

# 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: 3/8/13

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

I (WE) Conchetta Kirk PRESENTLY  
RESIDING AT NUMBER 43 Wintergreen Ave, Newburgh NY  
TELEPHONE NUMBER (845) 784-1793 12550

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:

SWIS: 334600 SBL 67-5-16 (TAX MAP DESIGNATION)

43 WINTERGREEN (STREET ADDRESS)

R3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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

3/5

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: 3/5/13

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: one side yard setback & the combined side yards 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:

There is already a pre-existing structure in the present location of the proposed addition. This structure has been there for many years.

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:

~~It~~ Extends toward the back, front well not be affected -

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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:

~~It~~ Cannot be used as a room without an area variance, too narrow -

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Does not impact neighborhood as much as the existing structure -

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

Extension would be in the back, I see no adverse effect or negative impact to the neighborhood, I'll see it as an improvement -

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

I want to do the improvement because there is an existing structure - and I want to be able to utilize the space -

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7. ADDITIONAL REASONS (IF PERTINENT):

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

*Courlette Viall*

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

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS ELEVENTH DAY OF MARCH 2013

*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.

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 <u>Concetta Kirk</u>	2. PROJECT NAME <u>Addition</u>
3. PROJECT LOCATION: Municipality <u>Town of Newburgh</u> County <u>Orange Co.</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>43 Wintergreen Ave</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Addition for Dining room/Family room</u>	
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 type="checkbox"/> No    If No, describe briefly	
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: <u>Dining room / Living room</u>	
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 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 checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Concetta Kirk</u>	Date: <u>3/8/13</u>
Signature: <u>Concetta Kirk</u>	

**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)**

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If No, a negative declaration may be superseded by another involved agency.</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>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:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>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:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	

**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.

<p><input type="checkbox"/> 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.</p>	<p><input type="checkbox"/> 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.</p>
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>

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. 2342-13

Date: March 5, 2013

To: ~~KIRK~~ CONCETTA Kirk  
43 WINTERGREEN AVENUE  
NEWBURGH, NY 12550

SBL 67-5-16  
ADD: 43 Wintergreen Avenue  
ZONE R-3

PLEASE TAKE NOTICE that your application dated February 25,  
20 13 for permit to build an addition and deck on residence  
At the premises located at 43 Wintergreen Avenue

Is returned herewith and disapproved on the following grounds:

**185 - 19 - C - 1 -**  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY.  
(ONE SIDE YARD SETBACK & THE COMBINED SIDE YARDS SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File

# Town of Newburgh Code Compliance

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

NAME: KIRK CONCETTA KIRK

ADDRESS: 43 WINTERGREEN AVE NEWBURGH NY 12550

2342-13

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: ADDITION 15' X 32'-4" / DECK 12' X 32'-4"

SBL: 67-5-16 ZONE: R-3

TOWN WATER:  YES TOWN SEWER:  YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ONE SIDE YARD	15'	12'	INCREASING THE DEGREE OF NONCONFORMITY		
COMBINED SIDE YARD	30'	27'			
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  YES  
 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

