ralph Hurlburt  
7 White Birch Dr  
Newburgh, NY 12550**

**SBL: 6-3-8.1  
ADDRESS: 7 White Birch Dr**

**ZONE: AR**

PLEASE TAKE NOTICE that your application dated 08/06/2018 for permit to keep an accessory building built without a permit on the premises located at 7 White Birch Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-4: Maximum allowed total square foot of all accessory buildings is 1000 SF.
- 2) 185-15-B: No building shall project closer to the 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*

YES / NO

**NAME:** Ralph Hurlburt **Building Application #** 18-0936

**ADDRESS:** 7 White Birch Dr. Newburgh NY 12550

**PROJECT INFORMATION:**

AREA VARIANCE

USE VARIANCE

**TYPE OF STRUCTURE:** 520 SF Accessory Building #3

**SBL:** 6-3-8.1 **ZONE:** A-R **ZBA Application #** 2709-D-18

**TOWN WATER:** YES /  NO

**TOWN SEWER:** YES /  NO

|                      | MINIMUM  | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|--|----------|----------|----------|---------------------|
| LOT AREA             |  |          |          |          |                     |
| LOT WIDTH            |  |          |          |          |                     |
| LOT DEPTH            |  |          |          |          |                     |
| FRONT YARD           | All 4 accessory building built without permits equal 1028 SF |          |          |          |                     |
| 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  / NO

FRONT YARD - 185-15-B  / NO

STORAGE OF MORE THEN 4 VEHICLES YES / NO

HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO

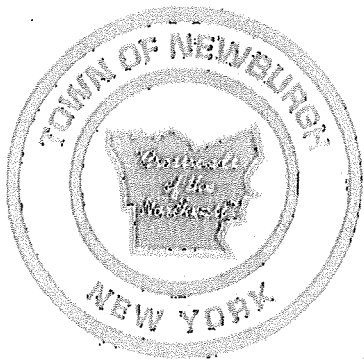
10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

**NOTES:** Shed and lean-to built without a permit in the front yard

**VARIANCE(S) REQUIRED:**

- 1 185-15-A-4 1000 SF Total allowed for all accessory buildings
- 2 185-15-B No building shall project closer to the street then the main building
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina **DATE:** 17-Aug-18



2709-E-18

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: 08/28/18

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

I (WE) Ralph Hurlburt PRESENTLY

RESIDING AT NUMBER 7 White Birch Dr

TELEPHONE NUMBER 845-742-9373

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

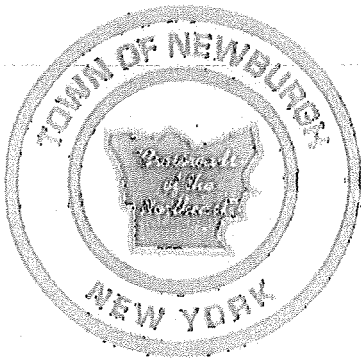
1. LOCATION OF THE PROPERTY:

6-3-8.1 (TAX MAP DESIGNATION)  
7 White Birch Dr (STREET ADDRESS)  
AR (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  
 \_\_\_\_\_  
 \_\_\_\_\_

Two Decks Enclosed  
& converted to  
HABITABLE SPACE  
- NO PERMITS -



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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: 08/17/16
- 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: rear yard: 50' required  
28' provided (22') increasing the degree of non-conformity

*n/a* 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)**

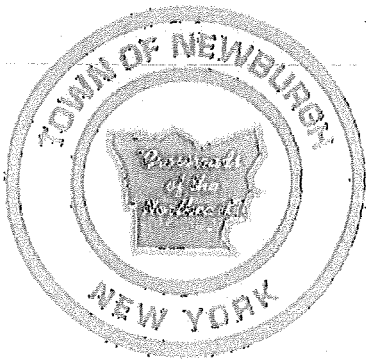
- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

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





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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:

THE BUILDING IS EXISTING AND WELL  
SCREENED BY TERRAIN AND VEGETATION.  
IT IS IN CHARACTER WITH THE NEIGHBORHOOD

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 DRIVEWAY AND SEWER TANK OCCUPY  
THE BUILDABLE AREA IN FRONT AND  
RIGHT SIDE

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

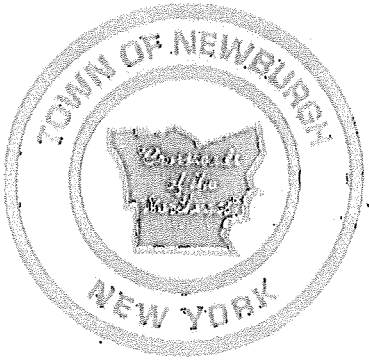
IT IS FOR LESS THAN HALF OF THE  
REAR YARD

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 ADDITION IS ~~TO~~ EXISTING AND  
WELL SCREENED BY TERRAIN AND  
VEGETATION.

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

OWNER DIDN'T EVEN SEE REAR  
PROPERTY LINE



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-4901

### 7. ADDITIONAL REASONS (IF PERTINENT):

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

*[Handwritten Signature]*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 2018

*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

**JACQUELINE CRAIG**  
Notary Public - State of New York  
No. 01CR6356787  
Qualified in Orange County  
My Commission Expires April 3, 2021

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.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

Charles T. Brown, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 7 white Birch Dr. Newburgh

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 7 white Birch Dr

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Charles T Brown <sup>Talcott Engineering</sup> TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8-27-18 Charles T Brown

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

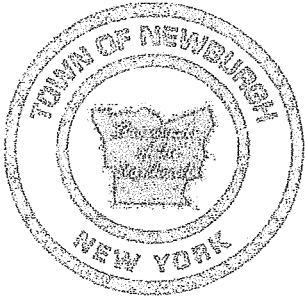
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27<sup>th</sup> DAY OF August 20 18

Jacqueline Craig  
NOTARY PUBLIC  
JACQUELINE CRAIG

Notary Public - State of New York  
No. 01CR6356787

Qualified in Orange County  
My Commission Expires April 3, 20 21



## 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

**2709-E-18**

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/17/2018

Application No. 15-0950

To: Ralph Hurlburt  
7 White Birch Dr  
Newburgh, NY 12550

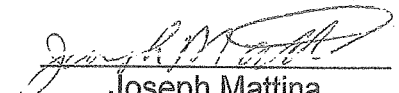
SBL: 6-3-8.1  
ADDRESS: 7 White Birch Dr

ZONE: AR

PLEASE TAKE NOTICE that your application dated 10/29/2015 for permit to keep an enclosed recreation room and poker room that were converted to habitable space without permits in a non-conforming structure. on the premises located at 7 White Birch Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-19-C-1: Shall not increase the degree of non-conformity. (rear yard setbacks)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

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

NAME: Ralph Hurlburt Building Application # 15-0950

ADDRESS: 7 White Birch Dr. Newburgh NY 12550

PROJECT INFORMATION:  AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: 15' x 55' rear addition

SBL: 6-3-8.1 ZONE: A-R ZBA Application # 2709-D-18

TOWN WATER: YES /  NO TOWN SEWER: YES /  NO

|                      | MINIMUM | EXISTING | PROPOSED                                | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|---------|----------|---|----------|---------------------|
| LOT AREA             |         |          |   |          |                     |
| LOT WIDTH            |         |          |   |          |                     |
| LOT DEPTH            |         |          |   |          |                     |
| FRONT YARD           |         |          |   |          |                     |
| REAR YARD            | 50'     | 28'      | Increasing the degree of non-conformity |          |                     |
| 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: Enclosed 2 rear decks and created a poker room and recreation room (habitable space) without nermit or approvals.

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 Shall not increase the degree of non-conformity.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 17-Aug-18

