



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

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

TONZBA Town of Newburgh

MUNICIPALITY: ZONING BOARD OF APPEALS

TAX MAP ID: 60-3-24

(Section-Block-Lot)

Local File #: 2275B-12

Project Name:

Applicant: Nella's Nest North Corp (Kevin Roberts)

Address: 67 Church St Wallkill NY 12589

Attorney, Engineer, Architect:

Location of Site: 1430 Route 300 (Union Ave) - Route 52
(Street, highway, nearest intersection)

Size of Parcel: 1.4 acres Existing Lots: Proposed Lots/Units

Present Zoning District: I/B

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):

Free Standing Sign AREA (AV): Signage - maximum amount allowed
-w/In 80ft of centerline of Union Ave
-closer than 15ft from street line

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch

Preliminary

Final

DATE: 7/10/12

Grace Cardone

CHAIRPERSON, SIGNATURE AND TITLE
ZONING BOARD OF APPEALS

*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

OFFICE OF ZONING BOARD
(845) 566-4901

APPLICATION

DATED: 5/2/12

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

I (WE) (Kevin Roberts) Nella's Nest Corp. PRESENTLY
RESIDING AT NUMBER 67 Church St. Wallkill, NY 12589
TELEPHONE NUMBER 845 566-7663

mailing address
1430 Rt. 30
Newburgh, NY
12550

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:

60-3-24 (TAX MAP DESIGNATION)
1430 Rte 300 Newburgh, NY (STREET ADDRESS)
IB (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-14-B-1-C
185-18-C-4-A
185 B-14 (C)

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: X 2/16/12
- 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: Sign variance -
Location in relation to road and total square footage
of all signs if applicable

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:

Signs are existing for many years and are of a similar location from the side of the road as most or many businesses on Route 300.

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:

Moving signs would cause loss of parking which is necessary.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Signage location is consistent with many other businesses along Rt. 300 when measured from side of road.

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

Signage is consistent with overall neighborhood in terms of location near road.

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

Signage near road was here before I was. Total area of all signs is approximately 120 SF according to code compliance not E.C. Total linear feet is 322 of my lot. I thought the size of the signage was permitted as an even larger sign was on premises when I initially purchased the building. That sign blew down.


7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 19th DAY OF May 2012



NOTARY PUBLIC
Langdon C. Chapman
Res. # 02CH607811
Notary Public, Orange County
License expires 7/18/2014

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.

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 <i>Nella's Mt North Corp.</i>	2. PROJECT NAME <i>Area Varance</i>
3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1430 Route 300 Newburgh, NY 12550</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Maintain existing signs</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ 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 <i>Signs too close to road and apparently too large for code in town</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" 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 type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>Unknown if there are existing sign permits.</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Unknown</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____	Date: <i>3/19/12</i>
Signature: <i>Ken Roberts</i>	

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

1

Reset

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)

Reset

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. 2275(B)-12

Date: February 23, 2012

To: NELLA'S NEST NORTH CORP
1430 ROUTE 300
NEWBURGH, NY 12550

SBL 60-3-24
ADD: 1430 ROUTE 300
ZONE IB

PLEASE TAKE NOTICE that your application dated September 8,
20 11 for permit to keep a Prior Built free standing sign
At the premises located at 1430 Route 300

Is returned herewith and disapproved on the following grounds:

185 - B - 14 - (c) -
EXCEEDING THE MAXIMUM ALLOWED TOTAL SIGNAGE.
185 - 18 - C - 4 - (a) -
NO STRUCTURE SHALL BE LOCATED WITHIN 80 FT OF THE CENTER LINE OF
UNION AVENUE.
185 - 14 - B - 1 - (c) -
SHALL NOT BE LOCATED CLOSER THAN 15 FT. FROM THE STREET LINE.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** **YES**

NAME: NELLA'S NEST NORTH CORP.

ADDRESS: 1430 ROUTE 300, NEWBURGH, NY 12550

2275B-12

PROJECT INFORMATION:

TYPE OF STRUCTURE: FREE STANDING SIGN

SBL: 60-3-24 ZONE: IB

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ALLOWABLE SIGNAGE	49 SF	120 SF		71 SF OVER	145.0%
CENTER LINE UNION AVE.	80'	40'		40'	50.0%
LOT LINE	15'	9'		6'	40.0%
FRONT YARD					
REAR YARD					
SIDE YARD					
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: **49 SF REMAINS AFTER (2) PRIOR BUILT BUILDING SIGNS. ALLOWED 142 SF, (2) APPLICATIONS PENDING = 93 TOTAL SF.**

VARIANCE(S) REQUIRED:

- 1 ^(c) 185-14-B-1-C MAXIMUM ALLOWED TOTAL SIGNAGE
- 2 ⁽²⁾ 185-18-C-4-A NO STRUCTURE 80' OF CENTER LINE UNION AVENUE.
- 3 ^(c) 185-14-B-1-C MAY NOT BE LOCATED CLOSER THAN 15' FROM THE STREET LINE.
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 16-Feb-12

Newburgh Town Court
311 Route 32
Newburgh, New York 12550

Jude T. Martini
Town Justice

Phone: (845) 564-7165
Fax: (845) 564-7171

February 6, 2012

Kevin A. Roberts
Nella'S Nest North Corp
1430 Route 300
Newburgh, NY 12550

People of the State of New York versus:

Kevin A. Roberts & Nella'S
1430 Route 300
Newburgh, NY 12550

Case No: 11110407
DOB: / /


<u>TicketNo.</u>	<u>Officer</u>	<u>Statute/Section</u>	<u>Charge Text</u>
11-92	Campbell OCSD,	TO 71-8(A)	Bldg Permits & C/O
11-100	Campbell OCSD,	TO 71-8(C)	Bldg Permits & C/O

Next Date: 02/27/2012 Time: 05:30PM

Please be advised that the above captioned matter is re-scheduled for action on the date and time listed above.

