

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: MAY 1, 2012

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

I (WE) DIANA McDOUGALL PRESENTLY
RESIDING AT NUMBER 86 WILLIAMSBURG DR., SOUTHTON, CT
TELEPHONE NUMBER 845-590-4702

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:

65-2-14 (TAX MAP DESIGNATION)

33 WARING ROAD (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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: SIDE YARD SETBACK

CONVERT EXISTING ATTACHED GARAGE INTO HABITABLE SPACE

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 AND GARAGE ARE EXISTING AND THE EXISTING FOOTPRINT OF THE BUILDING WILL REMAIN THE SAME.

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, VARIANCE.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE HOME AND SIDE YARD SETBACK ENCROACHMENT ARE EXISTING. SPACE BETWEEN THE EXISTING RESIDENCE ON THE SUBJECT PARCEL 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 FRONT ELEVATION. SINCE ALL CONSTRUCTION IS INTERIOR THE PERCENTAGE IMPERVIOUS COVERAGE OF THE LOT WILL REMAIN THE SAME.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

THE HOME AND GARAGE AT THIS RESIDENCE WERE EXISTING WHEN THE CURRENT OWNER PURCHASED THE PROPERTY. THEREFORE THE SIDE YARD ENCROACHMENT IS PRE-EXISTING NON-CONFORMING. PROPOSED CONSTRUCTION WILL NOT HAVE ANY FURTHER ENCROACHMENTS ON SETBACKS.

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 1st DAY OF MAY 20 12



NOTARY PUBLIC

MICHAEL J GIAMMARCO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01G16236061
Qualified in Orange County
My Commission Expires February 22, 2015

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

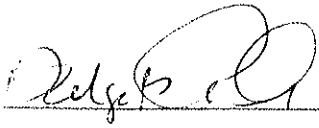
PROXY

DIANA McDOUGALL _____, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 86 Williamsburg Drive, Southington, CT
IN THE COUNTY OF HARTFORD AND STATE OF CONNECTICUT
AND THAT HE/SHE IS THE OWNER IN FEE OF _____
33 WARING RD. (S/B/L; 65-2-14)
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED GEORGE KEYER
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: MAY 1, 2012

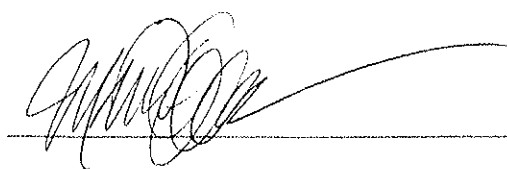


OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 1st DAY OF MAY 2012



NOTARY PUBLIC

MICHAEL J GIAMMARCO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01G16236061
Qualified in Orange County
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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 DIANA McDOUGALL	2. PROJECT NAME BUILDING MODIFICATION/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) 33 WARING ROAD (S/B/L: 65-2-14)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CONVERSION OF EXISTING ATTACHED GARAGE INTO MASTER BEDROOM SUITE.	
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 SIDE 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: 5/1/12 Signature: <u><i>Jonathan Cella</i></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)

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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

<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.	
<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.	
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

Town of Newburgh
Zoning Board of Appeals
Old Town Hall
308 Gardnertown Road
Newburgh, NY 12550

To Whom It May Concern:

**Subject Property: 33 Waring Road
Newburgh 12550
Town of Newburgh
SBL: 65-2-14 (R-3 Zone)**

Existing Structure:

Single Family Residential Sq. Ft 1111 on Town public road
Built 1952
2 Bedrooms 1 Bathroom Ranch
Garage Attached
Municipal Water and Sewer
0.36 Acres 60 x 258 feet

Requesting Improvement:

To convert the existing garage to a living space (bedroom & bathroom) without expanding, by any means, the existing structure of the house.

All actions and aftermath regarding subject property have no other goal, but to comply with the codes and compliance of the town and to improve the value and condition of the property and overall neighborhood.

This home was built in 1952 and since then a few things have changed in regards of the condition and value of the property. First, the wear and tear of the house calls for repairs and improvement which will exceed the value of the house as it is (2 bedroom/1 bath home).

With today's cost of living increase, and like all homeowners we are trying to maintain the value of our home and town. When the house was built, it was on well and septic, which is no longer the case, as it is now on municipal water and sewer. As we are not extending the structure of the house by any means and not interfering with the set-backs, we just want to add a third bedroom and second bathroom in the area where current garage is without changing any setbacks. This overall will justify the expenses of the updates needed.

