



# 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: October 9, 2018

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

I (WE) Eric Spencer PRESENTLY

RESIDING AT NUMBER 1 Fleetwood Dr., Newburgh Ny 12550

TELEPHONE NUMBER (845) 728-8340

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:

\_\_\_\_\_ (TAX MAP DESIGNATION)

1 Fleetwood Dr., Nbg Ny 12550 (STREET ADDRESS)

\_\_\_\_\_ (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

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



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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: August 8, 2018
- 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: Deck 12'x20' square footage coverage.

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:

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



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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 deck will be attached to the back of the house, and is a standard design.*

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:

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*it's a private deck.*

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

*it's just a back deck, not even as large as other decks in the area.*

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

*the square footage allowable is too low.*

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



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OFFICE OF ZONING BOARD  
(845) 566-4901

### 7. ADDITIONAL REASONS (IF PERTINENT):

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

*Eric Spencer*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11<sup>th</sup> DAY OF October 2018



*Alejandra M. Georges*  
\_\_\_\_\_  
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)



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## PROXY

Carl Pacela, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 1 Fleetwood Dr

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 1 Fleetwood Dr  
Newburgh NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Eric Spencer

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 10-10 [Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11th DAY OF October 2018.

[Signature]  
NOTARY PUBLIC

ALEJANDRA M GEORGES  
Notary Public - State of New York  
NO. 01GE6213445  
Qualified in Orange County  
My Commission Expires 1-4-22

# 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: 12' x 20' Deck			
Project Location (describe, and attach a location map): 1 Fleetwood Drive, Newburgh NY 12550			
Brief Description of Proposed Action: We want a deck for more "living space," to gather with family, a place for our grill, etc. For family get togethers and entertainment. To eat, outdoors, on.			
Name of Applicant or Sponsor: Eric Spencer		Telephone: (845) 728-8340 E-Mail: zorchman6310@qvcil.com	
Address: 1 Fleetwood Drive,			
City/PO: Newburgh		State: NY	Zip Code: 12550
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	YES
		<input checked="" type="checkbox"/>	<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:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres		7,523 sq. feet	
b. Total acreage to be physically disturbed? _____ acres		<del>126.4</del> sq. feet 240	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		7,523 sq. feet	
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 type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



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)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Eric Spencer Date: October 9, 2018

Signature: Eric Spencer



Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form  
Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form  
Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required:
- 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.

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)



ORANGE COUNTY - STATE OF NEW YORK  
ANN G. RABBITT, COUNTY CLERK  
255 MAIN STREET  
GOSHEN, NEW YORK 10924

Zoning Board of Appeals  
AUG 22 2018  
Town of Newburgh

*Law signed  
Beth J. Ferrelli*

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



Recording:

Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total:	185.00
Transfer Tax	
Transfer Tax - State	822.00
Sub Total:	822.00

Total: 1007.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 10383  
Transfer Tax  
Consideration: 205200.00

Transfer Tax - State	822.00
Total:	822.00

BOOK/PAGE: 14419 / 316  
INSTRUMENT #: 20180044890

Receipt#: 2508144  
Clerk: JM  
Rec Date: 06/20/2018 01:55:27 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 3  
Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: ACADEMY REALTY ENTERPRISES LLC  
Party2: PACELLA CARL  
Town: NEWBURGH (TN)  
88-1-16

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON June 20, 2018 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY August 22, 2018

*Ann G. Rabbitt*

Ann G. Rabbitt  
Orange County Clerk

Record and Return To:

DRAKE LOEB PLLC  
555 HUDSON VALLEY AVENUE SUITE 100  
NEW WINDSOR, NY 12553



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**Stewart Title Insurance Company**

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**SCHEDULE A**

**LÉGAL DESCRIPTION**

Policy No.: 933178270  
Title No.: GA-185308-0

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being shown and designated as Lot No. 1 in Block C on a certain map entitled, "Development Plan, Fleetwood Manor at Newburgh, Orange County, N.Y."; which map was filed on December 6, 1955 in the Orange County Clerk's Office as Filed Map No. 1636, being bounded and described as:

BEGINNING at a point on the westerly line of Fleetwood Drive and at the corner of Lot Nos. 1 and 2 from aforementioned filed map, said point being South 10° 48' 00" West, 70.00 feet along said line from an iron pipe found at the corner of Lot Nos. 2 and 3 on the aforesaid map;

RUNNING THENCE along the said line of Fleetwood Drive the following two courses:

- (1) South 10° 48' 00" West, 40.00 feet to a point of curvature;
- (2) Along a curve to the right having a radius of 30.00 feet to an arc length of 47.12 feet to a point on the northerly line of New York State Route No. 17K;

THENCE along the said line of Route No. 17K the following two courses:

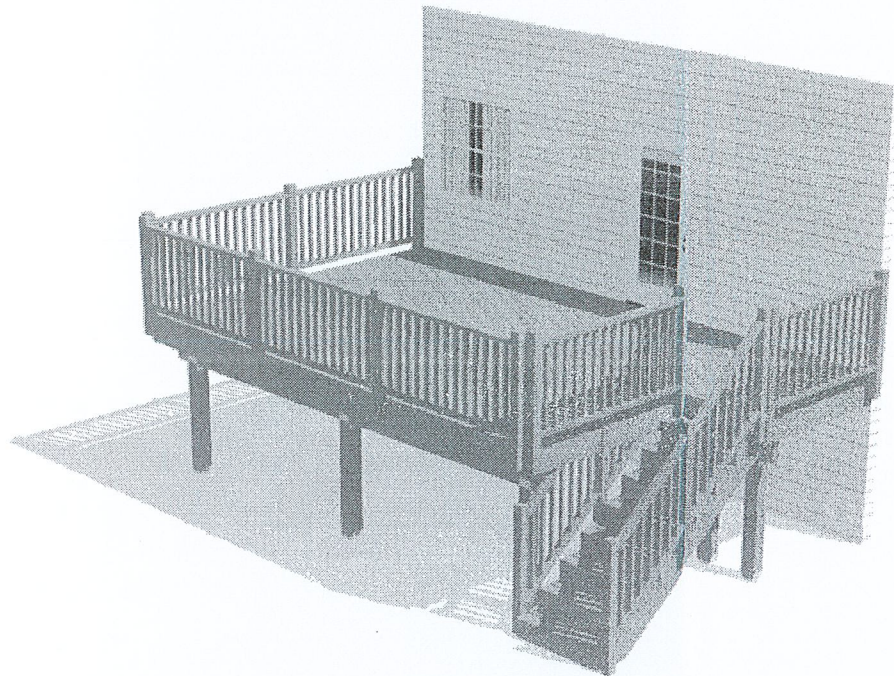
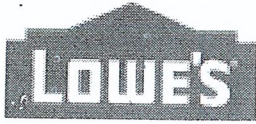
- (1) North 79° 12' 00" West, 4.00 feet to a point;
- (2) North 68° 39' 50" West, 87.50 feet to a point;

THENCE leaving said line and along the westerly line of herein described Lot No. 1, North 10° 42' 00" East, 54.00 feet to a point at the corner of aforesaid Lot Nos. 1 and 2;

THENCE along the division line of said Lot Nos. 1 and 2, South 79° 12' 00" East, 120.12 feet to the point or place of BEGINNING.

For Information Only:  
Said Premise being known as 1 Fleetwood Drive, Newburgh, NY.

Section: 88, Tax Block: 1, Lot: 16



## deck

With your deck design in hand, talk to a Lowe's project specialist to start your build. You can reach us in store, online or over the phone.

### In Store

Take this document or your project ID number to the customer service desk and talk to a project specialist.

### Online

Go to [Lowe's.com/deckinstall](https://www.lowes.com/deckinstall) and schedule an in-home consultation.

