

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: 5/11/12

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

I (WE) BENJAMIN KILPATRICK PRESENTLY

RESIDING AT NUMBER 99 MOUNTAIN VIEW AVENUE, NEWBURGH, NY 12550

TELEPHONE NUMBER 845-564-2448

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:

14-1-149 (TAX MAP DESIGNATION)

99 MOUNTAIN VIEW AVENUE (STREET ADDRESS)

RR (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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: 04-25-2012

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: 43' FRONT YARD SETBACK

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:

THE HOME IS EXISTING AND THE SMALL 360 S.F. ADDITION IS ON THE SECOND FLOOR IN THE REAR OF THE RESIDENCE. THEREFORE, IT WILL NOT BE HIGHLY VISIBLE FROM THE ROAD.

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:

ALTERNATIVE SOLUTION WOULD REQUIRE CONSTRUCTION THAT WOULD INCREASE THE FOOTPRINT OF THE EXISTING RESIDENCE, AND THEREFORE REQUIRE THE SAME VARIANCE, AND POSSIBLY ADDITIONAL, VARIANCES.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE HOME AND FRONT YARD SETBACK ENCROACHMENT ARE EXISTING. SPACE BETWEEN THE EXISTING RESIDENCE ON THE SUBJECT PARCEL, THE ROAD, AND ADJOINING PROPERTIES WILL REMAIN THE SAME.

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

BUILDING FOOTPRINT WILL REMAIN THE SAME AND ONLY A MINOR MODIFICATION WILL BE MADE TO ITS REAR ELEVATION. SINCE THE PROPOSED ADDITION IS ON THE SECOND FLOOR AND WITHIN THE SAME FOOTPRINT OF THE EXISTING RESIDENCE NO ADDITIONAL IMPEVIOUS LOT COVERAGE WILL BE ADDED.

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

THE HOME AT THE SUBJECT PARCEL WERE EXISTING WHEN THE CURRENT OWNER PURCHASED THE PROPERTY. THEREFORE THE FRONT YARD ENCROACHMENT IS PRE-EXISTING NON-CONFORMING. PROPOSED CONSTRUCTION WILL NOT HAVE ANY FURTHER ENCROACHMENTS ON SETBACKS.

7. ADDITIONAL REASONS (IF PERTINENT):

B. Blumenthal
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS FOURTH DAY OF MAY 2012

Andrew J. Zarutskie
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.


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 BENJAMIN AND JESSICA KILPATRICK	2. PROJECT NAME SECOND STORY BUILDING ADDITION
3. PROJECT LOCATION: Municipality TOWN OF NEWBURGH County ORANGE COUNTY	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 99 MOUNTIAN VIEW AVENUE (S/B/L:14-1-149)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CONSTRUCTION OF 360S.F. +/- ADDITION ON THE SECOND FLOOR OF THE EXISTING RESIDENCE. BUILDING FOOTPRINT AND BEDROOM COUNT WILL REMAIN THE SAME.	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately <u>0</u> 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 CONSTRUCTION WILL REQUIRE VARIANCE FOR FRONT YARD SETBACK	
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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: C.O. FOR EXISTING RESIDENCE	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: JONATHAN CELLA, P.E.	Date: 9/30/2012
Signature: 	

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? If yes, coordinate the review process and use the FULL EAF.
 Yes No

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:
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 NO

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:
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 NO

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.

