

9/25/2003

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

DAVID C. MARUCO
280 Fostertown Road
Section 20, Block 1, Lot 21
R-2 Zone

Applicant is seeking to construct an addition for a two-car garage on the front and side of his residence on premises located at 280 Fostertown Road in the Town of Newburgh.

Construction of the addition would require an area variance to the side yard setback requirement. Article IV, Section 185-11.

All mailings were in order.

Applicant stated he was here for an area variance for a two-car garage for his personal use. It would be 13 feet from his property line. There will be no impact to the residents around him from the building of the garage. It will be attached to the front of the house.

Mrs. Cardone pointed out that there is a newly constructed addition on your right. The garage will be on the left and there is a garage there now.

Applicant explained that it is a small one-car garage. He can barely get his car into it. He basically uses that for storage.

Mrs. Cardone stated so what you are planning to do is come out and over from that.

Mrs. Eaton pointed out that there will be two new additions on the front of the house.

Applicant replied he was in the process now ofone addition so we stay in the living room

Mr. Galli asked if the garage will be closed off

Applicant replied that will be used for storage.

Mr. McKelvey asked the distance from the garage to the road.

Applicant replied right now it is 120 feet.

Mrs. Eaton asked if the septic system was in front of the house.

Applicant replied it was but will be away from the garage.

Mr. McKelvey asked on which side of the lot the septic system was.

It was determined that it was more to the left on the lot, away from the proposed garage.

Mrs. Cardone asked if there were any other questions from the Board or 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 was a Type II Action under Seqra and asked if there were discussion on this application. Mrs. Eaton stated now that she understands it a little better and knows where the garage and addition are going, she doesn't see where there would be any problem. It will definitely improve the house. Mr. McKelvey noted from the looks of the house and the way he has it designed, it will be a handsome property. Mrs. Cardone asked if there were a motion for approval. Mrs. Eaton made a motion to approve. Mr. McKelvey 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. The motion was carried.

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

-----X
In the matter of the application of:

DAVID C. MARUCO

for an area variance to construct an addition to a single family residence that cannot meet the side yard setback requirements pursuant to Article IV, Section 185-11, Table of Use and Bulk Requirements - Schedule 4, "R-2" District"

DECISION AND RESOLUTION

Map #20-1-21

B.I. #1494-03

-----X
The property which is the subject of this application is located at 280 Fostertown Road Newburgh, New York and is designated on the tax map as Section 20, Block 1, Lot 21. It is located in the "R-2" Zone.

The applicant plans to construct an attached two car garage onto his single family residence which will result in side yard setback of 12 feet. The applicant needs a variance as the required side yard setback is 80 feet total with a minimum of 30 feet on one side pursuant to Article IV, Section 185-11, Table of Use and Bulk Requirements - Schedule 4 of the Newburgh Town Code.

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 applicant proposes to build an attached two car garage onto his single family home for his personal use. Applicant currently has a one car garage which will be used for storage when the addition is completed. One neighbor spoke in favor of applicant's proposal and no objections were raised by other neighbors.

The Board unanimously 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 that the criteria which the Board must consider in determining whether or not to grant the variance 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?

This Board finds that applicant's addition of a two car garage to his home will not result in an undesirable change in the character of the neighborhood. Rather, the addition will improve the appearance of his home and enhance the value of his 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?

This Board finds that the applicant cannot achieve the benefits sought without grant of the requested variance as the layout of applicant's land requires that the garage be attached to the front of applicant's home.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

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

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

Applicant's addition to the side of his home will not have an adverse impact on the residential quality of this neighborhood.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The applicant's difficulty is self-created. However, this factor alone does not require denial of the requested variance.

RESOLUTION


The Board determines that the applicant has met the requisites of Town Law § 267-b. The Board hereby grants the requested variance to the side yard setback requirements of Town Code Section 185-11 to construct an attached two car garage onto a single family residence which will result in side yard setback of 12 feet.