PROPER ATTIRE REQUIRED (NO SHORTS OR TANK TOPS). * NO CELL PHONES *****

Very truly yours,


Lisa A. Nahow
Court Clerk

cc: James Campbell, Assistant Building Inspector

TOWN OF NEWBURGH JUSTICE COURT

311 Route 32
Newburgh, New York 12550

(845) 564-7161
(845) 564-0960
(845) 564-7165

FAX: (845) 564-7171

FACSIMILE COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name Mr. Roberts Fax Number (845) 564-8081
Firm _____

THIS INFORMATION IS BEING SENT BY:

Name Lisa Nahaw Telephone (845) 564-7165
Date 2/6/12 Time 8:45 AM / PM

NUMBER OF PAGES TRANSMITTED INCLUDING COVER SHEET: 2
If you do not receive all pages in legible form, please call the above number.

COMMENTS: _____
Court Date letter

CONFIDENTIALITY NOTICE

This facsimile may contain CONFIDENTIAL INFORMATION, which may also be LEGALLY PRIVILEGED and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is PROHIBITED. If you have received this facsimile in error, please notify us by telephone and return the original to us at the above address via the U.S. Postal Service. Thank you.

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Window phone sign 9' x 1.5'

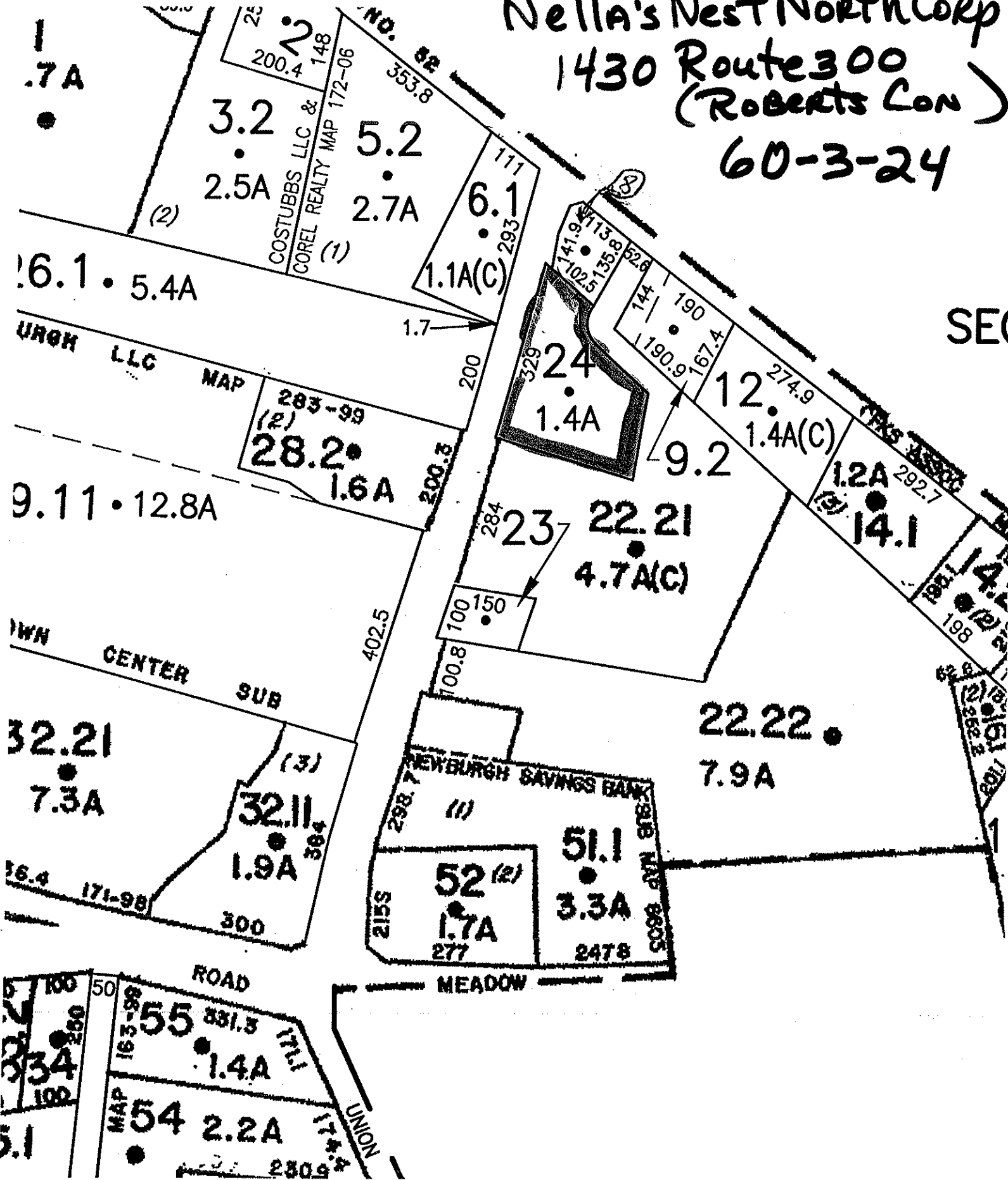
wall sign 14' x 6'

NellAs pole sign 5 x 5

RCI Pole sign 5 x 6

NellAs wall sign 3 x 3

Nella's Nest North Corp
1430 Route 300
(Roberts Con)
60-3-24



SEC