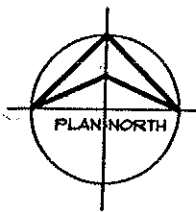
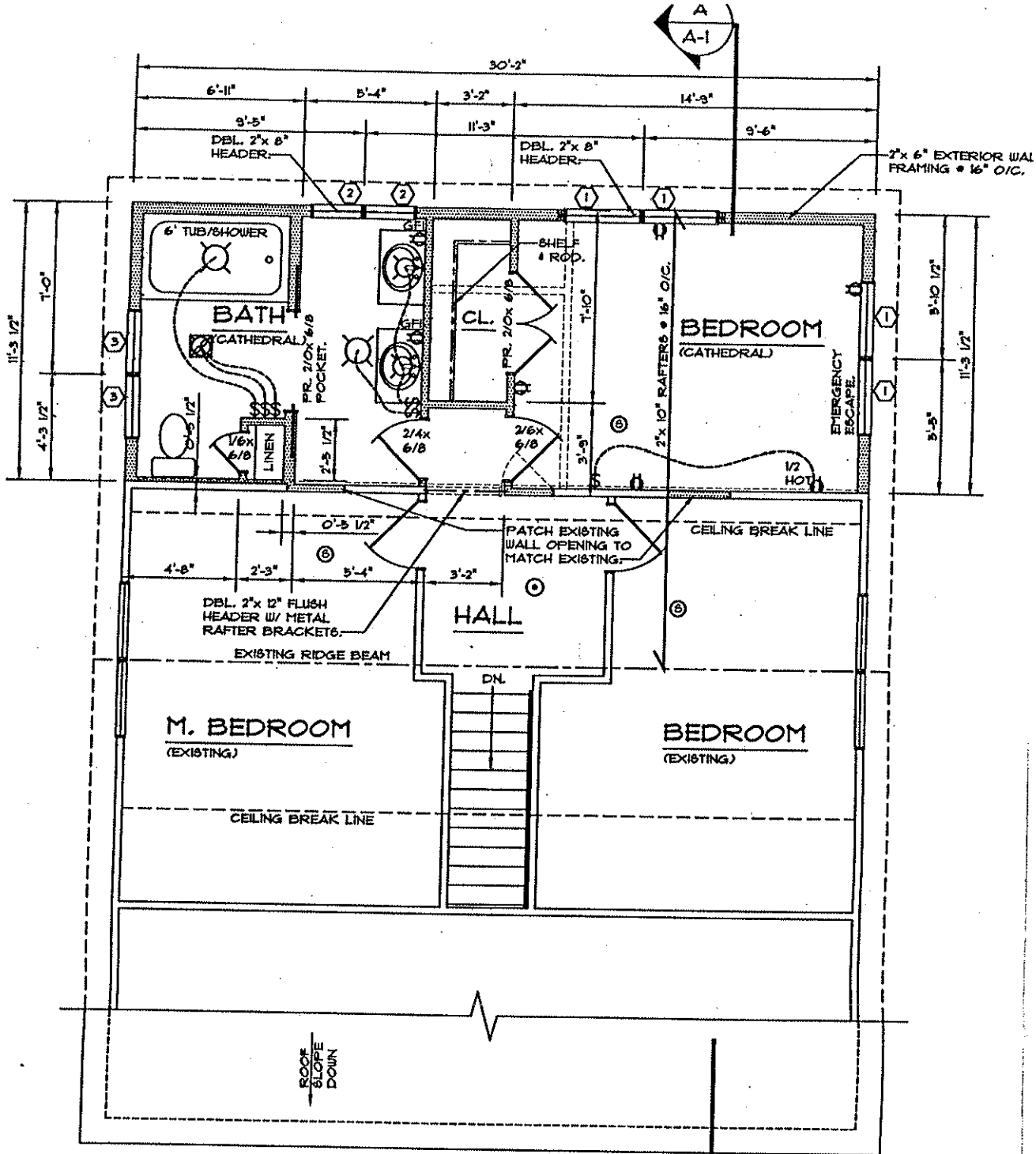
Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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.

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

_____	_____
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)

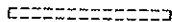


Reset

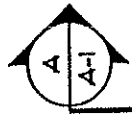


SECOND FLOOR PLAN

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

1. UNLESS OTHERWISE NOTED, INSTALL DBL. 2"x 10" HEADERS OVER ALL OPENINGS IN BEARING WALLS. FOR ALL OPENINGS 5'-0" WIDE AND WIDER, PROVIDE TWO JACK STUDS AT EACH END OF HEADER.
2. ALL FRAMING MEMBERS SHALL HAVE A CONTINUOUS LOAD PATH FROM ROOF TO FOUNDATION. ALL ROOF, WALL AND FLOOR FRAMING MEMBERS SHALL HAVE THE SAME ON CENTER SPACING AND SHALL BE LAID OUT DIRECTLY IN LINE WITH MEMBERS ABOVE AND BELOW.
3. ALL BUILT-UP HEADERS, BEAMS AND GIRDERS SHALL HAVE FULL WIDTH BEARING MINIMUM TO FOUNDATION SUPPORT.

WALL LEGEND	
	EXISTING WALL CONSTRUCTION TO BE REMOVED
	EXISTING WALL CONSTRUCTION TO REMAIN
	NEW WALL CONSTRUCTION.



