

ZBA MEETING – MARCH 28, 2013

(Time Noted – 7:09 PM)

DAVID KRYWOSA

762 ORCHARD DRIVE, WALLKILL
(1-1-133.2) A / R ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage).

Chairperson Cardone: The next applicant David Krywosa. I probably pronounced it wrong.

Ms. Gennarelli: This applicant sent out twelve registered letters, eleven were returned. All the mailings and publications are in order.

Chairperson Cardone: And if you would state your name for the record and your request.

Mr. Krywosa: My name is David Krywosa. I'm applying for a variance to build a 30 x 40 garage.

Ms. Smith: Are you going to have a business run from this garage, any business?

Mr. Krywosa: No...

Ms. Smith: No?

Mr. Krywosa: ...no, it's just hobby only.

Ms. Smith: Because I saw the 10 x 10 doors, they're pretty large.

Mr. Krywosa: In case I get a tractor. We own a farm upstate so if I happen to a...store one of my dad's tractors or something I kind of need a door a little big enough to get it in there.

Chairperson Cardone: And, why do you need that extra height?

Mr. Krywosa: A...well I'm restoring a 1936 Chevy and I've always wanted an auto-lift to put in there and I need a (144) hundred and forty-four inches height to go put the...the auto-lift in there.

Mr. Maher: Is the...there storage in the attic based on the...on the attic trusses you have designed in here?

Mr. Krywosa: A...yes.

Mr. Maher: Obviously the issue with the...you know, (15) fifteen foot is the maximum and obviously (23) twenty-three is what you're asking for...

Mr. Krywosa: Right.

Mr. Maher: ...is there any way to lower the pitch in the roof at all? Just to save a little bit here and there, or...give some back a little bit?

Mr. Krywosa: A...I didn't really want to cause I wanted...I'm (6'3) six foot three and if I've got to put parts and stuff up there in the attic...I had a attic down in New Jersey and it was only about this so I having to crawl down through there and having been a pain so I was trying to go (7') seven foot clearance so I can walk down through. It's just going be for minor storage. It isn't going to be a living space or anything up there.

Chairperson Cardone: Are you planning on having plumbing?

Mr. Krywosa: No.

Chairperson Cardone: Electric? Yes?

Mr. Krywosa: Electric, yes.

Mr. Manley: I did notice that there's a air conditioning unit that's going to be in the...you know, through the wall there.

Mr. Krywosa: Yes, it's going to be like a wall unit.

Mr. Manley: And is that...you planning on utilizing the garage a lot that you need air conditioning?

Mr. Krywosa: It gets pretty...you know, if it gets warm or whatever, like when I was down in Jersey, it'd get pretty warm during the summer and you get out there and you get welding and stuff, it gets pretty pretty warm so I'd like that to just cool it down a little bit.

Chairperson Cardone: You already have a two-car garage in the house, correct?

Mr. Krywosa: Yes.

Chairperson Cardone: And that will remain?

Mr. Krywosa: Yes.

Chairperson Cardone: As a garage?

Mr. Krywosa: As a garage for our two cars.

Mr. Maher: How many other cars do you own besides that?

Mr. Krywosa: A...blazer and the old '36.

Mr. Manley: So you own a total of (4) four cars.

Mr. Krywosa: Yes.

Mr. Manley: So you're going to have storage or room for a total of (6) six cars under...under cover? (2) Two in the house and (4) four in the...

Mr. Krywosa: Correct. But I do welding and stuff like that at workshop so it's...it's...I don't really want to put my cars in there. The only one that will probably be in there will be my '36 and then if I need to put like one of the vehicles in there to work on on the lift. Other than that I'm not going to store anything in there really. You know I'll have my little tractor, my lawn equipment cause I don't like all my stuff sitting outside. I want enough space so that I can keep all my lawn equipment and all that stuff inside. I like my place to look nice. I don't like stuff sitting around outside.

Mr. McKelvey: You're not going to work on any other people's cars?

Mr. Krywosa: No, no not if it doesn't...no...no.

Chairperson Cardone: And the upper level is for storage only?

Mr. Krywosa: Storage, right. I'll probably just put plywood down on the floor; I'm not even going to box in the sides. It's just going to be just for the floor.

Chairperson Cardone: Do we have any other questions from the Board?