### Phone

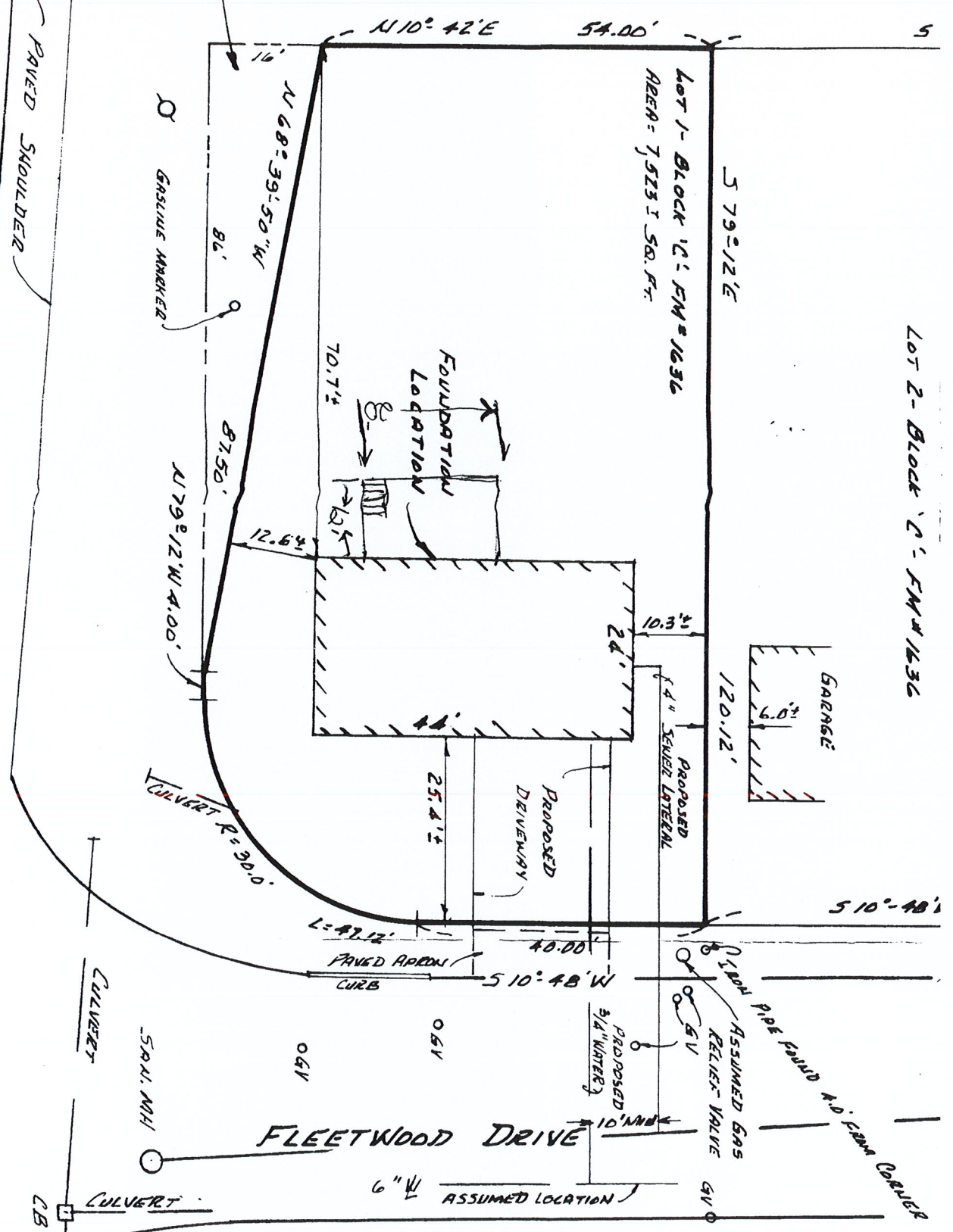
Call 1-800-GO-LOWES and schedule an in-home consultation.

**YOUR DECK DESIGN PROJECT ID: 822880760**

This number lets you or your project specialist retrieve your deck design.

LOT 2 - BLOCK 'C' - F.M. # 1636

LOT 1 - BLOCK 'C' - F.M. # 1636  
AREA - 7,523.1 SQ. FT.