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	Aye
Frank Galli	Aye
John McKelvey	Aye
Richard Harris	Absent

Dated: October 17, 2003
Newburgh, New York


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

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

DATED : 9/11/03

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

I ~~(WE)~~ DAVID C MARUCCO PRESENTLY
RESIDING AT NUMBER 280 FOSTERDALE RD.
TELEPHONE NUMBER 845-565-1007

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

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

1. LOCATION OF THE PROPERTY :
20-1-2 (TAX MAP DESIGNATION)
____ (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).
ARTICLE IV SECTION 185-11

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED :

a). APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OF BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED :

Sept 9 / 2003

OR DENIAL BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD. SEE ACCOMPANYING NOTICE DATED :

_____ 20_____

4. DESCRIPTION OF VARIANCE SOUGHT :

area variance
for side 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 :

N/A

(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 :

N/A

c). THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE :

N/A

d). THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE :

N/A

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 will still look like a normal
house with a standard two car
garage attached.

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 :

Land-area, does not warrant the
garage to be attached any where else.

c). THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE :

of code

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

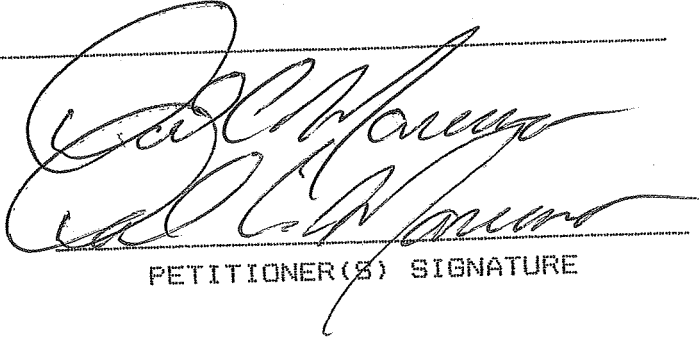
most people won't be affected by
the structure - site - looks - or
by size.

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

of Ben Varisco code.

7. ADDITIONAL REASONS (IF PERTINENT) :

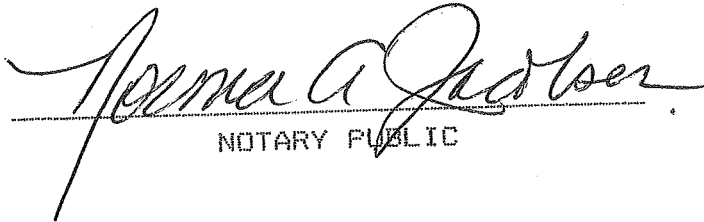
N/A.



PETITIONER(S) SIGNATURE

STATE OF NEW YORK : COUNTY OF ORANGE :

