





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

**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: 7-19-2017
- 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:** \_\_\_\_\_

Pavillion over 1000 SqFt and height over 15 feet.

**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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 project will not be visible from the neighboring properties or street level due to the steep topography and vegetation separating them from the proposed project. The design and quality of the installation will be of the highest caliber to match the existing home.

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:

All reasonable locations would be considered a "Front Yard" due to being a Corner Lot. The grandeur of the home and lot size makes this a unique situation.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

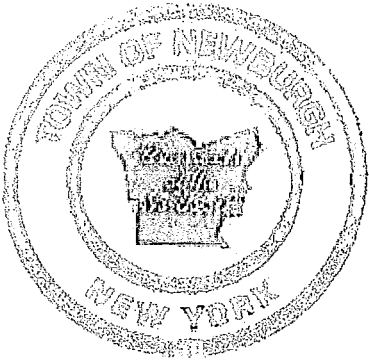
This variance is not significant for two key reasons. Regarding the height - only 2.4% (Architectural Element Cupola) of the structure is at the maximum height of 25' 6" while the remaining 97.6% is at 16' 7" making the height variance essentially 9%. Regarding the size - while the overall area exceeds the 1,000 sq' limit - only 464 sq' will be enclosed - leaving the remaining amount as an open air pavilion.

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

The substantial size of the property is more than adequate to accommodate any additional run off created by these improvements.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Trying to match the architectural tone set by the primary residence calls for an accessory structure of this scale.



# 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

## 7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17<sup>th</sup> DAY OF August 2017

LYNNE A. EISENHUT  
Notary Public - State of New York  
No. 01E16148654  
Qualified in Dutchess County  
My Comm. Expires June 26, 2018

  
\_\_\_\_\_  
NOTARY PUBLIC

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.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Eric Najork \_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 215 Oak Street Newburgh, NY 12550 \_\_\_\_\_

IN THE COUNTY OF Orange \_\_\_\_\_ AND STATE OF New York \_\_\_\_\_

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

215 Oak Street Newburgh, NY 12550 \_\_\_\_\_

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Neave Group (Lee Kind) \_\_\_\_\_

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/27/2017 \_\_\_\_\_ *Eric Najork*

OWNER'S SIGNATURE

*Sia M. Brewer* \_\_\_\_\_

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 27th DAY OF July 2017

*Sonia Belinda Torres* \_\_\_\_\_  
NOTARY PUBLIC

SONIA BELINDA TORRES  
Notary Public, State of New York  
Reg. No. 01TO4791846  
Qualified in Dutchess County  
Commission Expires 11/30/17

# Short Environmental Assessment Form

## Part 1 - Project Information

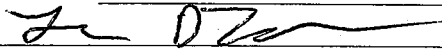
### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

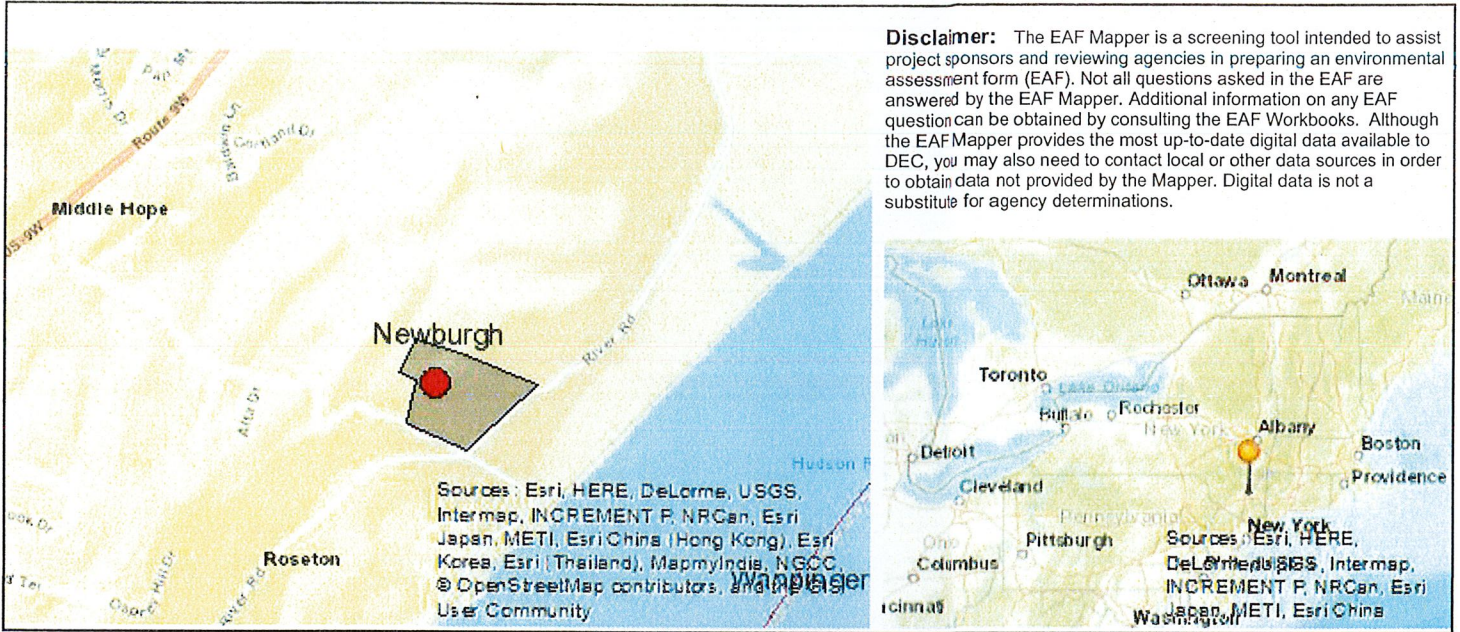
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Najork Pavillion & Pool				
Project Location (describe, and attach a location map): 215 Oak Street Newburgh NY 12550				
Brief Description of Proposed Action: Installation of an inground pool, patio, hot tub, paillion and pool code fence on a single-family lot.				
Name of Applicant or Sponsor: Neave Group (Lee Kind)		Telephone: (845) 401-6181 E-Mail: lee@neavegroup.com		
Address: 80 Airport Drive				
City/PO: Wappingers Falls		State: NY	Zip Code: 12590	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit - Town of Newburgh Building Department Area Variance - Town of Newburgh Zoning Board of Appeals			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		54.4 acres		
b. Total acreage to be physically disturbed?		0.3 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		68.75 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