SELF-ADHERED ICE AND WATER SHIELD ALONG EAVES TO EXTEND 2' MIN. BEYOND INSIDE FACE OF WALL.

CONTINUOUS RIDGE VENT.

FIBERGLASS ROOFING SHINGLES OVE TWO LAYERS 15# FELT BUILDING PAPER OR DOUBLE COVERAGE ROLL ROOF OVER 30# FELT BUILDING PAPER.

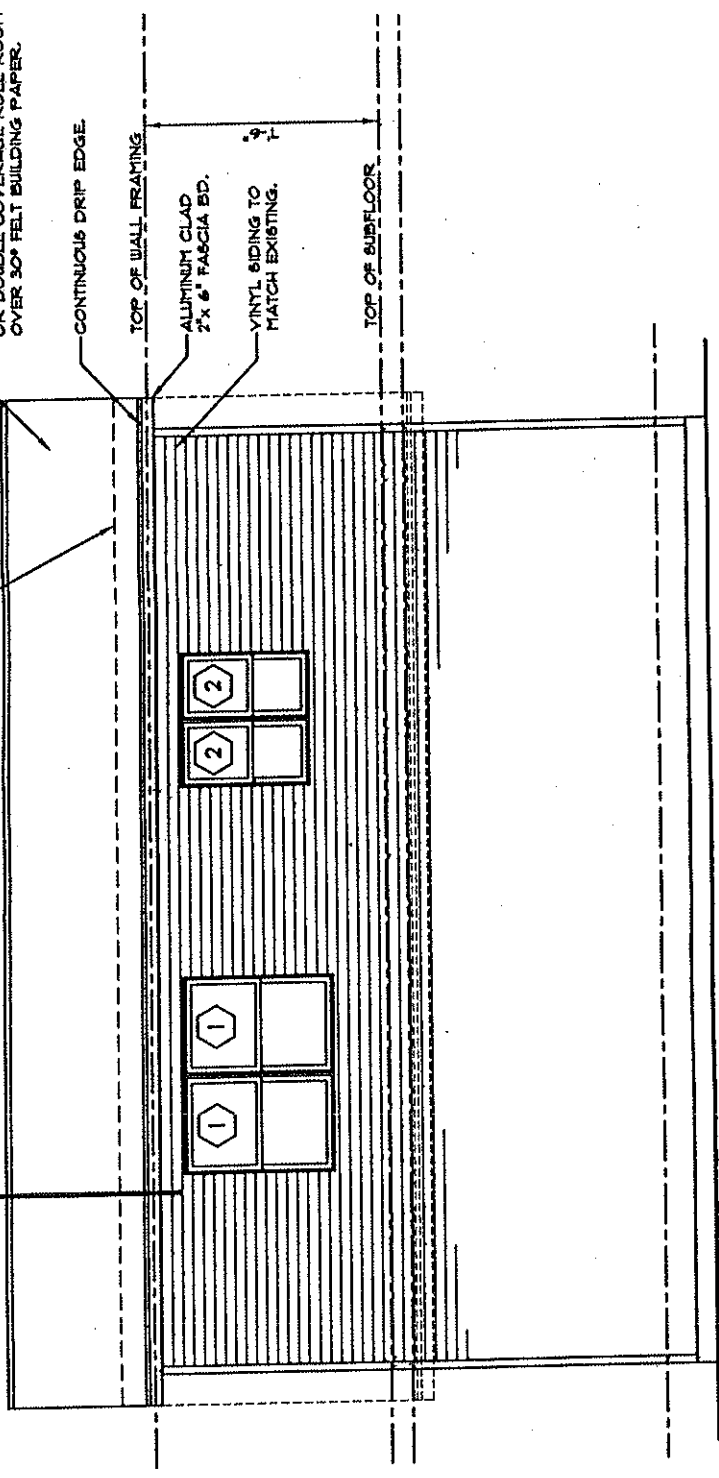
CONTINUOUS DRIP EDGE.

TOP OF WALL FRAMING

ALUMINUM CLAD 2" X 6" FASCIA BD.

