



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.

To be signed by Local Official.

TOWN: TBA Town of Newburgh

MUNICIPALITY: ZONING BOARD of Appeals

TAX MAP ID: 67-3-11
(Section-Block-Lot)

Local File #: 2315-12

Project Name:

Applicant: Bill Mehr

Address: 10 Wintergreen Ave Newburgh

Attorney, Engineer, Architect: HOWARD BOWEN

Location of Site: 21 Wintergreen Ave
(Street, highway, nearest intersection)

Route 52

Size of Parcel: 60x175 Existing Lots: Proposed Lots/Units

Present Zoning District: R-3

TYPE OF REVIEW:

Special Use Permit* (SUP):

Prior Built

Variance* USE (VU): RAISE ROOF for ADDITION
AREA (AV): INCREASING DEGREE OF NON-CONFORMITY
SIDE YARD

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch

Preliminary

Final

DATE: 9/5/12

Grace Cardone

CHAIRPERSON, ZONING BOARD OF APPEALS
Signature and Title

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID #

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: 9-4-12

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

I (WE) William L. Mehr PRESENTLY
RESIDING AT NUMBER 10 Wintergreen Ave.
TELEPHONE NUMBER 914 213 3815

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:

67-3-11 (TAX MAP DESIGNATION)
21 Wintergreen Ave. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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: 8/31/2012
- 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: Area Variance

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:

ANY NEW Windows will be facing Lake.
AREA OF Non-compliance (7' set back) is a T.O.N. easement Driveway.
Most houses in neighborhood already have same type of Dormer.

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:

Steep Roof angle Restricts use of
upstairs.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Dormer is not increasing existing footprint of House in any way and only 6' corner of Dormer is out of compliance

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

Does not affect neighbors in any way except to improve Property Values in area. Both adjacent properties have Dormers.

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

House was in an existing non-compliant neighborhood

7. ADDITIONAL REASONS (IF PERTINENT):

William L. Kelly
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 5TH DAY OF SEPTEMBER 20 12

Michael J. Giammarco
NOTARY PUBLIC

MICHAEL J GIAMMARCO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GI6236061
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.

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)

<p>1. APPLICANT/SPONSOR <i>William L. Mehr</i></p>	<p>2. PROJECT NAME <i>21 Wintergreen Ave.</i></p>
<p>3. PROJECT LOCATION: Municipality <i>Newburgh N.Y.</i> County <i>Orange</i></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>21 Wintergreen Ave. (off of Rte 52)</i></p>	
<p>5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration </p>	
<p>6. DESCRIBE PROJECT BRIEFLY: <i>Open Roof with a shed Dormer to make upstairs a better living space. Add Bathroom</i></p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <u> 0 </u> acres Ultimately <u> 0 </u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>All action to be built to current code but an Area Variance is needed due to setbacks</i> </p>	
<p>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: </p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>Permits from Town of Newburgh are required for building and Electrical.</i> </p>	
<p>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: </p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p>	
<p style="text-align: center;">I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u><i>William L. Mehr</i></u> Date: <u><i>8-4-12</i></u> Signature: <u><i>William L. Mehr</i></u></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



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

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. Yes 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:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes 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.

- 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.
- 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.

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)



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. 2315-12 Date: August 31, 2012

To: BILL MEHR SBL 67-3-11
10 WINTERGREEN AVENUE ADD: 21 Wintergreen Avenue
NEWBURGH, NY 12550 ZONE R-3

PLEASE TAKE NOTICE that your application dated August 6,
20 12 for permit to raise the roof for the addition **Prior Built**
At the premises located at 21 Wintergreen Avenue

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** YES

2315-12

NAME: BILL MEHR

ADDRESS: 10 WINTERGREEN AVE NEWBURGH NY 12550

PROJECT INFORMATION: **Prior Built**

TYPE OF STRUCTURE: RAISING REAR ROOF @ 21 WINTERGREEN AVE

SBL: 67-3-11 ZONE: R/3

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
ONE SIDE YARD	15'	7'	9'	INCREASING THE DEGREE OF NON CONFORMITY	
MAX. BUILDING HEIGHT	THE RAISED PORTION IS OFF SET 2' FROM EDGE OF DWELLING				
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: 21 WINTERGREEN AVE EXISTING NON CONFORMING / RAISING THE REAR PORTION OF THE 2ND FLOOR ROOF THE VIOLATES 15' SIDE YARD SETBACK.