Mr. Manley: What is the architecture of the building going to be like? Is it going to be...match the house...

Mr. Krywosa: Yes.

Mr. Manley: ...as far as the look? Or is it going to be a metal pole building or...?

Mr. Krywosa: No, I'm building a...it's gonna to be concrete blocks out of brick foundation out of the ground and then I'm gonna to make it look just like the house.

Mr. Manley: So you're going to vinyl side it...

Mr. Krywosa: Yes.

Mr. Manley: ...similar to the house?

Mr. Krywosa: Yes. I'm going to get with a...our builder and I'll find out where he got the side and I'm gonna match the side and I'm gonna make it look just like the house. So it will match the house, it won't look like a pole barn look. It'll have shingles on the roof that'll match the house.

Mr. Manley: So it's not going to have a commercial look to the outside with like for example metal...

Mr. Krywosa: No.

Mr. Manley: ...metal siding.

Mr. Krywosa: No, it's gonna...I want it to look just like a...just like the house.

Chairperson Cardone: Mr. Canfield do you have anything to add?

Mr. Canfield: (Inaudible)

Chairperson Cardone: No?

Mr. Maher: Hey...hey Jerry one question. According to the Code a...the accessory use, private garage or carport for not more than (4) four vehicles...it's kind of ambiguous because in essence it says...I...I know we're discussing (6) six vehicles, two in the house and four in the garage but am I reading this right to say that the garage itself can't be for more than (4) four vehicles? It doesn't say a compilation thereof for the property.

Mr. Canfield: (Inaudible)

Ms. Gennarelli: Jerry, can you grab the mic?

Mr. Maher: So in essence...in essence the garage can only hold (4) four so would there in fact be a variance needed for that (inaudible)?

Mr. Canfield: You're correct in your assumption that the Code does say (4) four vehicles. A...is it a separate variance? We haven't handled these like that in the past as...as separate variances. It's always been a hang-up as to what the total vehicles are on the lot.

Ms. Drake: But then is there anything in the Code that says how many vehicles you can have on a lot? Or is it based on the fact that you can only have a garage with no more than vehicles in that garage?

Mr. Canfield: Let me check. That's an A/R Zone. Let me check the Tables. I think in the Bulk Use Tables a...they do indicate how many total. Hold on.

Chairperson Cardone: In the past we have handled it as counting the ones...the total...

Mr. Maher: (Inaudible)

Chairperson Cardone: ...but I...I understand what you're saying.

Mr. Maher: (Inaudible) in reading the Bulk Use now it's just kind of ambiguous as far as...

Chairperson Cardone: Right.

Mr. Maher: ...basically saying that one garage can't be more than (4) four not the entire property.

Mr. Canfield: The Tables, the Bulk Use Tables themselves indicate a...under A-accessory uses, private garages or carports for not more than (4) four vehicles so that covers the private separate building which covers what we're doing here. A...but what it does not cover is how many total vehicles on the lot.

Mr. Maher: So if in fact the garage will only hold (4) four vehicles, in essence, we don't need to rule on that? On that particular variance.

Mr. Canfield: I think it's quite clear. I don't know if Counsel wants to chime in but...I believe what our...what our Bulk Use Tables say are quite clear on an accessory structure they're saying up to (4) four vehicles, that's it.

Mr. Maher: So...forgive me if I'm not...I'm... (Inaudible)

Mr. Canfield: Yeah, no I'm not totally following you, Mike...

Mr. Maher: So it says you can't create a...a new structure for more than (4) four vehicles so his...his indication is he wants a garage that will technically hold (4) four vehicles? It doesn't describe or...or cover the additional (2) two in the...in the house. Technically, right?

Mr. Canfield: Correct.

Mr. Maher: So if it's...if the garage is for max (4) four vehicles and his plans call for max (4) four vehicles that becomes a moot point....I'm...I'm thinking...I'm not sure but I'm thinking.

Mr. Canfield: (Inaudible)

Ms. Drake: So therefore he'd only need (2) two variances instead of (3) three?

Mr. McKelvey: But in the past we've always...

Mr. Maher: No, I...I understand that's why I bring the attention to it because what we've done in the past is now hitting head on with what I'm reading here.

Ms. Drake: That's why I was asking if there was something else in the Code that said a maximum of (4) four that we're not looking at.