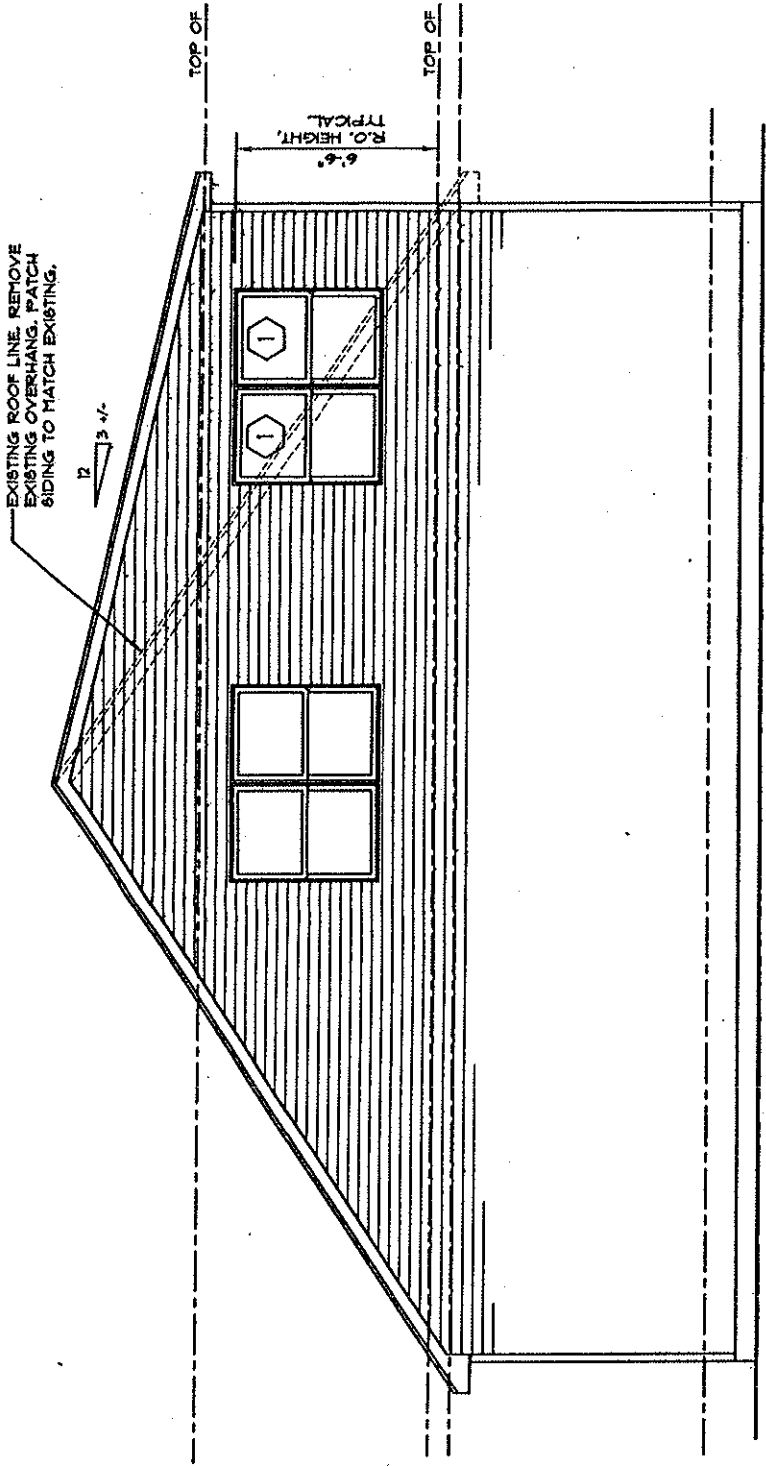
VINYL SIDING TO MATCH EXISTING.

