



Orange County Department of Planning  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.

To be signed by Local Official.

TONZBA Town of Newburgh

MUNICIPALITY: ZONING BOARD of Appeals

TAX MAP ID: 39-1-16.24  
(Section-Block-Lot)

Local File #: 2304-12

Project Name: \_\_\_\_\_

Applicant: MARK & Kathleen Judson

Address: 64 New Road, Newburgh NY, 12550

Attorney, Engineer, Architect: \_\_\_\_\_

Location of Site: 64 New Road Fostertown Rd  
(Street, highway, nearest intersection)

Size of Parcel: 1.1 acre Existing Lots: \_\_\_\_\_ Proposed Lots/Units \_\_\_\_\_

Present Zoning District: R-2

TYPE OF REVIEW:

Special Use Permit\* (SUP): \_\_\_\_\_

Variance\* USE (VU): \_\_\_\_\_

AREA (AV): INCREASING Degree NON-CONFORMITY (FRONT YD SETBACK)

Zone Change\* FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Zoning Amendment\*\* To Section: \_\_\_\_\_

Subdivision Major \_\_\_\_\_ Minor \_\_\_\_\_

Sketch

Preliminary

Final

DATE: 7/30/12

Giacca Cardone

CHAIRPERSON, Signature and Title  
ZONING BOARD OF APPEALS

\*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID # \_\_\_\_\_

# 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

## APPLICATION

DATED: 7-25-2012

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

I (WE) MARK T & Kathleen A. Judson PRESENTLY  
RESIDING AT NUMBER 64 New Road Newburgh  
TELEPHONE NUMBER 845-562-9153

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

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

1. LOCATION OF THE PROPERTY:

39-1-16.24 (TAX MAP DESIGNATION)  
64 New Road (STREET ADDRESS)  
R/2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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  
 \_\_\_\_\_  
 \_\_\_\_\_

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: 7-12-2012
- 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: Permission to increase degree of non-conformity for the purpose of installing a deck

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:

I'm only installing a pool deck at the rear of my house, not unlike others in the vicinity  
\_\_\_\_\_  
\_\_\_\_\_

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:

no other methods exist  
\_\_\_\_\_  
\_\_\_\_\_

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See (a)  
\_\_\_\_\_  
\_\_\_\_\_

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

Pool on Deck will be substantially blocked from view by existing shed on the new Rd side and by trees and shrubs from the Fosterlawn Road side  
\_\_\_\_\_  
\_\_\_\_\_

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

I did not write the zoning code  
\_\_\_\_\_  
\_\_\_\_\_

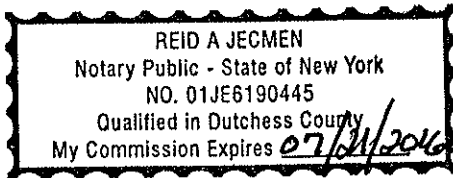
7. ADDITIONAL REASONS (IF PERTINENT):

Deck will allow easier entry into the pool,  
wife has two arthritic knees and I have recently  
had one of my knees replaced.

*Kathleen A. Jordan*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 28 DAY OF July 20 12



*Reid A. Jecmen*  
NOTARY PUBLIC

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.

**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>Mark T &amp; Kathleen A. Judson</i>	2. PROJECT NAME <i>Pool Deck</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>64 new road Newburgh, N.Y. 12550 39-1-16.24</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Installation of pool deck</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <i>Violates 195-10-C-1</i> <i>Shall not increase degree of non-conformity (frontyard setback)</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <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 Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: <i>Town of Newburgh Building permit &amp; Zoning area Variance</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" 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>Mark T &amp; Kathleen A. Judson</i> Date: <i>7-25-2013</i> Signature: <i>Mark T Judson Kathleen A Judson</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? If No, a negative declaration may be superseded by another involved agency.  Yes  No

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. 2304-12

Date: July 12, 2012

To: MARK & KATHLEEN JUDSON  
64 NEW ROAD  
NEWBURGH, NY 12550

SBL 39-1-16.24  
ADD: 64 New Road  
ZONE R-2

PLEASE TAKE NOTICE that your application dated July 6,

20 12 for permit to build a pool deck (10 x 17)

At the premises located at 64 New Road

(TWO FRONT YARDS NEW ROAD & FOSTERTOWN ROAD)

Is returned herewith and disapproved on the following grounds:

185 - 10 - C - 1 -  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY. (FRONT YARD  
SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File



# Town of Newburgh Code Compliance

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

NAME: MARK & KATHLEEN JUDSON

ADDRESS: 64 NEW RD NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 10' X 17' POOL DECK

SBL: 39-1-16.24      ZONE: R/2

TOWN WATER:       TOWN SEWER:

2304-10

	MINIMUM	EXISTING	PROPOSED	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       / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY       / 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: **HAS 2 FRONT YARDS ( NEW RD & FOSTERTOWN RD ) VARIANCE GRANTED FOR A POOL IN A FRONT YARD ON 10-28-2010 (SEE D&R #1 THAT IS ATTACHED)**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA      DATE: 9-Jul-12