VARIANCE(S) REQUIRED:

1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY.

2 _____

3 _____

4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 30-Aug-12



ADDITION/RENOVATION

WILLIAM MEHR

21 WINTERGREEN AVENUE
TOWN OF NEWBURGH

BUILDER

HOWARD BOWEN

12 WINTERGREEN AVENUE
TOWN OF NEWBURGH
PHONE: 914-299-0190



DATE:

AUGUST 2, 2012

DRAWN BY:

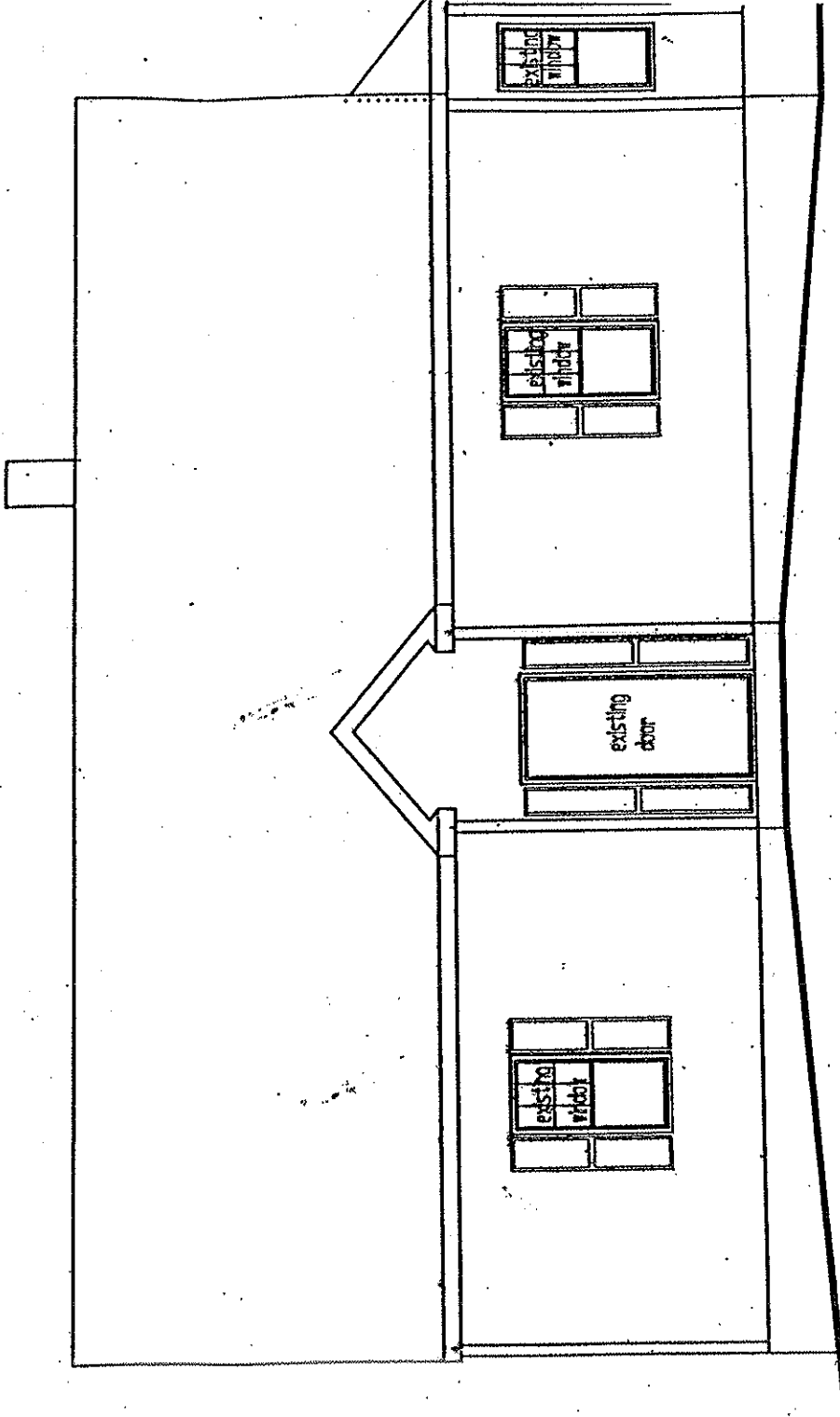
VAR

REVIEWED BY:

SCALE:

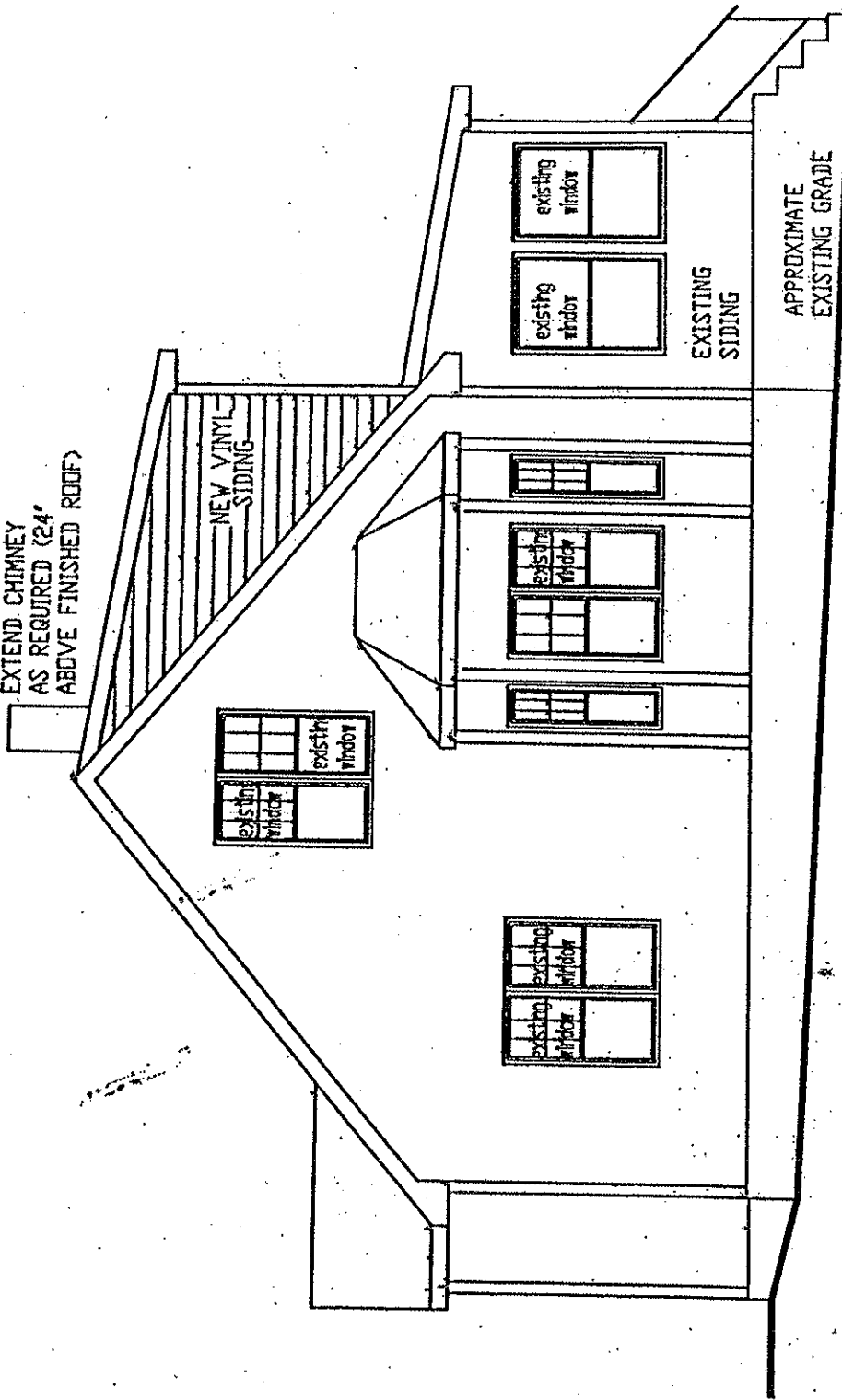
AS NOTED

A-1



EXISTING FRONT ELEVATION NOT TO SCALE