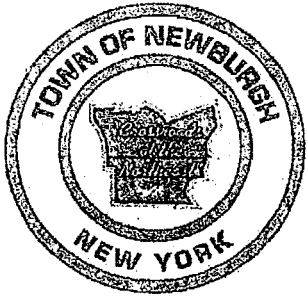


<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>1,344 SqFt _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>Industrial site along Hudson River _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Lee Kind</u> Date: <u>8/1/2017</u></p> <p>Signature: <u></u></p>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



## TOWN OF NEWBURGH

*~Crossroads of the Northeast~*

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

**2636(B)**

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**Date: 07/19/2017**

**Application No. 17-0611**

**To: Eric Najork  
215 Oak St  
Newburgh, NY 12550**

**SBL: 9-1-43.12  
ADDRESS: 215 Oak St**

**ZONE: R1**

PLEASE TAKE NOTICE that your application dated 07/12/2017 for permit to build a 27' x 56'-6" x 25'-6" pool house on the premises located at 215 Oak St. is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-(4) Accessory building shall be limited to 1000 square feet.
- 2) 185-15-A-(1) Such building shall not exceed 15' in height.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES / NO

NAME: Eric Najork Building Application # 17-0611

ADDRESS: 215 Oak St. Newburgh NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: Pool House

SBL: 9-1-43.12 ZONE: R-1 ZBA Application # 2636(B)

TOWN WATER: YES / **NO** TOWN SEWER: YES / **NO**

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
TOTAL SQUARE FEET	1000 SF		1,528.20	528.20	52.82%
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT	15'		25'-6"	10'-6"	70.00%
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: Pool house dimensions 27' x 56'-6" x 25'-6"

**VARIANCE(S) REQUIRED:**

- 1 185-15-A-(4) Accessory buildings shall be limited to 1000 square feet
- 2 185-15-A-(1) Such building shall not exceed 15 feet in height.
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 19-Jul-17

**B**

**Pool House**

PAVILLION PLANS

SHEET #:  
10 OF 16

**neavegroup**  
outdoor solutions  
89 AIRPORT DRIVE WAPPINGERS FALLS, NY  
(845) 463-0592

NAJORK RESIDENCE  
215 OAK STREET  
NEWBURGH, NY

DESIGNER: LFE RND  
DRAWN BY: DRANDON KOCH  
CHECKED BY:  
SCALE: AS SHOWN

REVISIONS		
#	DATE	DESCRIPTION
1	2.3.17	CLIENT REVIEW

© 2017 COPYRIGHT BY NEAVE LANDSCAPING, INC.  
THIS DRAWING IS NOT FOR CONSTRUCTION  
PURPOSES AND MAY NOT BE DUPLICATED  
OR USED IN ANY WAY WITHOUT CONSENT.

*Handwritten signature*