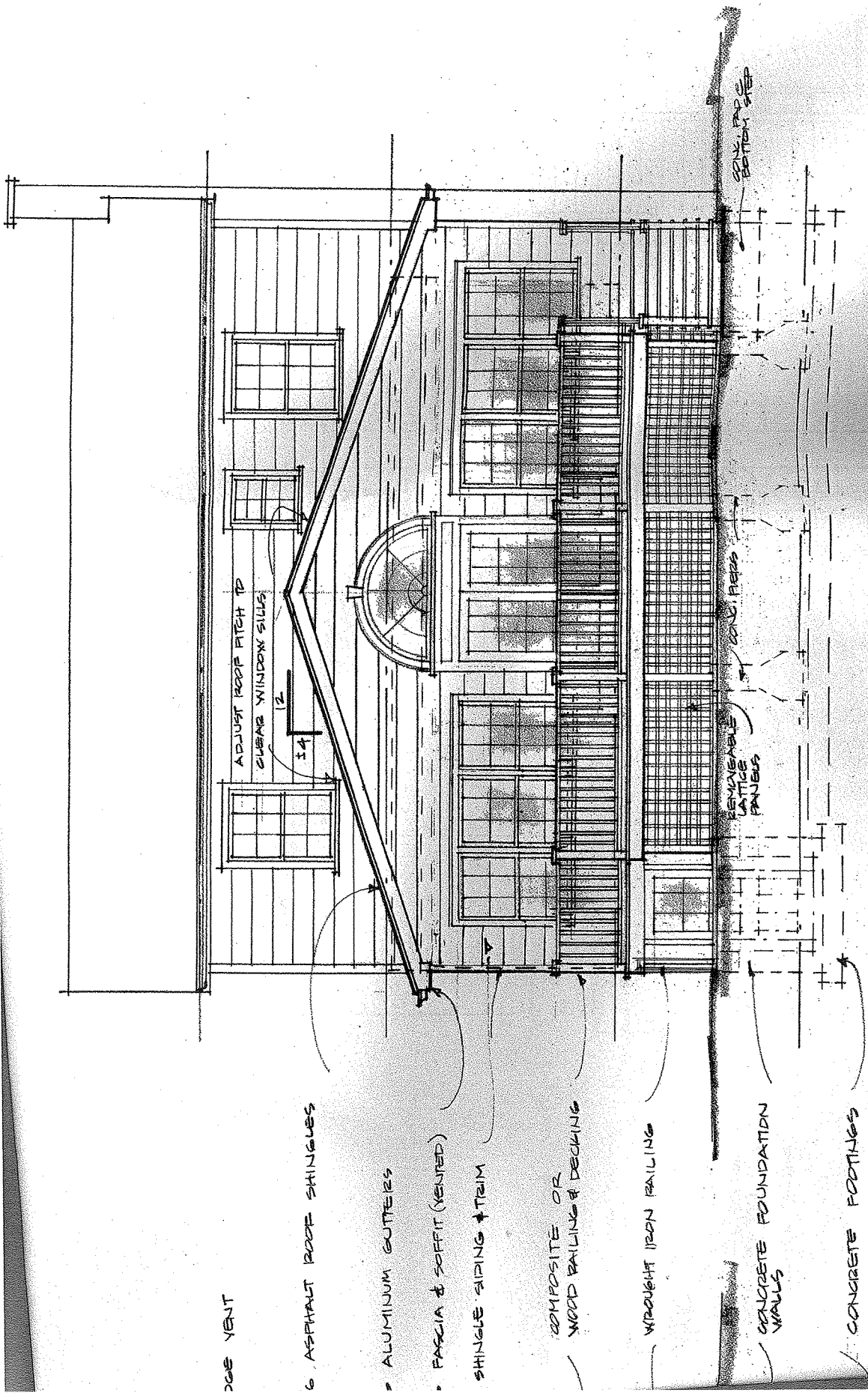
**NOTES: EXISTING NON CONFORMING / INCREASING DEGREE OF NONCONFORMITY ONE ONE SIDE YARD AND COMBINED SIDE YARD.**

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 ( ONE SIDE ) SHALL NOT INCREASE THE DEGREE OF NONCONFORMITY.
- 2 185-19-C-1 ( COMBINED ) SHALL NOT INCREASE THE DEGREE OF NONCONFORMITY.
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA DATE: 4-Mar-13





DOE VENT

6 ASPHALT ROOF SHINGLES

ALUMINUM GUTTERS

FASCIA & SOFFIT (VENTED)

SHINGLE SIDING & TRIM

COMPOSITE OR WOOD BALCONY & DECKING

WROUGHT IRON RAILING

CONCRETE FOUNDATION WALLS

CONCRETE FOOTINGS

ADJUST ROOF PITCH TO CLEAR WINDOW SILL

12  
14

PERMANENT LATTICE PANELS

CONCRETE

CONCRETE BOTTOM STEP

REAR ELEVATION

REMOVE PORCH

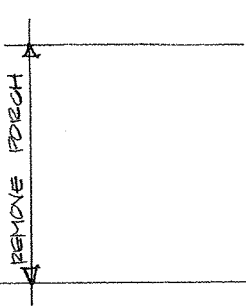
CONTINUOUS RIDGE VENT  
MATCH EXISTING ASPHALT  
MATCH EXISTING ALUMINUM  
MATCH EXISTING FASCIA  
MATCH EXISTING SHINGLES

20MP  
WOOD

WOOD

SOFT  
WOOD

SOFT  
WOOD



2x12 RAFT  
@ 16" O.C.