SWORN TO THIS 16th DAY OF September 2003



NOTARY PUBLIC

PROJECT I.D. NUMBER

617.20

Appendix C

State Environmental Quality Review

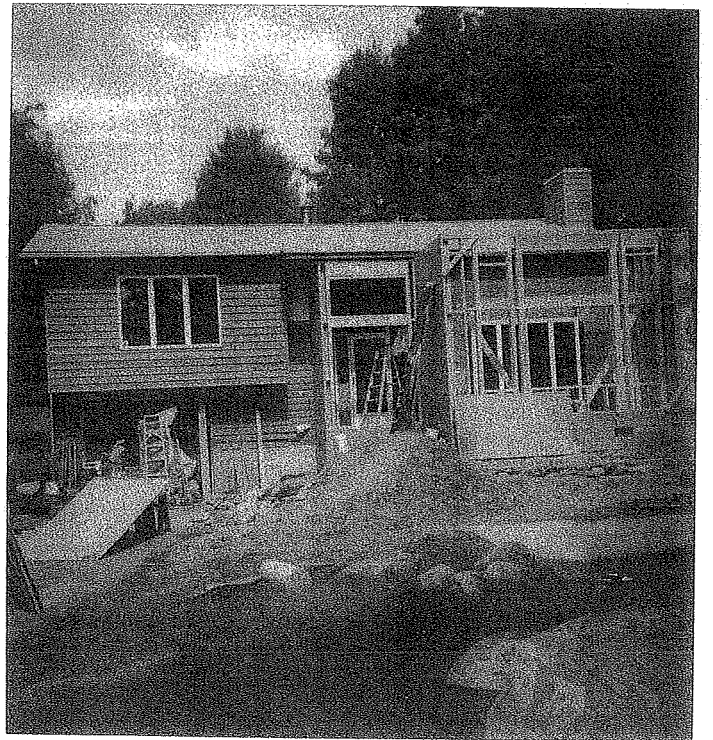