N.Y.S. ROUTE 17K  
(AKA COCHECTON TURNPIKE)

PAVED SHOULDER

Y TAKING  
(SEE SB)

GROUNDE MARKER

GROUNDE MARKER

CULVERT R=30.0'

CULVERT

CULVERT

UTILITY LINE  
(TYPICAL)

FLEETWOOD DRIVE

6" W ASSUMED LOCATION

ASSUMED 6" GAS RELIEF VALVE  
PROPOSED 3/4" WATER  
PROPOSED 4" SEWER LATERAL  
11" IRON PIPE FOUND 4.0' FROM CORNER

GARAGE  
6' x 9'

PROPOSED DRIVEWAY  
25.4' x 44'

PAVED APRON  
CURB  
40.00'

N 10° 42' E 54.00'  
N 68° 39' 50" W 86'  
N 79° 12' W 4.00'

FOUNDATION LOCATION  
8' x 8'

5 10° 48'

120.12'

5 79° 12' E

5

L=47.12'

5 10° 48' W

0.6V

0.6V

PROPOSED 3/4" WATER

5V

5V

6V

CB

0



1.5. ROUTE 17K  
 KA CONNECTION TURNPIKE

4) Surveyed in accordance with  
 Maps, and physical Monu-  
 time of survey.

5) SBL: 88-1-16

SURVEY MAP FOR

NORTH PLANK DEVELOPMENT

TOWN OF NEWBURGH · ORANGE CO.

SCALE: 1" = 20'  
 3) REV.: 18 MAR. 2009 ADDED FOUNDATION LOCATION;  
 FIELD LOCATED 18 MAR. 2009.

DATE:  
 1) REV.: 1  
 ADDED PR  
 & SPEC  
 2) REV.: 2  
 REVISED

Job No.: DB-2

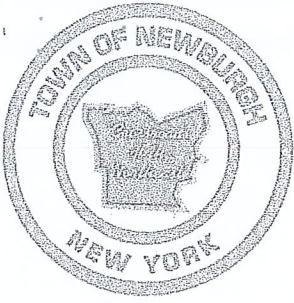
*[Handwritten Signature]*

Certified to, North Plank Development  
 Company, L.L.C.; Walden Federal Savings  
 and Loan Association; its successors and/or  
 assigns; Commonwealth Land Title Insurance  
 Company; and, Academy Realty Enterprises, LLC,  
 from a field survey completed on 7 Feb. 2008.

Anthony D. Vi  
 Lands  
 4 Pleasant  
 Newburgh, N

Ph: (845)  
 Fax: (845)





**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

2706-18

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 08/09/2018**

**Application No. 18-0849**

**To: Carl Pacella**  
1 Fleetwood Drive  
Newburgh, NY 12550

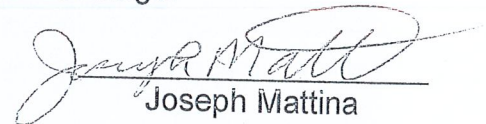
**SBL: 88-1-16**  
**ADDRESS: 1 Fleetwood Dr**

**ZONE: R1**

PLEASE TAKE NOTICE that your application dated 07/23/2018 for permit to build a 12' x 20' rear deck on the premises located at 1 Fleetwood Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-19-c-1 / Shall not increase the degree of non-conformity (front yard-state highway)
- 2) Bulk table-schedule 3 ~~≠~~ 20% maximum allowed for lot building surface coverage.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

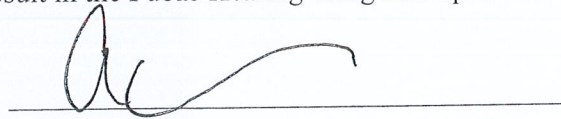
I Carl Pacella, being duly sworn, depose and say that I did on or before

November 6, 2018, post and will thereafter maintain at

1 Fleetwood Dr (88-1-16) R-1 Zone in the Town of Newburgh, New York, at or near the front

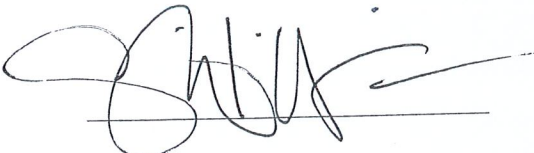
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.



Sworn to before me this 29<sup>TH</sup>

day of OCTOBER, 2018.



Notary Public

**SHARIF L WASHINGTON**  
**Notary Public - State of New York**  
**No. 01WA6380759**  
**Qualified in Putnam County**  
**My Commission Expires Sept. 17, 2022**

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]

