

TOWN OF NEWBURGH

Crossroads of the Northeast

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

September 25, 2003

OFFICE OF ZONING BOARD
(845) 566-4901

MICHAEL MAHER
50 Cocoa Lane
Section 34, Block 2, Lot 71.34
Zone R-2

Applicant is seeking to place a shed in a front yard on premises located at 50 Cocoa Lane in the Town of Newburgh.

No such building shall project closer to the fronting street than the front of the main building. Article V, Section 185-15B.

All mailings were in order.

Mrs. Cardone stated that we have four members here. All four members would have to vote the same way. Are you still interested. Applicant replied he was.

Applicant stated he was here to request an area variance for a shed to be placed in a front yard. He is not able to place it to the west due to a large rock and a large tree to the east. It is unable to be placed at most of the front of the house or on the south side of the house due to the fact that it is very limited. There is really no other place to put it that is useable based on how the lot is laid out.

Mr. Galli asked if the 10x20 is going to be a shed and not a garage.

Applicant replied not a shed. It is soap box shaped.

Mr. Galli asked if it was going to be where the camper is parked

Applicant's reply was inaudible.

Mrs. Eaton asked where all that new gravel is.

Mr. McKelvey asked if there was any way he could move the front of that shed back even with the house.

Applicant explained that parallel with his house is his water line from the well.

Mrs. Cardone asked if there were any further questions from the Board. There being no response she asked if there were any questions or comments from the public. There being no response, she declared this part of the hearing closed.

Submitted by:



Mary Salantrie, Secretary
Zoning Board of Appeals

/ms

After consultation with the Board's attorney, Mrs. Cardone stated this is a Type II Action under Seqra. and asked if there were discussion on this application. Mrs. Eaton noted that the property is well maintained now and doesn't think he would do anything detrimental to it. Mr. McKelvey thought he didn't want to cut that tree down. Mrs. Cardone asked if there were a motion to approve this application. Mr. McKelvey made a motion to approve the application. Mrs. Eaton seconded the motion. Mrs. Cardone asked all those in favor to please say "aye". All Board members present approved by saying "aye". Board members Richard Harris and Paul Blanchard were absent. Board member Michael Maher, Sr. abstained. The motion was carried.

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

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In the matter of the application of:

MICHAEL MAHER

for an area variance to construct a 10'x20' shed in a front yard pursuant to Article V, Section 185-15B, "R-2" Zone.

DECISION AND RESOLUTION

Tax Map #34-2-71.34

B.I. #1467-03

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The property which is the subject of this application is located at 50 Cocoa Lane Newburgh, New York and is designated on the tax map as Section 34, Block 2, Lot 71.34. It is located in the "R-2" District.

The applicant seeks to erect a 10'x20' shed in the front yard of his premises for personal storage. Applicant's proposal will require a variance as "no accessory building shall project closer to the fronting street than the front of the main building." Article V, Section 185-15B.

A public hearing on the application was scheduled for September 25, 2003 at the Town Hall, 1496 Route 300, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing was held on September 25, 2003. The applicant appeared and testified before the Board. The testimony and exhibits at the Public Hearing established that the shed will be located in the middle of applicant's five (5) acre lot.

The Board determines that the proposed action is a Type II action under SEQRA. The Board determines that this is an application for an area variance and the criteria which the Board has considered is the factors set forth in Town Law Section 267-b. In considering the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant, the Board has considered the following five factors.

- I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?**

On the unique facts of this case, the Board finds that the location of applicant's shed will not result in any adverse impacts to nearby properties. Furthermore, the vegetation and trees bordering on applicant's side property line makes the shed less visible from his neighbor's property.

II. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

Based upon applicant's driveway layout, the Board finds that the applicant cannot achieve the benefit sought without grant of the requested variance.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The variance requested is substantial. However, this consideration alone does not require denial of the relief requested.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

The location of the shed will not have a negative impact on the physical or environmental conditions in the neighborhood. There will be no adverse impacts on traffic, neighborhood property values, municipal services, air or water quality, noise levels, or other environmental resources.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The applicant's difficulty is self-created. However, on the facts of this case the Board declines to give any significant emphasis to this consideration.

RESOLUTION

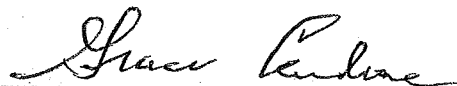
The Board determines that the applicant has met the requisites of Town Law §267-b. The Board hereby grants the requested area variance to the regulations of Town Code, Article V, §185-15B to construct a 10'x20' shed in a front yard.

The Board finds that such variance is the minimum necessary to address the circumstances of this application.

Present and Voting on motion to grant application:

Grace Cardone	Aye
Paul Blanchard	Absent
Ruth Eaton	Aye
Michael Maher	Abstained
Frank Galli	Aye
John McKelvey	Aye
Richard Harris	Absent

Dated: October 2003
Newburgh, New York



GRACE CARDONE, Chairwoman
Town of Newburgh, Zoning
Board of Appeals