TOP OF SUBFLOOR



NORTH ELEVATION

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

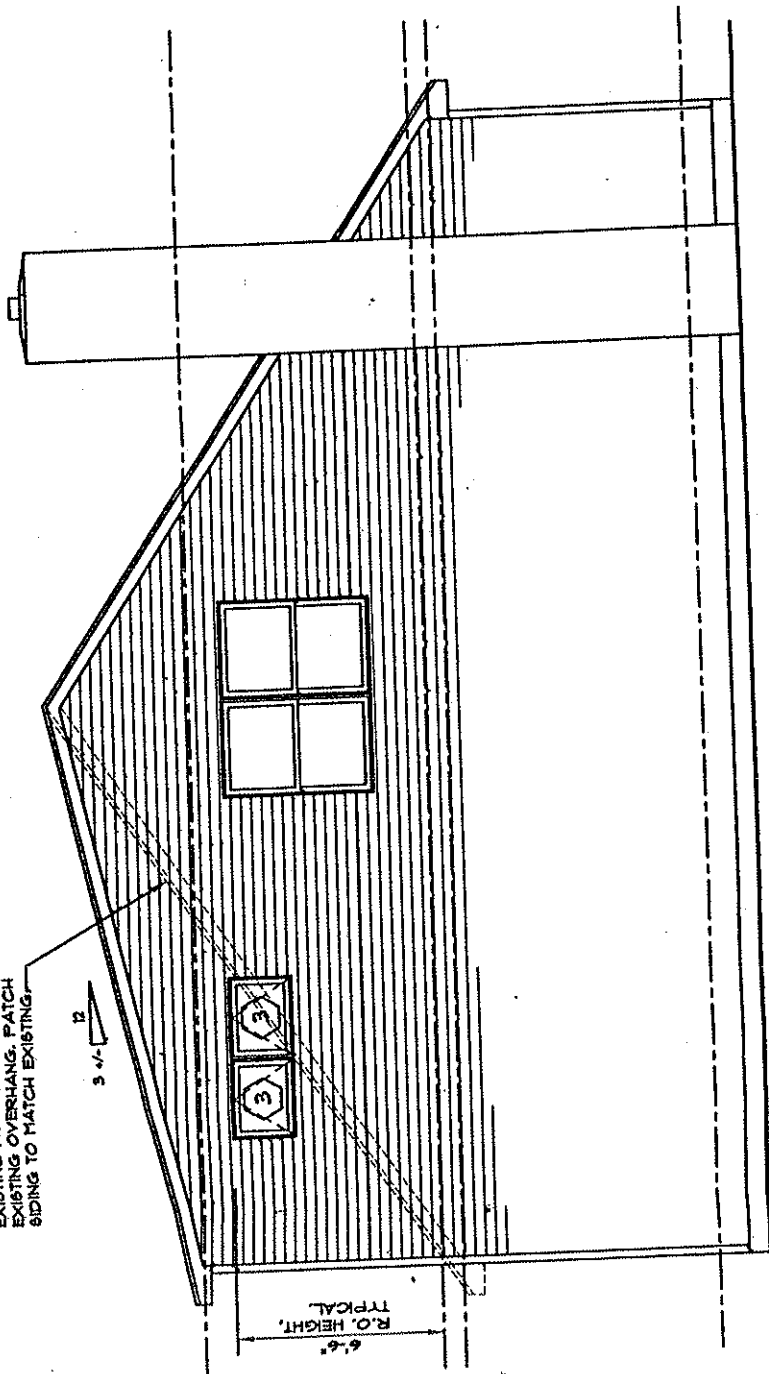


EAST ELEVATION

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

EXISTING ROOF LINE. REMOVE
EXISTING OVERHANG. PATCH
SIDING TO MATCH EXISTING.

3'-4" 12"



WEST ELEVATION

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

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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2291-12

Date: April 25, 2012

To: BENJAMIN KILPATRICK
99 MOUNTAIN VIEW AVENUE
NEWBURGH, NY 12550

SBL 14-1-149
ADD: 99 Mountain View Avenue
ZONE R/R

PLEASE TAKE NOTICE that your application dated April 23,
20 12 for permit to build a second floor addition (11'3" x 30'2")
At the premises located at 99 Mountain View Avenue

Is returned herewith and disapproved on the following grounds:

185 - 19 - 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

2291-12

NAME: BENJAMIN KILPATRICK

ADDRESS: 99 MOUNTAIN VIEW AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 11'-3" X 30'-2" 2ND FLOOR ADDITION

SBL: 14-1-149 ZONE: R/R

TOWN WATER: NO TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	60'	21' TO THE HOUSE	43' TO NEW ADDITION	EXISTING NON CONFORMING	
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-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: EXISTING NON CONFORMING DWELLING. 2ND FLOOR ADDITION WILL BE LOCATED 43' FROM FRONT PROPERTY LINE. 60' MINIMUM REQUIRED

VARIANCE(S) REQUIRED:

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

REVIEWED BY: JOSEPH MATTINA DATE: 25-Apr-12