REMOVE PORCH  
& ROOF

WEAVE NEW  
SIPING WITH  
EXISTING

GREAT RM FUR LINE

NEW BSMT FUR LINE

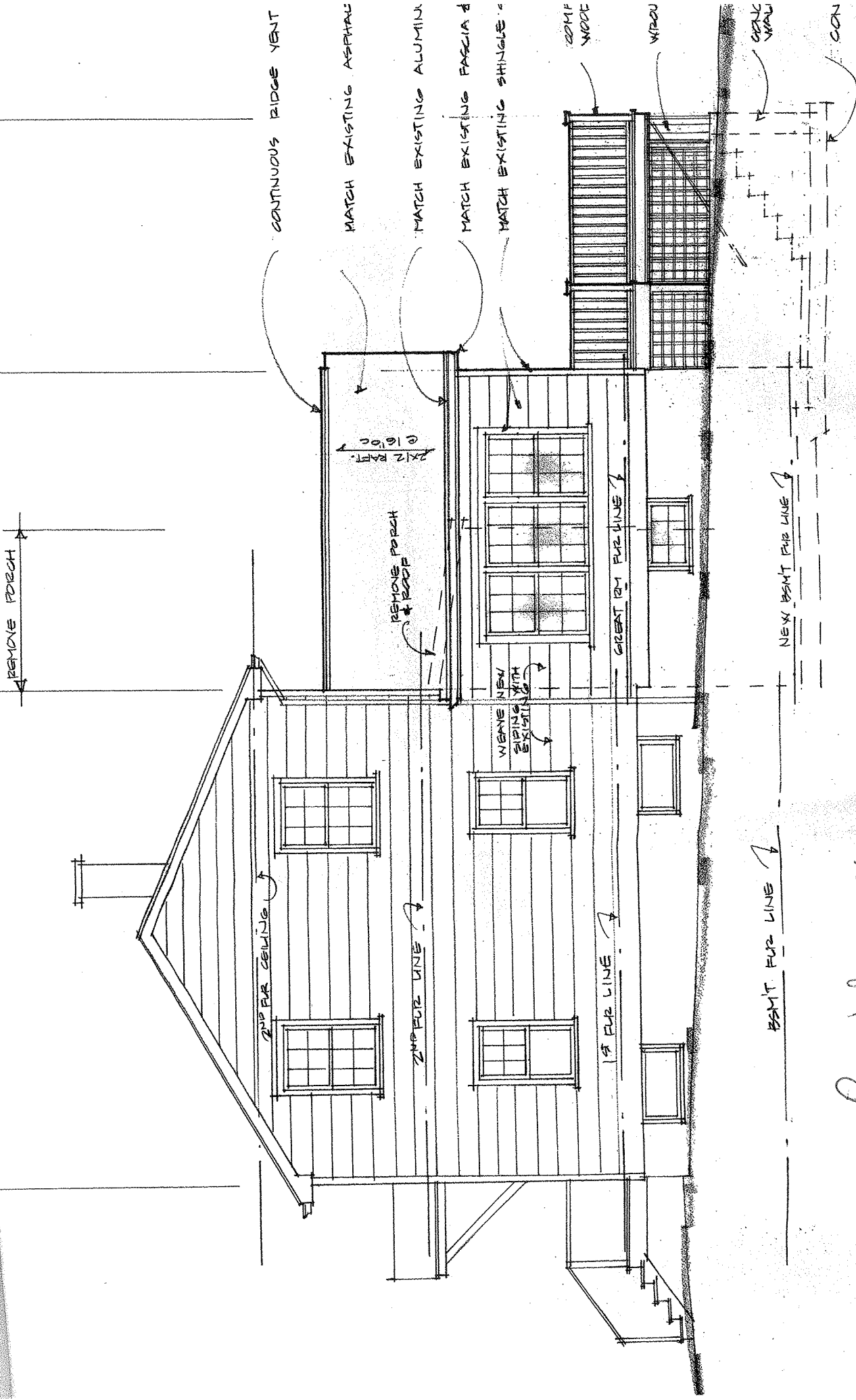