Chairperson Cardone: And a garage that size would only hold (4) four vehicles not more?

Mr. Maher: Realistically you need (20) twenty foot per car or (inaudible)

Mr. Canfield: Yeah, well we've had this discussion also and you could put Mini Coopers in there and put (6) six or (8) eight of them in there but a...physically they'll fit but I don't think that's the case here.

Mr. Maher: I don't mean to make it difficult...trying to identify where the a...

Mr. Canfield: You're too picky Mike.

Chairperson Cardone: Do we have any other questions from the Board? Questions or comments from the public?

(No response)

Chairperson Cardone: You picked a good night.

Mr. McKelvey: I'll make a motion we close the Hearing.

Mr. Canfield: Just if I may? One question or suggestion perhaps, should the Board choose to approve this application you may wish to consider to add in there a minimum or...excuse me a maximum of (4) four vehicles to cover the scenario of what we were just talking about, the smaller vehicle and also if I remember correctly one of the Board Members had asked about a business being run. A...that may also; you may choose to put a condition of that in there as well. A...that it's for his own hobby and not to be a business or a repair shop, it is an A/R zone.

Mr. McKelvey: Then I'll make a motion we close the Hearing.

Mr. Maher: Second.

Chairperson Cardone: Roll call.

Ms. Gennarelli: Yes, one second, Jim was looking at the tables. Okay. Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Krywosa: So it's good.

Mr. Maher: Not yet.

Chairperson Cardone: Not yet, no.

Mr. Maher: That just means we are going to stop talking about it right now.

Ms. Gennarelli: It means that the Public Hearing is closed.

Chairperson Cardone: I don't know if the Board has any questions for Counsel for any of tonight's...no? Then, if not then we will proceed to our decision.

(Time Noted - 7:22 PM)

ZBA MEETING – MARCH 28, 2013 (Resumption for decision: 7:25 PM)

DAVID KRYWOSA

762 ORCHARD DRIVE, WALLKILL
(1-1-133.2) A / R ZONE

Applicant is seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage).

Chairperson Cardone: On the application of David Krywosa, at 762 Orchard Drive, Wallkill, seeking area variances for the maximum allowed square footage of accessory buildings, the maximum allowed storage of (4) four cars and the maximum height to build an accessory building (garage). This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Drake: The fact that he is not going to be doing a business there or a...storing more than (4) four cars I don't see any issues. I'll make a motion to approve the application with the condition of no business and no more than (4) four cars stored.

Mr. Masten: I'll second it.

Mr. Manley: Discussion on that, should we also condition that a...there be no apartment or not used for habitational purposes just to cover that area because, I mean, it is going to be large enough where you could put an apartment upstairs with the a...the increased height.

Ms. Drake: Good point.

Mr. Manley: That's always been the concern I think with accessory structures right Jerry? With the accessory structures with the height, the reason they've always limited the height is they've wanted to kind of prevent accessory apartments in a accessory structure.

Mr. Canfield: I think that's good thoughts Jim, however, I looked at the a...submittal of the truss configuration for this roof a...the area that this truss will allow for storage or any space for that matter is (7) seven foot height by (12) twelve foot width a...it's not really conducive to living conditions a...if there were any type of habitable space put up there it wouldn't meet Code without major alterations. It couldn't meet the light and heat ventilations, the natural light just because of the configuration of the roof and the truss design a...

Chairperson Cardone: But what about the lower level?

Mr. Canfield: The lower level could be a...converted.

Chairperson Cardone: So I think that stipulation should be there for that reason.

Mr. Canfield: It could be a...it would be a belt and suspender. If there were any conversion and any occupied space in this it would become automatically a Code Violation if it were created without a Building Permit. A...it's a good thought, it's a good idea for a condition but I think it's like a belt and suspender, like I said it would be an automatic Violation that would be subjected to an enforcement action by the Code Enforcement Department.

Mr. McKelvey: Well if he converted it he would have to come back to you anyhow.

Mr. Canfield: That's correct. That's correct. And because of the nature of the variance given for it if there were an application it would most likely be disapproved and referred back to this Board.

Chairperson Cardone: You also stipulated that it would match the...the house and you've submitted those drawings to the Zoning Board office?