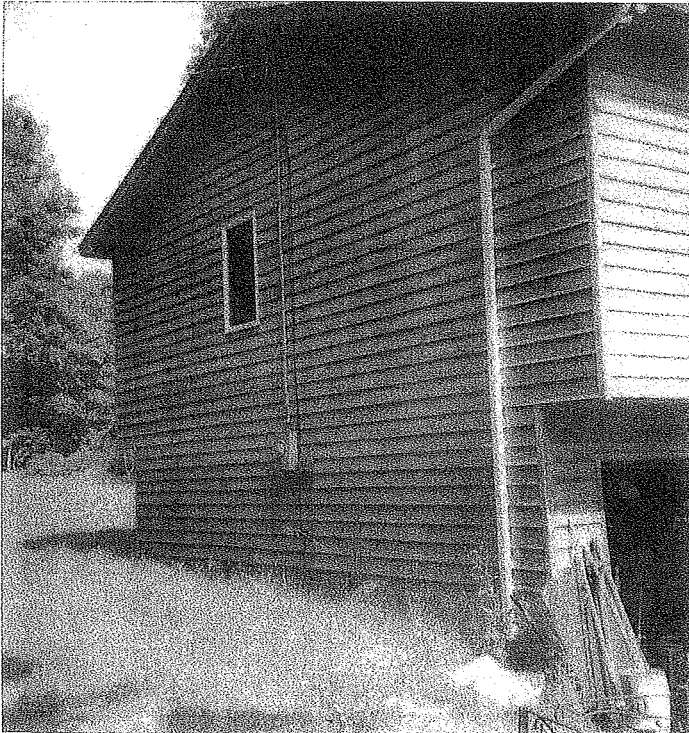
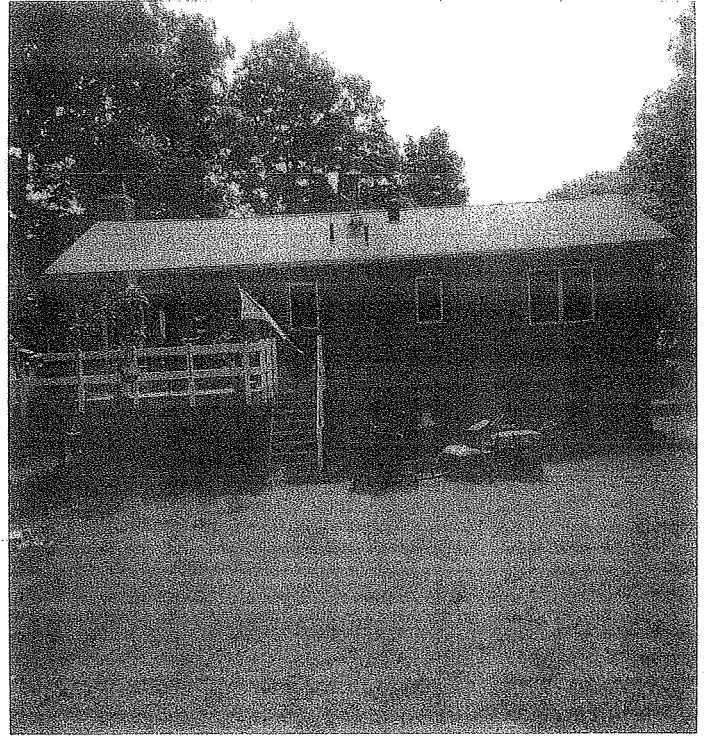
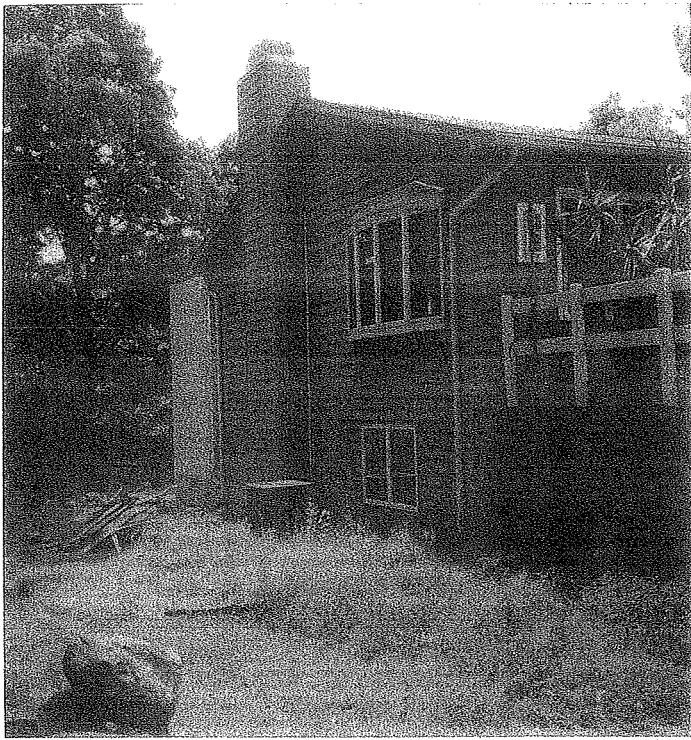
SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