Thank you for your consideration,

Diana McDougall

Is this an ACTIVE Tax Record? : Y

ORANGE COUNTY

12/01/10

Tax # 334600.065.000-0002-014.000/0000
SWIS SECT BLK LOT SUFFIX

ID 33460006500000020140000000

Adt'l Desc

Prop Address 33 WARING RD
NEWBURGH 12550
TOWN OF NEWBURGH

Area 610

Site Used As

Condo Y/N N

Prop Class 210/RESIDENTIAL SINGLE FAMILY

RDFRxDPTH 60.000 X 258

ACRE

Est Acre 0.36

Road Desc

School 331100/NEWBURGH

BUILDING INFORMATION

Style Desc BUNGALOW YRBT 1952 #Rms 5 # of Stories 1.0
SQ. FT 1111 Bedrooms 2 Baths 1 Central Air N
Construction Grade AVERAGE # Records Res/Com 1 Exterior Stone
of Kitchens 1 #Car Garage 3 Basement 4/FULL
of FPLCS 1 Garage Type Attache SqFt Fnshd Bsmnt
SqFt Finished Attic SqFt 3/4 Story Heat 3/HOTWTR/STM
SqFt First Floor 1111 SqFt 2nd Floor Fuel 4/OIL
SqFt 1/2 Story SqFt Adt'l Flr SqFt Fnshd Rec Rm

OTHER FEATURE INFORMATION

#	DESCRIPTION	YRBLT	SIZE	#	DESCRIPTION	YRBLT	SIZE
1	GAR 1 ST ATT	1952	750	3	PORCH COVERD	1952	207
2	PORCH COVERD	1952	351	4			

LAND INFORMATION

UTILITIES 4/GAS & ELEC WATER 3/COM/PUBLIC SEWER 2/PRIVATE RAW LAND 0

VALUE & TAX INFORMATION

LAND VALUE \$ 3,800 ASMT\$ \$ 50,000 # SPECIAL DISTRICTS 1
TAX YEAR 2010 EST FM VALUE \$ 152,400 EST ANNUAL TAXES * \$ 4,640

SALE & DEED TRANSFER INFORMATION

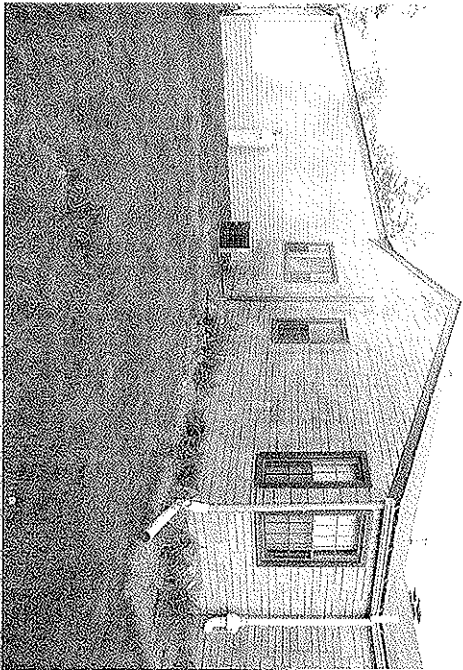
SP	TTD	BOOK	PAGE	DEED DATE	Arms Length	SALES RECORDS
\$ 167900	09/12/02	05998	00335	09/20/02		21