Ms. Gennarelli: Code Compliance.

Chairperson Cardone: You have the drawings, right?

Mr. Canfield: Were they part of the packet, Bet?

Ms. Gennarelli: They are not part of the packet, I don't think that...

Chairperson Cardone: No, that's why I was a...I was wondering because usually...

Mr. Canfield: I'm...I'm sure a...

Ms. Gennarelli: I don't know if he submitted building plans. Did you submit the building plans also?

Mr. Krywosa: I submitted them to Joe.

Ms. Gennarelli: Okay.

Mr. Canfield: Yeah, he would have had to because the application, the Disapproval process would be the vehicle that got him here a...so the architectural should have been submitted a...and the siding type should be on the architectural.

Mr. Manley: That's one of the reasons why I...I added that or asked that question was my concern was that you'd end up with a metal structure with blue or green next thing you know you have neighbors calling...the Building Department, you know, what's going on?

Ms. Gennarelli: David, is this what you call the building plans (from the packet)?

Mr. Krywosa: Yes.

Ms. Gennarelli: This is it...it is what he submitted...it is there (in the packet).

Ms. Smith: Oh, the sketch? This sketch?

Ms. Gennarelli: The sketch, yeah, it's not really building plans.

Ms. Smith: Yeah, I saw the...I saw the trusses. That's it.

Chairperson Cardone: You would require something more than that wouldn't you? Jerry.

Ms. Gennarelli: Joe may have accepted it like that till they got the variance.

Mr. Canfield: What's the cost of the structure, sir?

Mr. Krywosa: Around probably (15,000) fifteen thousand. I am building it myself.

Mr. Canfield: Under...under twenty thousand does not require a stamped set of plans. Okay, he could submit a...a sketch like this, we would probably need more than just what I have here a...as far as the exterior detail. Is it going to be a pole barn? Or...?

Ms. Gennarelli: I'm sorry. David, could you just use the microphone?

Chairperson Cardone: You have to use the mic.

Mr. Krywosa: It's gonna...it's gonna have a...whatever the code says, I mean (48) forty-eight inches down, it's gonna have a footer...

Mr. Canfield: The footings.

Mr. Krywosa: ...then it's gonna have probably (5) five to (6) six rows of block...

Mr. Canfield: For a frost wall.

Mr. Krywosa: Right...then I'll have the plate around and it's gonna be all (2) two by (6) six studded...it's just gonna be basically like a house, studded up.

Mr. Canfield: Eventually framed.

Mr. Krywosa: I gonna have to build myself easier because it's just me and her. I can build a garage like that easier than I can a pole barn.

Mr. Canfield: Right.

Mr. Krywosa: You got all these poles going all over the place.

Mr. Canfield: And what's your intention for exterior siding?

Mr. Krywosa: It's gonna be vinyl and match the siding I have on the house.

Mr. Canfield: So you're going to use plywood sheathing or pressboard?

Mr. Krywosa: I think I got OSB written down on that.

Mr. Canfield: OSB pressboard.

Mr. Krywosa: Right.

Mr. Canfield: And then vinyl siding on the outside of that.

Mr. Krywosa: Right. I'm gonna...Bob Lockhart built my house so I'm gonna get with him and find out what company he got the siding through cause I want it to match. Cause I don't want an off shade or anything so I want to make sure I get what he had. And then the shingles will match also.

Mr. Canfield: And what's the shingles, architectural type shingles?

Mr. Krywosa: Yes.

Mr. Canfield: Okay. Color coordinated to match the house and the siding.

Mr. Krywosa: I'm going to try my best to match what he has so.

Mr. Canfield: Windows, vinyl clad windows?

Mr. Krywosa: Yes.

Mr. Canfield: Okay.

Chairperson Cardone: Would there be a problem making that a stipulation that it would match?

Mr. Krywosa: No problem cause that's my intention.

Mr. Canfield: Another question, are you going to heat this?

Mr. Krywosa: Maybe with a space heater cause you can't put anything in it that would really heat it besides propane.

Mr. Canfield: If you tell us you're going to heat it you have to comply with the Energy Code requirements.

Mr. Krywosa: I'm not heating it.

Mr. McKelvey: We've got to put that in there too.

Ms. Drake: I've made a motion.