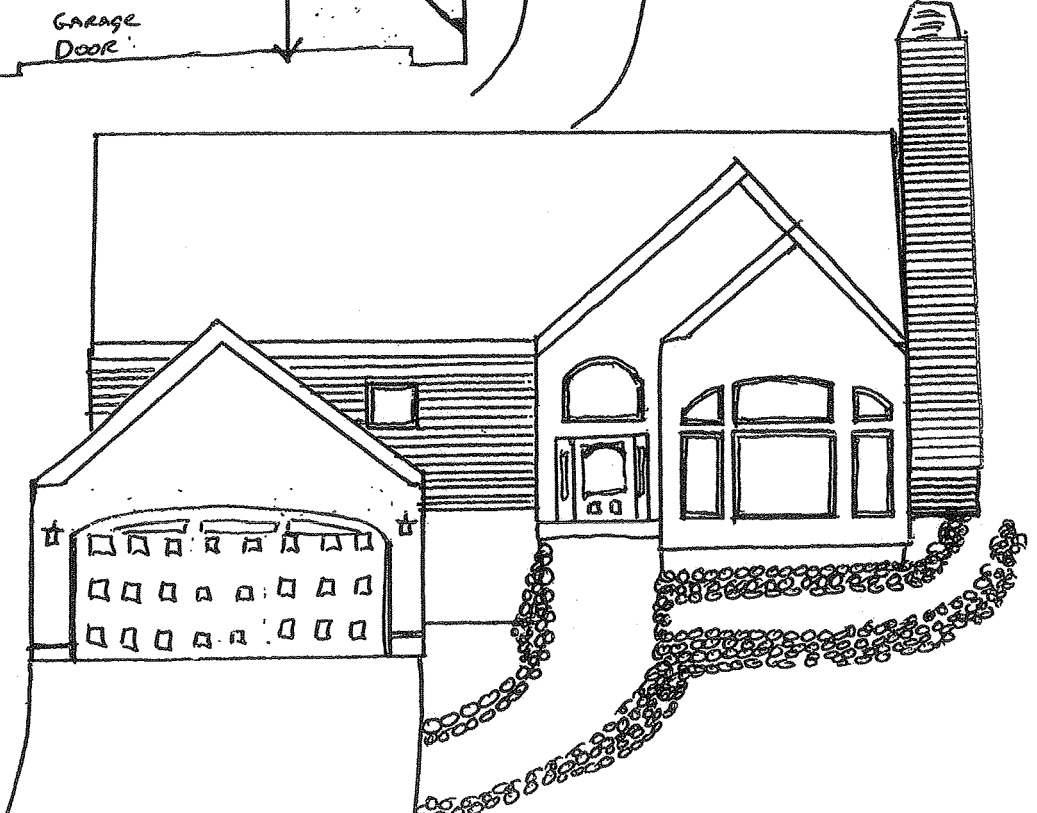
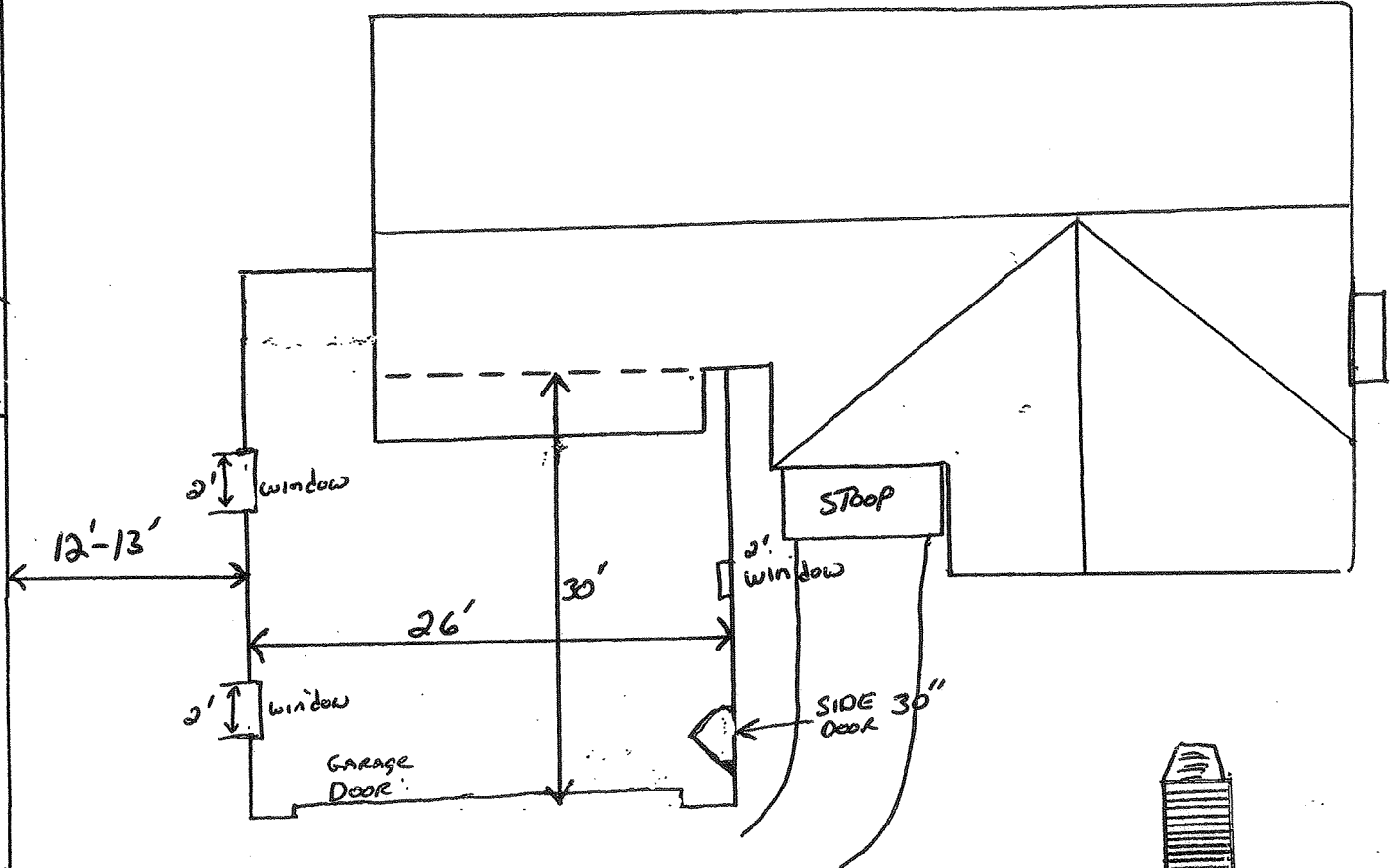
PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