NO CHANGE

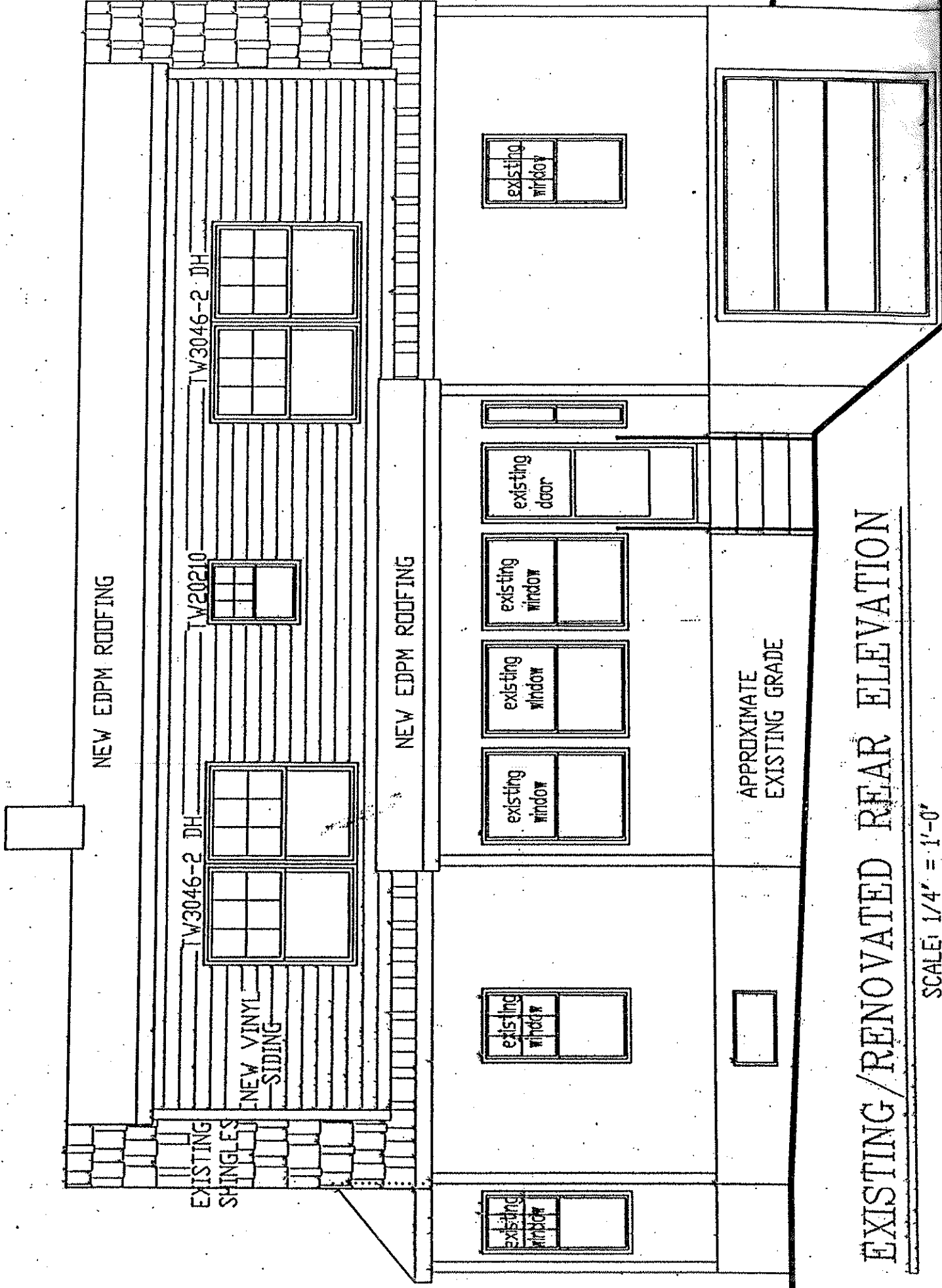
EXTEND CHIMNEY
AS REQUIRED (24"
ABOVE FINISHED ROOF)