Chairperson Cardone: You made a motion, okay, and it has included all of the...what we had talked about?

Ms. Drake: I'll amend my motion to include all the conditions we've talked about. Do I have to repeat all the conditions?

Mr. Canfield: Which are the three (four).

Chairperson Cardone: Go ahead.

Mr. Canfield: Which are three, the three (four) conditions...

Ms. Drake: Well, there's the no business, no living quarters and we want it to match the exterior of the house...

Mr. McKelvey: And no heat.

Mr. Canfield: No more than (4) four cars.

Chairperson Cardone: No more than (4) four cars.

Mr. Canfield: So there were four (five conditions) then...okay.

Chairperson Cardone: Okay, so are we clear on this motion? Do we have a second to the motion?

Mr. McKelvey: I'll second it.

Ms. Gennarelli: I had John Masten as the second...

Mr. McKelvey: That's right, you did.

Chairperson Cardone: But we just amended it.

Ms. Gennarelli: Okay. All right. Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Krywosa: Thank you.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
ROSEANNE SMITH

ALSO PRESENT:

ROBERT DICKOVER, ESQ.
BETTY GENNARELLI, ZBA SECRETARY
GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 7:33 PM)

RECEIVED

APR 26 2013

TOWN OF NEWBURGH
TOWN CLERK'S OFFICE

Section 1, Block 1, Lot 133.2

TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of

DAVID KRYWOSA

For area variances as follows:

DECISION

- *Grant of a variance allowing an accessory structure to have a height of 23 feet where 15 feet is the maximum height allowed;*
- *Grant of a variance allowing an accessory structure to have a total area of 1,200 square feet where 1,000 square feet is the maximum allowable area;*

-----X
Introduction

David Krywosa seek area variances as follows: (1) A variance allowing an accessory structure to have a height of more than 15 feet; (2) A variance allowing an accessory structure to have an area of 1,200 square feet where 1,000 square feet is the maximum allowable area;

The property is located at 762 Orchard Drive in the A-R Zoning District and is identified on the Town of Newburgh tax maps as Section 1, Block 1, Lot 133.2.

A public hearing was held on March 28, 2013, notice of which was published in The Mid-Hudson Times and The Sentinel and mailed to adjoining property owners as required by Code.

Law

Accessory Building

Section 185-15 [Accessory buildings] of the Code of Ordinances of the Town of Newburgh provides that a permitted accessory building may be located in any required side or rear yard, provided that (1) such building, except for farm purposes, shall not exceed 15 feet in height; and (2) an accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined pursuant to the formula set forth in the code.

Background

After receiving all the materials presented by the applicant and the testimony of the applicant at the public hearing held before the Zoning Board of Appeals on March 28, 2013 the Board makes the following findings of fact:

1. The applicant is the owner of a 1.3± acre lot (tax parcel 1-1-133.2) located at 762 Orchard Drive.
2. The lot is improved by a single family residential dwelling.
3. The applicant now proposes to construct an accessory structure i.e., a detached garage. The height of the proposed garage is 23 feet and exceeds the 15 feet maximum height allowed by Code.
4. Additionally, the total square footage of the proposed garage is 1,200 square feet which exceeds the maximum of 1,000 square feet allowed by the Code.

5. The applicant's proposal is set forth on a series of photographs, plans and drawings. Those photographs, plans and drawings are hereby incorporated into this decision and a set shall remain in the zoning board's file in this matter.
6. No members of the public were heard during the hearing.
7. The Building Inspector denied a building permit application by letter dated February 14, 2013.

The applicant has appealed the Building Inspector's determination seeking variances to construct the proposed accessory structure.

After hearing the testimony at the public hearing and considering the materials received by the Board and after viewing the subject site, the Board decides as follows:

SEQRA

This matter constitutes a Type II action under the State Environmental Quality Review Act inasmuch as it involves the granting of an area variance(s) for a single-family, two-family or three-family residence [6 NYCRR §617.5(c)(13)]. As such, this project is not subject to review under the State Environmental Quality Review Act.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review and report.

Findings

In reviewing the facts presented for the requested area variances, the Board considered the five standards for determining whether the applicant has sustained its burden of proof as required by Town Law Section 267-b (3). Each factor has been considered relevant to the decision of the board of appeals, but no single one is viewed as precluding the granting of the variances.