2ND FUR CEILING

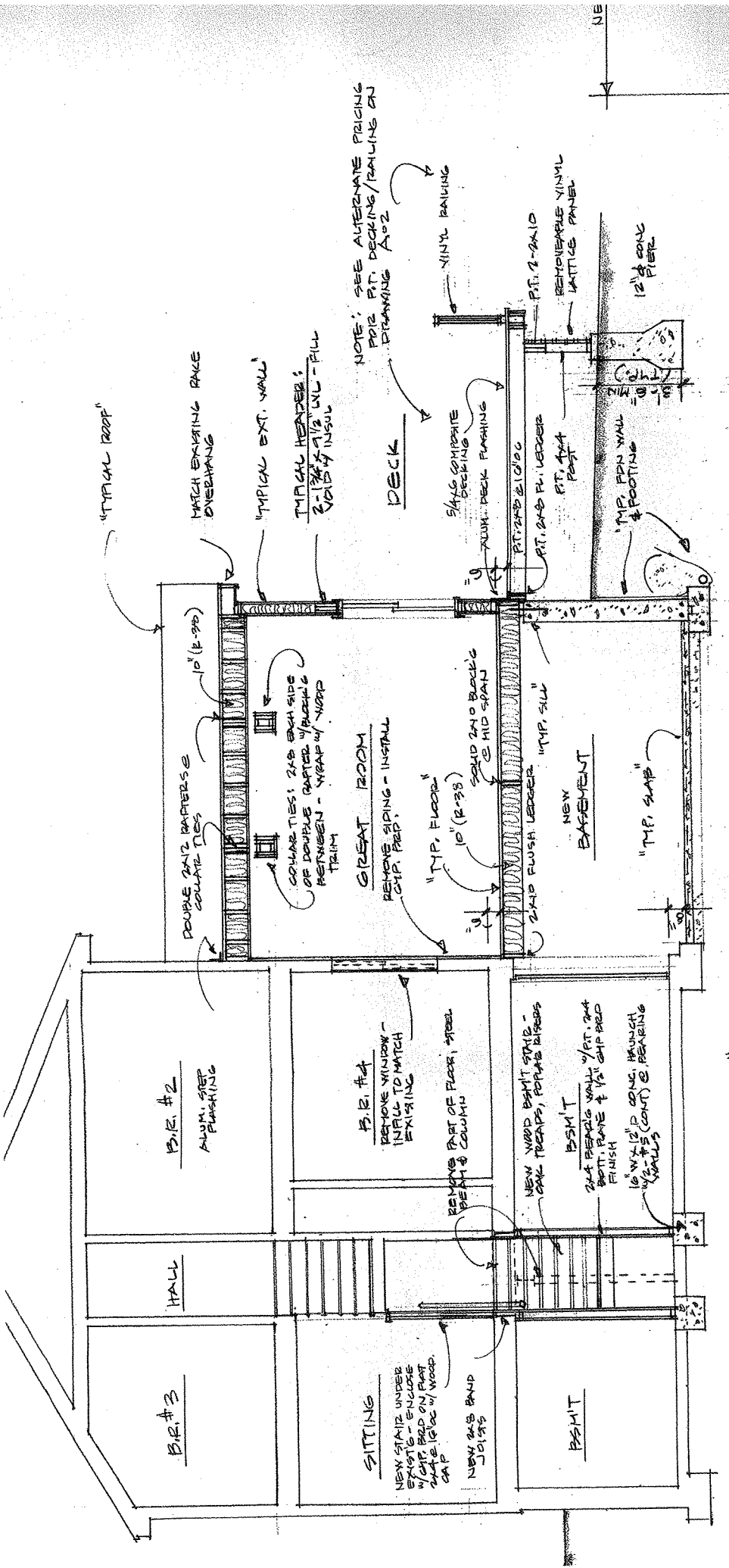
2ND FUR LINE

1ST FUR LINE

BSMT FUR LINE

Right side





SECTION "A-A"

1/4" = 1'-0"

SCALE:

CONTINUOUS RIE

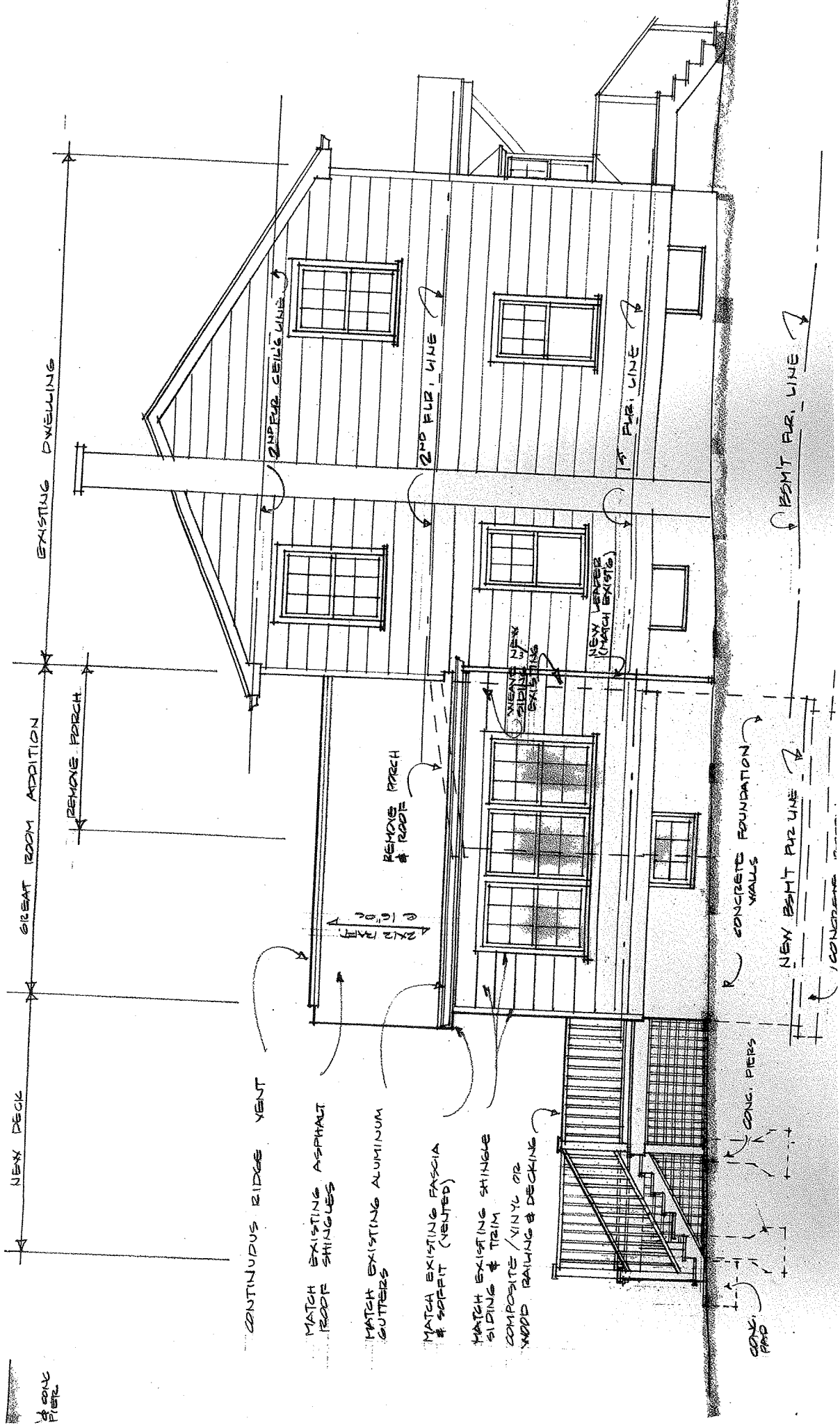
MATCH EXISTING ROOF SHINGLES

MATCH EXISTING CUTTERS

*Right*

DE:

I. 2-2410  
 DIMENSIONAL VINYL  
 KITTING PANEL



NEW DECK

GREAT ROOM ADDITION

EXISTING DWELLING

REMOVE PORCH

REMOVE PORCH & ROOF

CONTINUOUS RIDGE VENT

MATCH EXISTING ASPHALT ROOF SHINGLES

MATCH EXISTING ALUMINUM GUTTERS

MATCH EXISTING FASCIA & SOFFIT (VENTED)