EXISTING/RENOVATED RIGHT ELEVATION

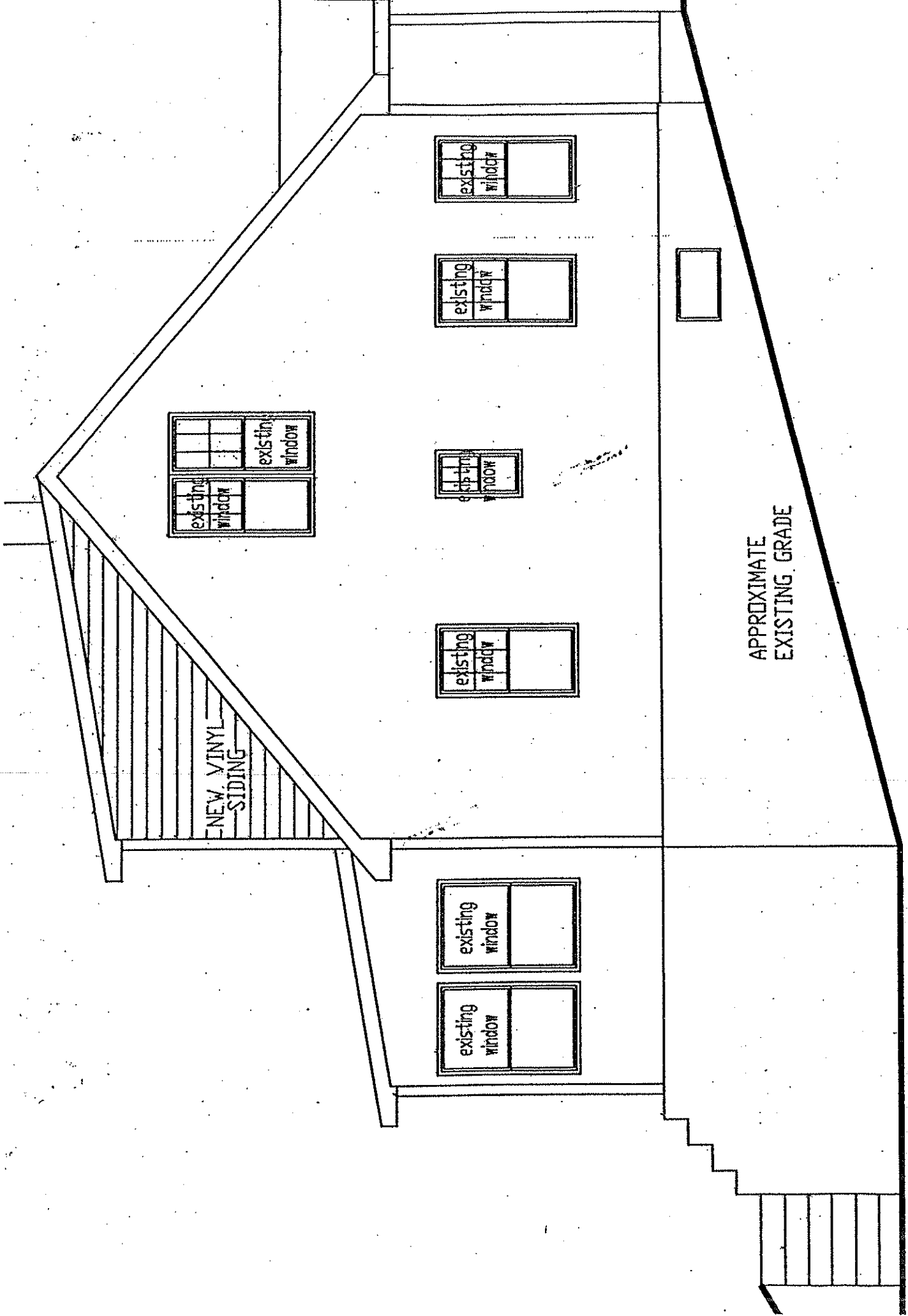
NOT TO SCALE

APPROXIMATE
EXISTING GRADE



EXISTING/RENOVATED REAR ELEVATION

SCALE: 1/4" = 1'-0"