(1) Undesirable Change—Detriment to Nearby Properties

The applicant testified at the public hearing that the proposed accessory structure (garage) would not result in any undesirable change in the neighborhood nor any detriment to any nearby properties in that neighborhood.

No contrary evidence or testimony was received at the public hearing.

Accordingly, based upon the evidence and testimony submitted to the Board, the Board finds that the proposed garage will not result in any undesirable change to the neighborhood nor cause any detriment to nearby properties.

(2) Need for Variance

The applicant's request is generated by his desire to have a detached garage on his property. It is difficult for the Board to evaluate the applicant's *subjective* desire to have the garage. The Board also notes, however, that the focus of our inquiry is on the *character of the surrounding neighborhood*. We have heretofore determined that the garage will not adversely impact the character of the neighborhood. Moreover, the applicant testified that that the need for the height variance was generated by his desire to have a car lift in the garage that would allow him to work on cars stored in the garage while the cars were elevated on the lift.

Thus, on balance, and based upon the particular facts of this application and further based upon the testimony and evidence submitted at the Hearing, the Board finds that it is not feasible for the applicant construct a garage that would have any meaningful use and benefit to the applicant without the requested area variances.

Accordingly, the Board finds that the benefit sought to be achieved by the applicant cannot be achieved by any other method other than the issuance of the requested variances.

(3) Substantial Nature of Variances Requested

The variances requested are substantial. However, because the focus of the inquiry by the Zoning Board of Appeals is upon the character of the neighborhood in question, we believe, under the circumstances presented here, that the moderately substantial nature of the variances requested does not prohibit us from granting the application.

(4) Adverse Physical Environmental Effects

The applicant testified that no adverse physical or environmental effects would occur if the variances requested herein were granted. No contrary testimony was submitted at the public hearing. Based upon the evidence and testimony submitted therefore, the Board finds that no adverse physical or environmental effects would result from issuance of the variances requested.

(5) Self-Created Difficulty

The need for this variance is clearly self-created in the sense that the applicant purchased this property charged with the knowledge of the Zoning Ord-

nance and while aware of the need to obtain variances in order to construct a garage of the size and height proposed.

However, because the garage improves the appearance of the house, the board believes, under the circumstances presented, that the self-created nature of the need for the variances requested does not preclude granting the application. Moreover, as noted earlier, no undesirable change in the character of the neighborhood will occur as the result of the granting of the variances.

Decision

In employing the balancing tests set forth in Town Law Section 267-b (3), the Board hereby determines that the applicant has satisfied the requisites of Section 267-b and grants the area variances as requested upon the following conditions:

1. The variances hereby granted are granted for the purpose of authorizing construction of what is shown on the plans or described within the application materials only. No construction other than as shown or described (architectural refinements aside) is authorized by this decision.
2. Section 185-55 [Procedure; construal of provisions; conflict with state law] of the Code of Ordinances of the Town of Newburgh provides, in subdivision "D," that this grant of variance shall become null and void at the expiration of six months from issuance, unless extended by this board for one additional six-month period.
3. The variances being issued herein are specifically conditioned upon the following:

- a. No business of any kind shall be conducted within the accessory structure approved herein;
- b. The accessory structure shall at no time be used as living quarters;
- c. No more than four (4) cars shall be stored in the accessory structure at any time;
- d. There shall be no heat in the accessory structure;
- e. The architectural finish of the accessory structure shall match the exterior of the house on the premises.

Dated: March 28, 2013



Grace Cardone, Chair
Town of Newburgh ZBA

By roll call a motion to adopt the decision was voted as follows:

AYES: Chair Grace Cardone
Member Brenda Drake
Member John McKelvey
Member Michael Maher
Member James Manley
Member Roseanne Smith
Member John Masten

NAYS: None

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, BETTY GENNARELLI, Secretary to the Zoning Board of Appeals of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Decision maintained in the office of the Town of Newburgh Zoning Board of Appeals, said resulting from a vote having been taken by the Zoning Board at a meeting of said Board held on March 28, 2012.



BETTY GENNARELLI, SECRETARY

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Decision was filed in the Office of the Town Clerk on APR 26 2013.



ANDREW J. ZARUTSKIE, CLERK

TOWN OF NEWBURGH