MATCH EXISTING SHINGLE SIDING & TRIM

COMPOSITE / VINYL OR WOOD BALUNING & DECKING

REMOVE CEILING LINE

2ND FLOOR LINE

1ST FLOOR LINE

CONCRETE FOUNDATION WALLS

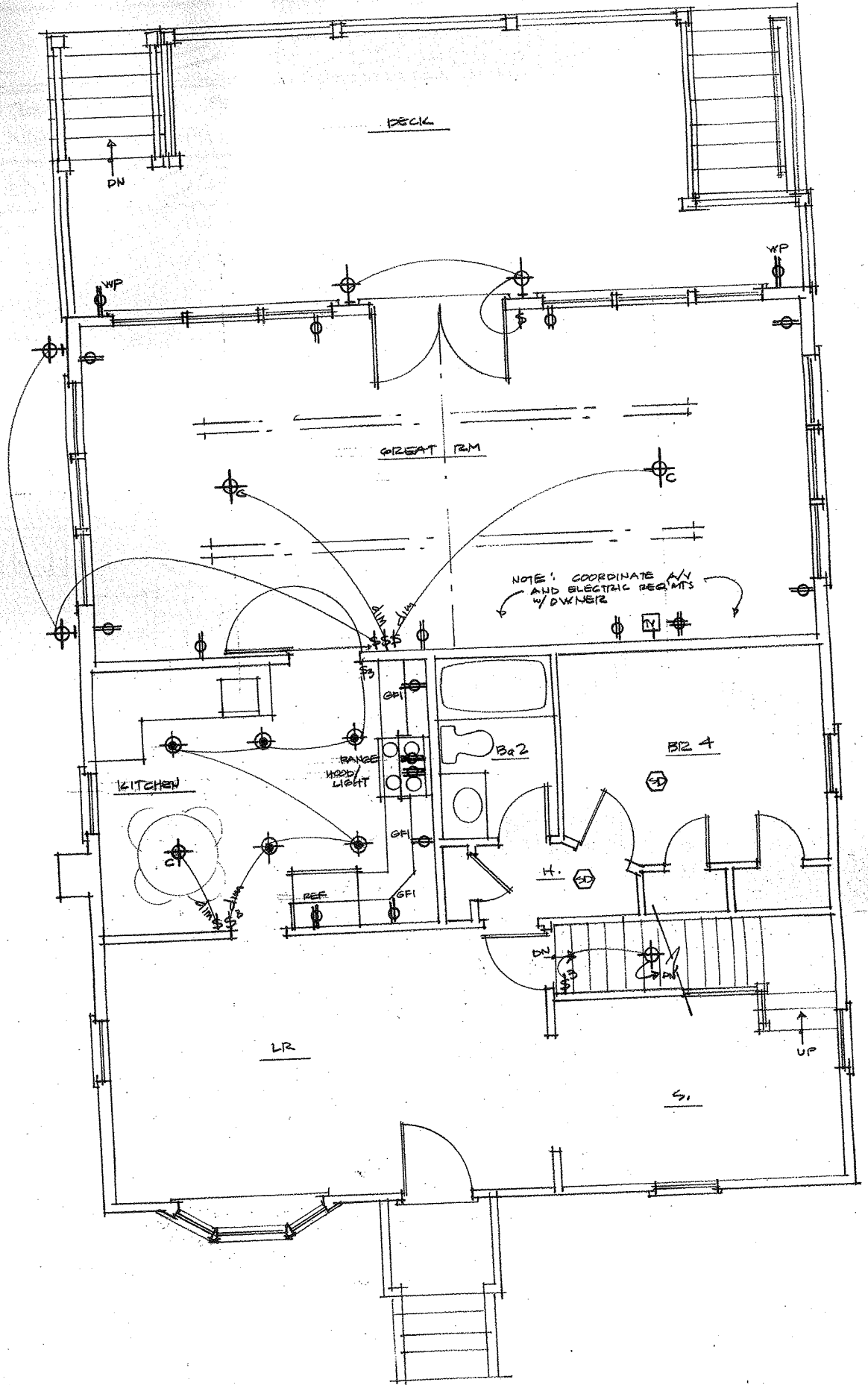
NEW BSMT FLOOR LINE

REMOVE FLOOR LINE

CONC. PIERS

CONC. PAD

Left side

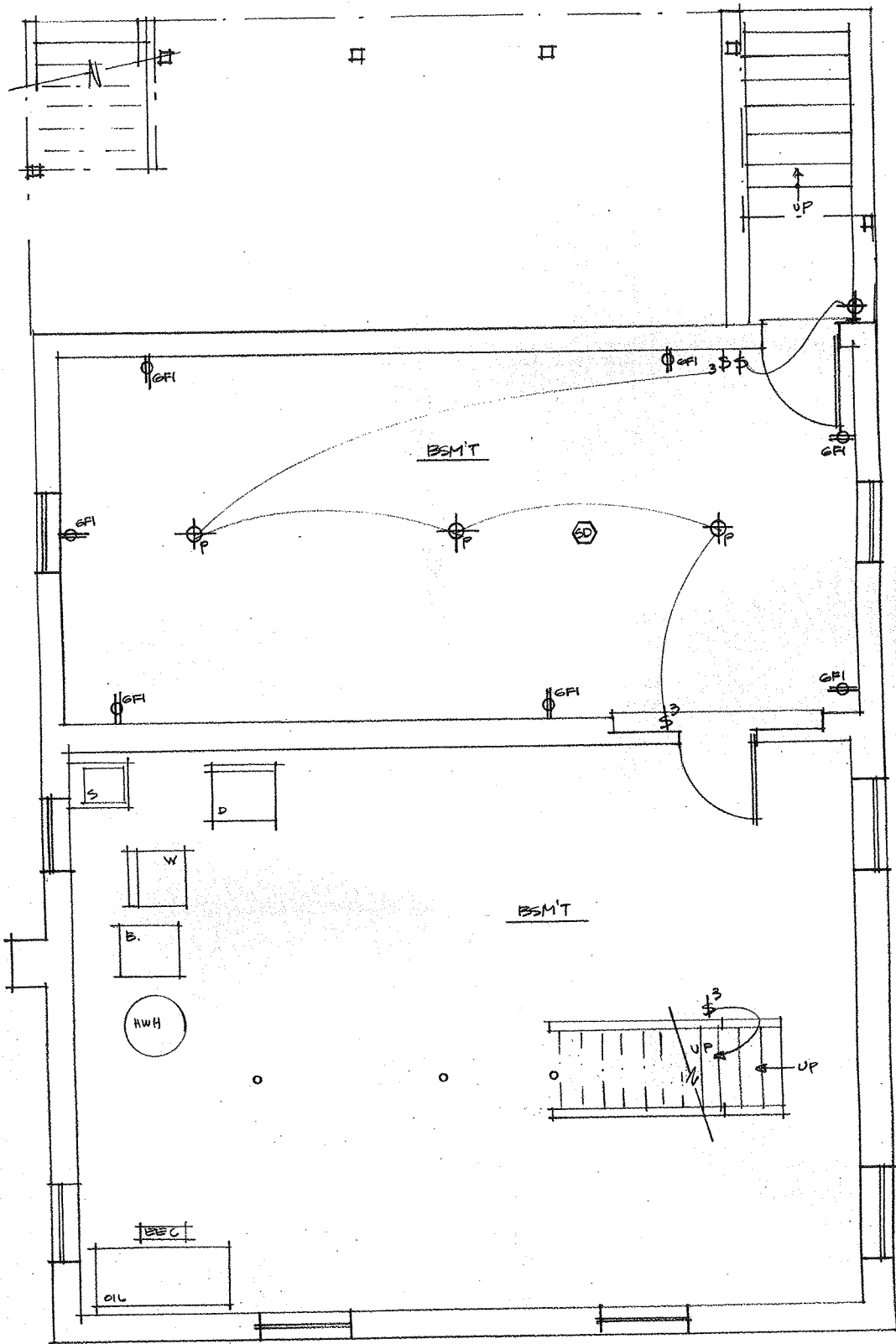


# FIRST FLOOR ELECTRIC LAYOUT PLAN

SCALE

1/4" = 1'-0"

#	REVISION	DATE	APRIL 5, 2011
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# BASEMENT ELECTRIC LAYOUT PLAN

SCALE

$\frac{1}{4}'' = 1'-0''$

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.  
THIS INDENTURE, made the 13 day of JULY, 2006

BETWEEN

Steven J. Hessling & David O'Shea  
43 Winter Green Ave., Newburgh, NY 12550  
and

Grantor(s)

Concetta Kirk & Warren Kirk  
30 No. Gilmore Blvd. Wappingers Falls NY 12590

Grantee(s)

WITNESSETH, that the grantor(s), in consideration of ten Dollars, paid by the grantee(s) and other good and valuable consideration hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