OWNER NAME & MAILING ADDRESS

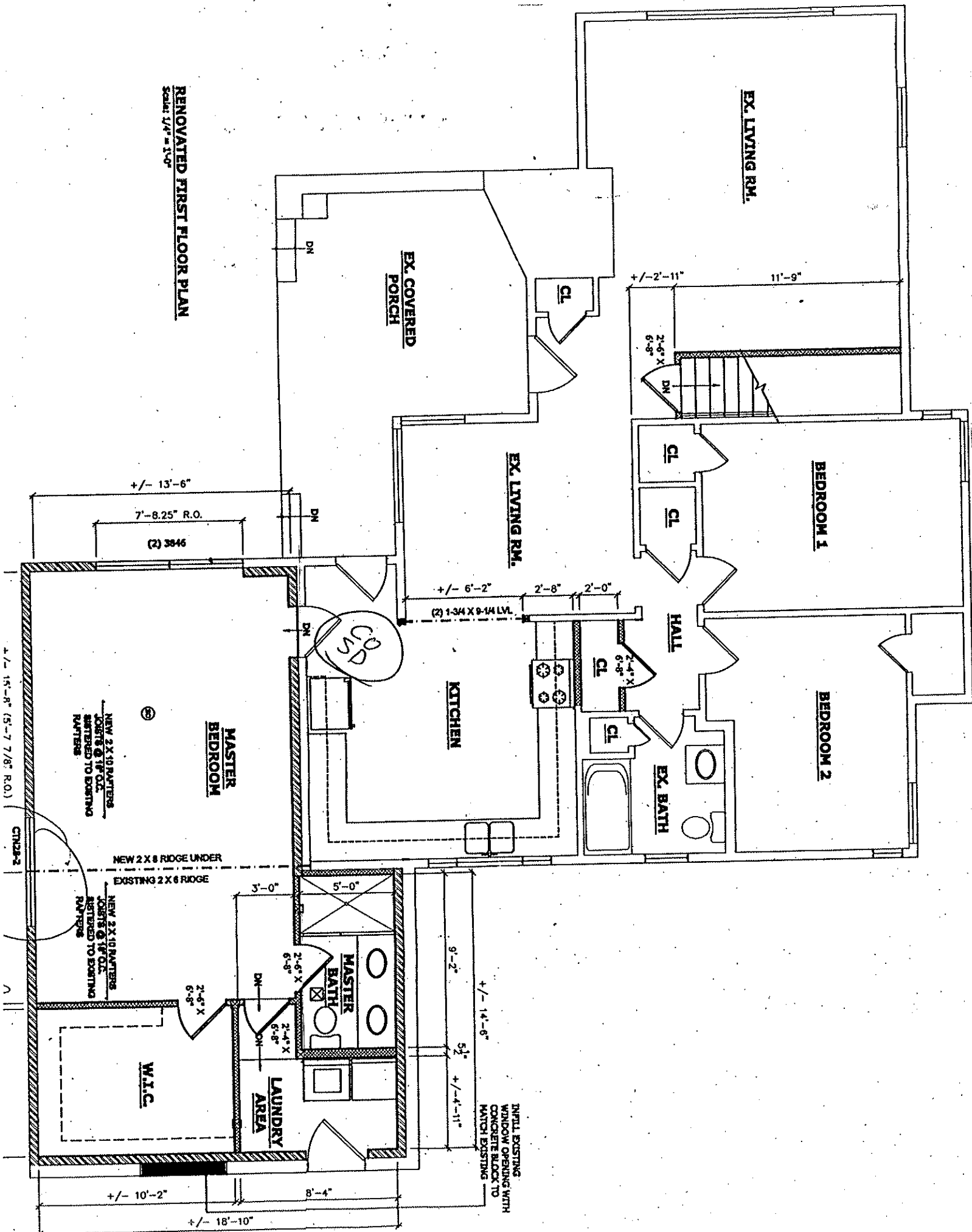
OWNR MCDOUGALL DIANA S KOUDOUNAS AL
OWNR MAIL MCDOUGALL ^ KOUDOUNAS % SOPHO ^ OWNR TYPE 0
ADDRESS S 33 WARING RD
NEWBURGH NY 12550

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

* Figure does NOT include possible eligible exemptions.



RENOVATED FIRST FLOOR PLAN
 Scale: 1/4" = 1'-0"



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. 2290-12

Date: April 25, 2012

To: DIANA Mc DOUGALL

SBL 65-2-14

33 WARING ROAD

ADD: 33 WARING ROAD

NEWBURGH, NY 12550

ZONE R-3

PLEASE TAKE NOTICE that your application dated April 3,
20 12 for permit to convert garage (21x33) into habitable space
At the premises located at 33 Waring Road

Is returned herewith and disapproved on the following grounds:

185 - 19 - C - 1 -
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY. (SIDE YARD
SETBACK)


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: DIANA MCDUGALL

ADDRESS: 33 WARING RD NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 21' X 33' ATTACHED GARAGE

SBL: 65-2-14 ZONE: R / 3

TOWN WATER: TOWN SEWER: YES NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	15'	2'	EXISTING NON CONFORMING		
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:

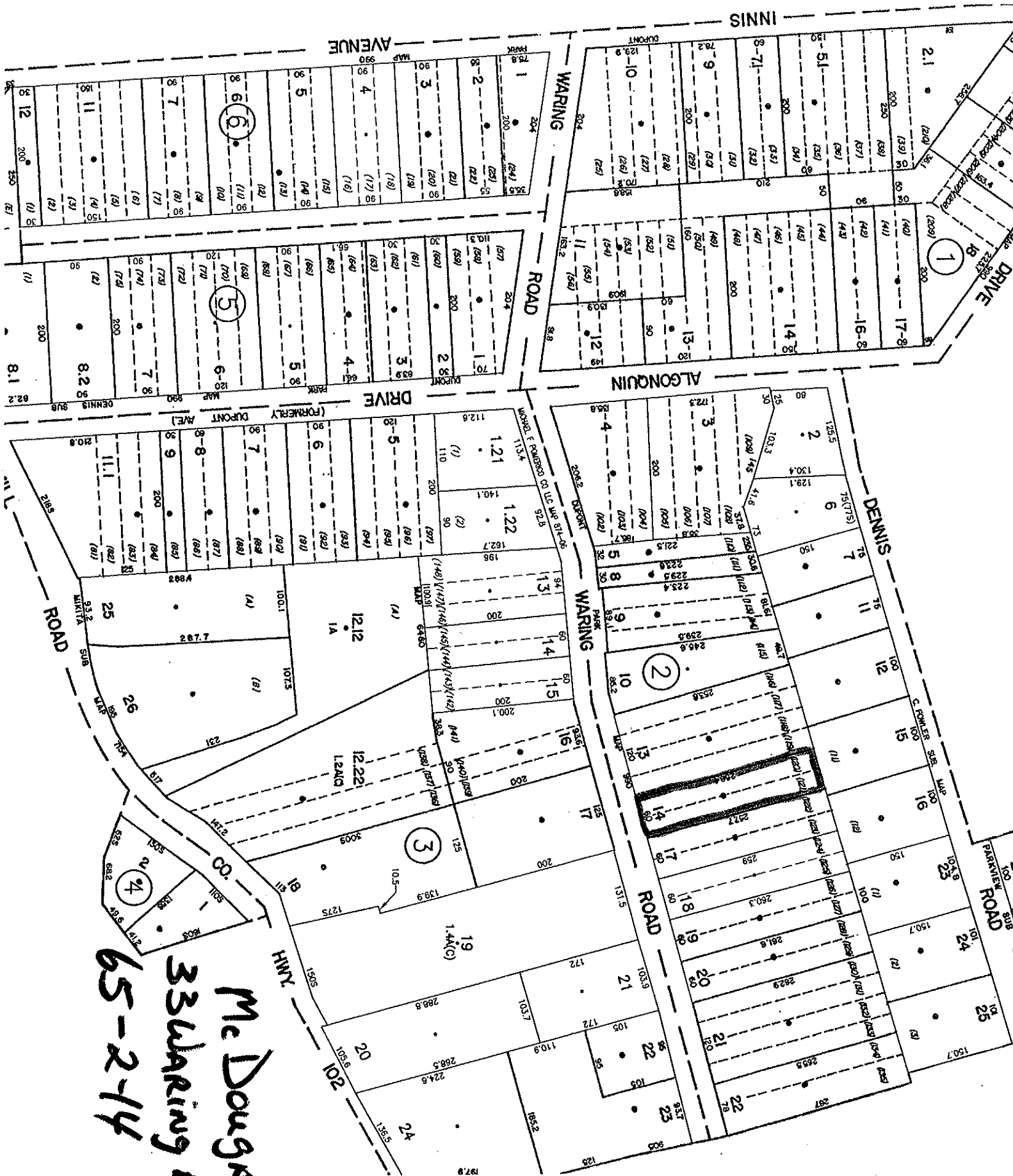
GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 ----- YES / NO
 FRONT YARD - 185-15-A ----- YES / NO
 STORAGE OF MORE THEN 4 VEHICLES ----- YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

NOTES: **EXISTING NON CONFORMING NON HABITABLE GARAGE 2' SIDE YARD.
 CONVERTING INTO HABITABLE SPACE (BEDROOM)**

VARIANCE(S) REQUIRED:

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

REVIEWED BY: JOSEPH MATTINA DATE: APRIL 25 2012



Mc Dougal
 33 Waring Rd
 65-2-14