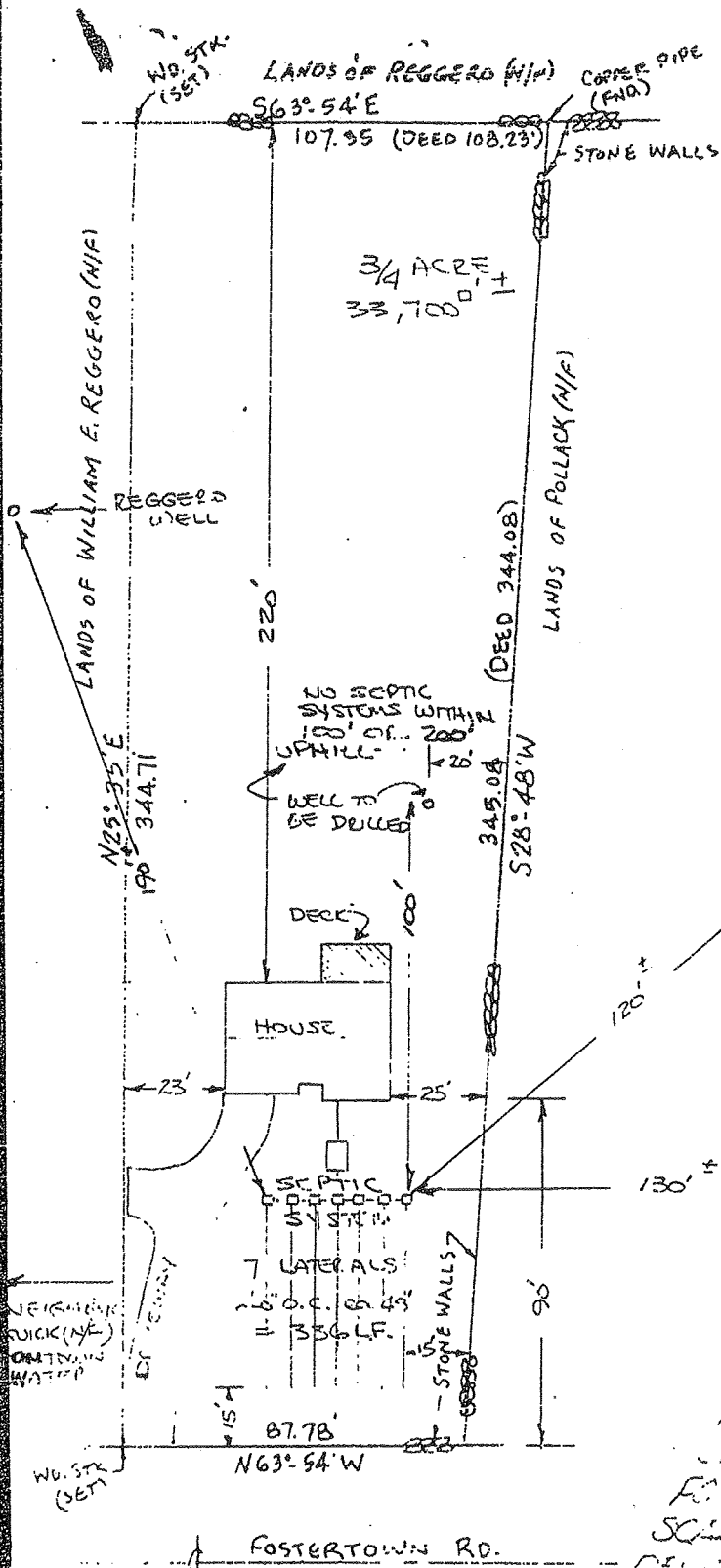
1. APPLICANT/SPONSOR Name <i>DAVID C. MARUCCO</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>280 FosterTown Rd Newburgh NY 12550</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>2 CAR GARAGE ATTACHED TO front of House.</i>	
7. AMOUNT OF LAND AFFECTED: Initially: <i>0</i> acres Ultimately: <i>0</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly. <i>WITH A VARIANCE</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency name and permit/approval.	
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 name and permit/approval.	
12. AS A RESULT OF THE PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <i>David Marucco</i> Date: <i>9/11/03</i></p> <p>Signature: <i>David Marucco</i></p>	