See schedule "A", annexed.

Being the same premises conveyed to Steven J. Hessling & David O'Shea by deed dated 10/03/00  
From Jacqueline Foster  
and recorded in the Orange County Clerk's Office 11/01/00 in Liber 5397, Page 154

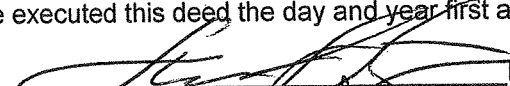
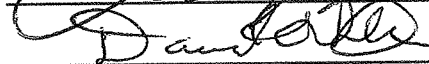
TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever, AND the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

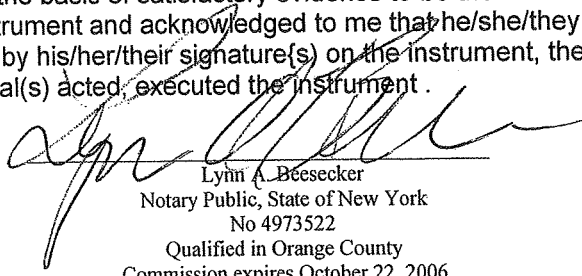
IN WITNESS WHEREOF, the grantor(s) has/have executed this deed the day and year first above written.  
In presence of:

SIGN →

 L.S.  
 L.S.

STATE OF NEW YORK: COUNTY OF ORANGE:

On the \_\_\_\_\_ day of JULY, 2006, before me, the undersigned, personally appeared,  
Steven J. Hessling & David O'Shea  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Lynn A. Beesecker  
Notary Public, State of New York  
No 4973522  
Qualified in Orange County  
Commission expires October 22, 2006