NEW VINYL
SIDING

existing window
existing window

existing window

existing window

existing window

existing window

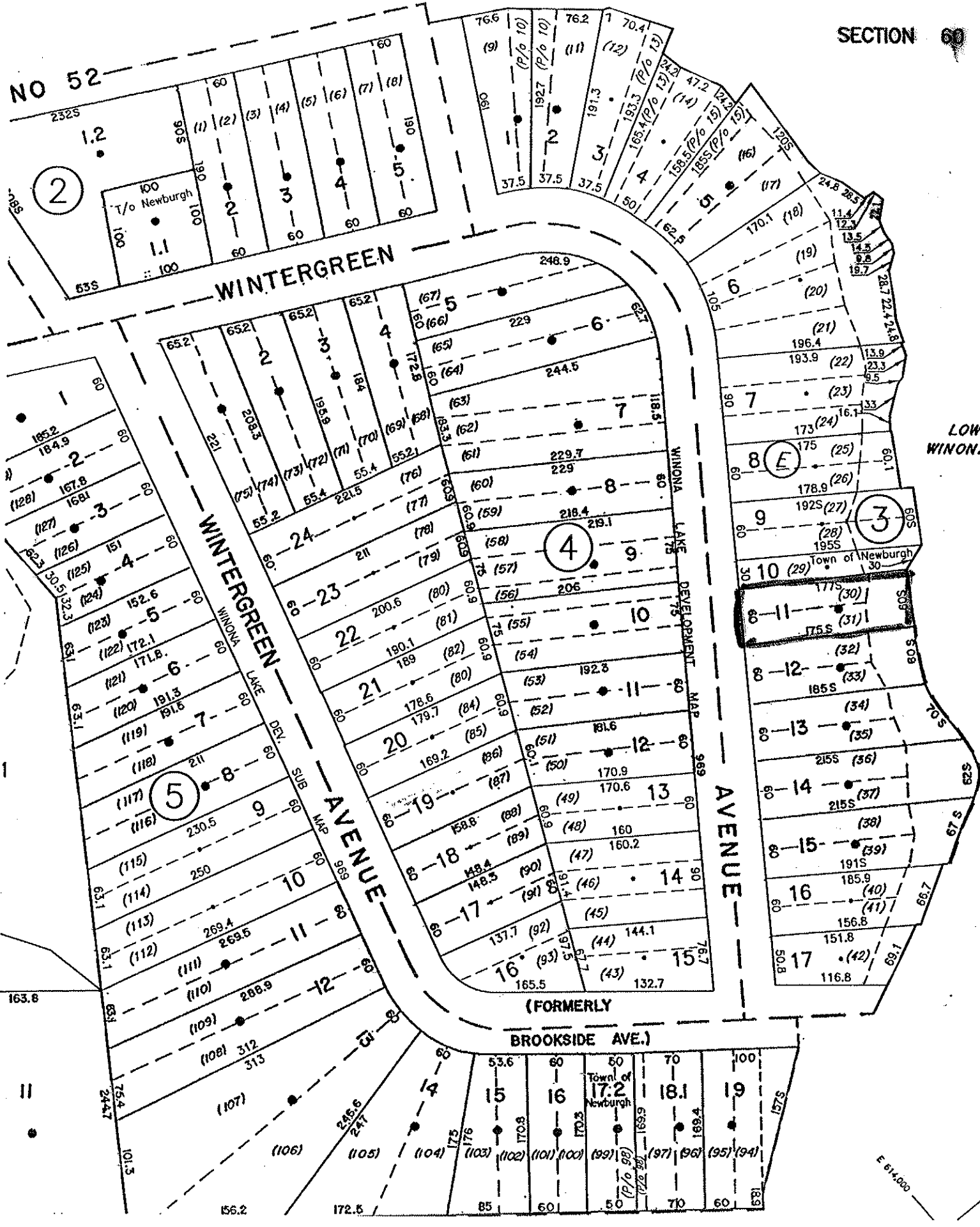
existing window

existing window

APPROXIMATE
EXISTING GRADE

EXISTING/RENOVATED LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LOWER WINONA I

E 614.000
N 977