If the action is in the Coastal Area, and you are a State agency, complete the Coastal Assessment Form before proceeding with this assessment.
OVER



PROPERTY LINE





New Design

SURVEY ONLY *
 Lands of
 Chaseson Homes, Inc.
 Town of Newburgh
 Orange Co., N.Y.
 *Certified Correct:

Richard K. ...
 P.E. No. 27130
 Monticello, N.Y. 6 May 81
 Scale: 1" = 40'

P.L.D. PLAN FOR
 CHASESON HOMES INC.
 FOSTERTOWN ROAD
 SCALE: 1" = 40' 0"

REVISION: 5-30-87 (TYPED IN)
 DRAWN BY: P.R.C.

TOWN OF NEWBURGH
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

GERALD F. CANFIELD
CODE COMPLIANCE SUPERVISOR
TELEPHONE: (845) 564-7801
FAX LINE: (845) 564-7802

Permit No: 0-18278

File Date: 11/06/2003
Expire Date: 05/08/2005

BUILDING PERMIT

SEC-BLK-LOT: 20-1-21

Permit Fee: \$70.00
C.O. Fee: \$25.00

A permit is hereby given by the Building Department, TOWN OF NEWBURGH,
ORANGE COUNTY, N.Y., for the structure described herein:

Owner's Name: MARUCO, DAVID C (845)-565-1007
Address: 280 FOSTERTOWN ROAD, NEWBURGH, NEW YORK, 12550

Architect's Name: N/A
Address:

Builder's Name: OWNER
Address: SAME

Location of Structure: 280 FOSTERTOWN ROAD

Material: FRAME No. Stories: 1.0 No. Families: 0

Dim. of Stru.: 26' X 30' No. Bedrooms: 0 No. Toilets: 0

Use of Stru.: 2 CAR GAR Dim. of Lot: 87'78 X 344'

Census Code: 438 No. Bathrooms: 0.0 Heating Plant: N/A

Remarks: RECEIPTS 36833 & 36834 2 CAR ATTACHED GARAGE
CLOSED OUT 8/31/04 NEVER BUILT ZBA APPROVED 9/25/03

Appx. Cost: \$7000.00 #: 280

1. I am familiar with the Zoning and Building Ordinance of the TOWN OF NEWBURGH, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.

Signature of Applicant

CODE COMPLIANCE DEPARTMENT

IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

SEPTIC PERMIT:

Permit No: 0-18278