*See Original  
3/11/13*

OLRF 7476

***SCHEDULE "A"***

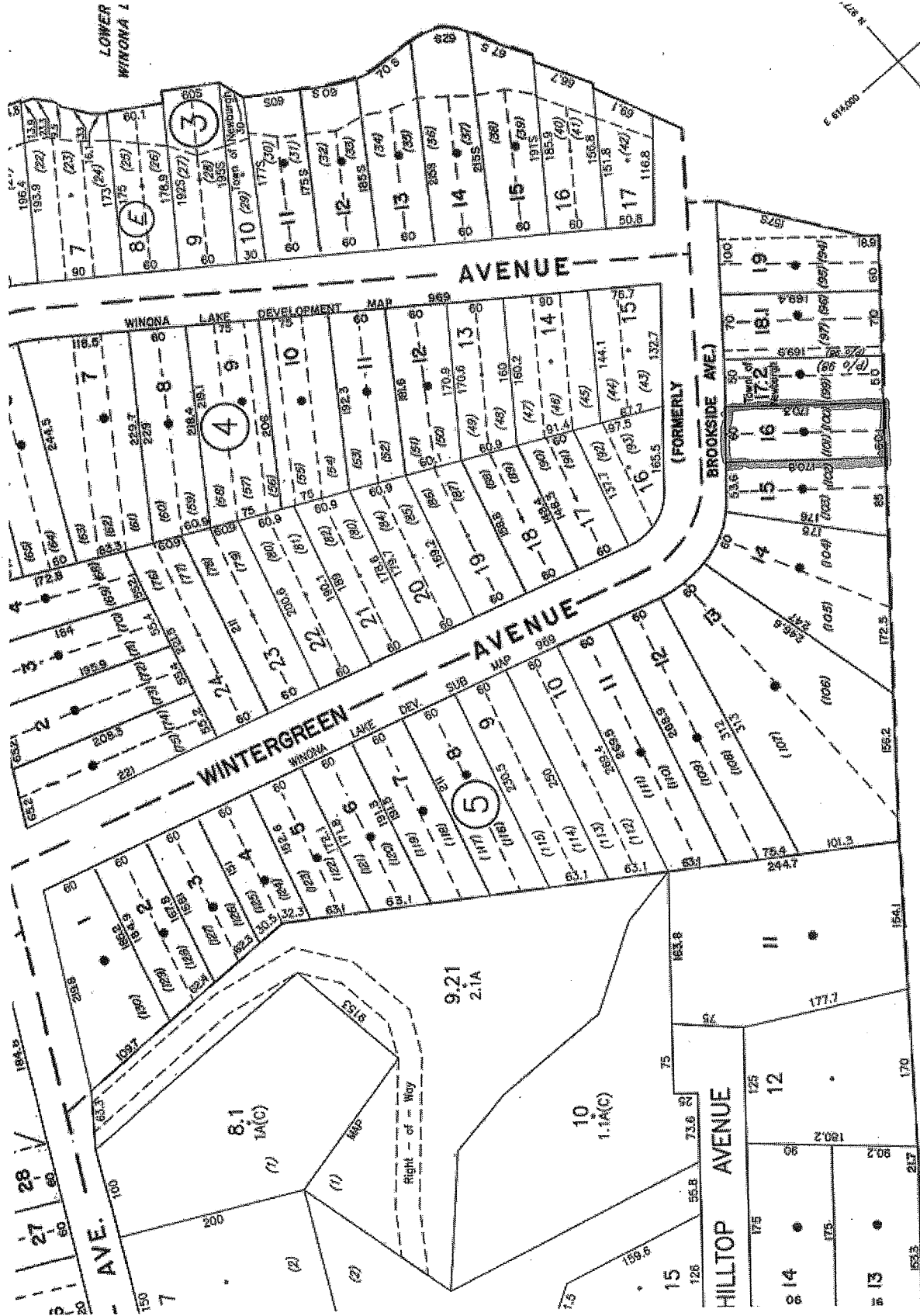
*Title #: 06RF-7476*

(Amended 7/12/06)

**ALL** that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, and State of New York known as Lots No. 100 and 101, as shown on a filed map entitled "Winona Lake Development Company" said filed map being filed in the Orange County Clerk's Office as filed map no. 969, bounded and described as follows:

**BEGINNING** at a point on the northwesterly line of Wintergreen Avenue, said point being the intersection of the northwesterly line of Wintergreen Avenue, with the southwesterly line of Lot No. 102, as shown on said filed map no. 969; thence along the northwesterly line of Wintergreen Avenue, South 37° 45' 00" East 60.00 feet to a point; thence along Lot No. 99, as shown on said filed map no. 969, South 52° 15' 00" West 170.30 feet to a point; the lands now or formerly Stone, North 33° 11' 39" West 60.00 feet to a point; thence along Lot No. 102, as shown on said filed map no. 969, North 52° 15' 00" East 170.76 feet to the point or place of **BEGINNING**.





CONCECETTA  
 43 Wintergreen Ave  
 67-5-16