



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.

TONZBA Town of Newburgh

MUNICIPALITY: ZONING BOARD of Appeals TAX MAP ID: 88-5-2
(Section-Block-Lot)

Local File #: 2332-13

Project Name:

Applicant: Jose L. & MARIA Perez

Address: 8 Holiday PARK, Newburgh NY 12550

Attorney, Engineer, Architect:

Location of Site: 8 Holiday PARK / Rte 17K
(Street, highway, nearest intersection)

W/in 500 ft
Border
Town of Montgomery

Size of Parcel: 85X150 Existing Lots: Proposed Lots/Units

Present Zoning District: R-1

TYPE OF REVIEW:

Special Use Permit\* (SUP):

Variance\* USE (VU):

AREA (AV) INCREASING degree of non-conformity
of one side yard setback of the combined side

Zone Change\* FROM: TO: YARDS setback

Zoning Amendment\*\* To Section:

Subdivision Major Minor

Sketch Preliminary Final

DATE: 1/22/13

Shane 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

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 1/11/13

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

I (WE) Jose L. Perez and Maria Perez PRESENTLY  
RESIDING AT NUMBER 8 Holiday Park, Newburgh, NY 12550  
TELEPHONE NUMBER 845-564-7534

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:

88-5-2 (TAX MAP DESIGNATION)  
8 Holiday Park (STREET ADDRESS)  
R/1 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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  
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: Jan. 7, 2013

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: NA

4. DESCRIPTION OF VARIANCE SOUGHT: Area variance for an existing deck constructed in 1980s.

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: NA

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

NA

(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:

NA

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

NA

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

NA

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:

A deck is a common accessory / improvement to a home and many houses in the development / neighborhood have decks.

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:

Due to the size of the lot (it is 85' wide) it would be impossible to construct any improvement that would not require a variance.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The deck does not encroach any further into the setbacks than the original structure / home.

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

A deck is typically considered an improvement. It was constructed in the 1980s and it has not created any adverse impacts since its construction.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

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

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Joie L. Pein*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 11 DAY OF January 20 13

*Tina M. Fassnacht*  
\_\_\_\_\_  
NOTARY PUBLIC

TINA M. FASSNACHT  
Notary Public, State of New York  
Qualified in Orange County  
Registration No. 02FA6046769  
Commission Expires August 21, 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.

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)**

1. APPLICANT/SPONSOR <i>Jose L. Perez and Maria Perez</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>8 Holiday Park (SBL: 88-5-2)</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Construction of a 12' by 20' deck</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1</i> acres    Ultimately _____ acres    ( <i>12' x 20'</i> )	
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	
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: <i>Small residential development off 17K with approximately 15 homes.</i>	
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 checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: <i>There is a certificate of occupancy for the original house.</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>NA</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Jose L. Perez</i> Date: <i>1/11/13</i> Signature: <i>Jose L. Perez</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**



**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. 2332-13

Date: January 7, 2013

To: JOSE L. PEREZ

SBL 88-5-2

8 HOLIDAY PARK

ADD: 8 Holiday Park

NEWBURGH, NY 12550

ZONE R-1

PLEASE TAKE NOTICE that your application dated December 27,  
20 12 for permit to keep existing Prior built  
build a rear deck

At the premises located at 8 Holiday Park

Is returned herewith and disapproved on the following grounds:

185 - 19 - C - 1 -

SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (ONE SIDE YARD  
SETBACK)

SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (COMBINED SIDE  
YARDS SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File



# Town of Newburgh Code Compliance

OWNER INFORMATION

*BUILT WITH OUT A PERMIT*

YES

2332-13

NAME: JOSE L. PEREZ

ADDRESS: 8 HOLIDAY PARK NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 12 X 20 REAR DECK

SBL: 88-5-2      ZONE: R / 1

TOWN WATER:  YES      TOWN SEWER:  YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ONE SIDE YARD	30'	15'	INCREASE DEGREE OF NON CONFORMITY		
COMBINED SIDE YARDS	80'	40'	INCREASE DEGREE OF NON CONFORMITY		
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
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: 12 X 10 SHED IN REAR YARD REQUIRES A PERMIT. LETTER SENT 1-2-2013

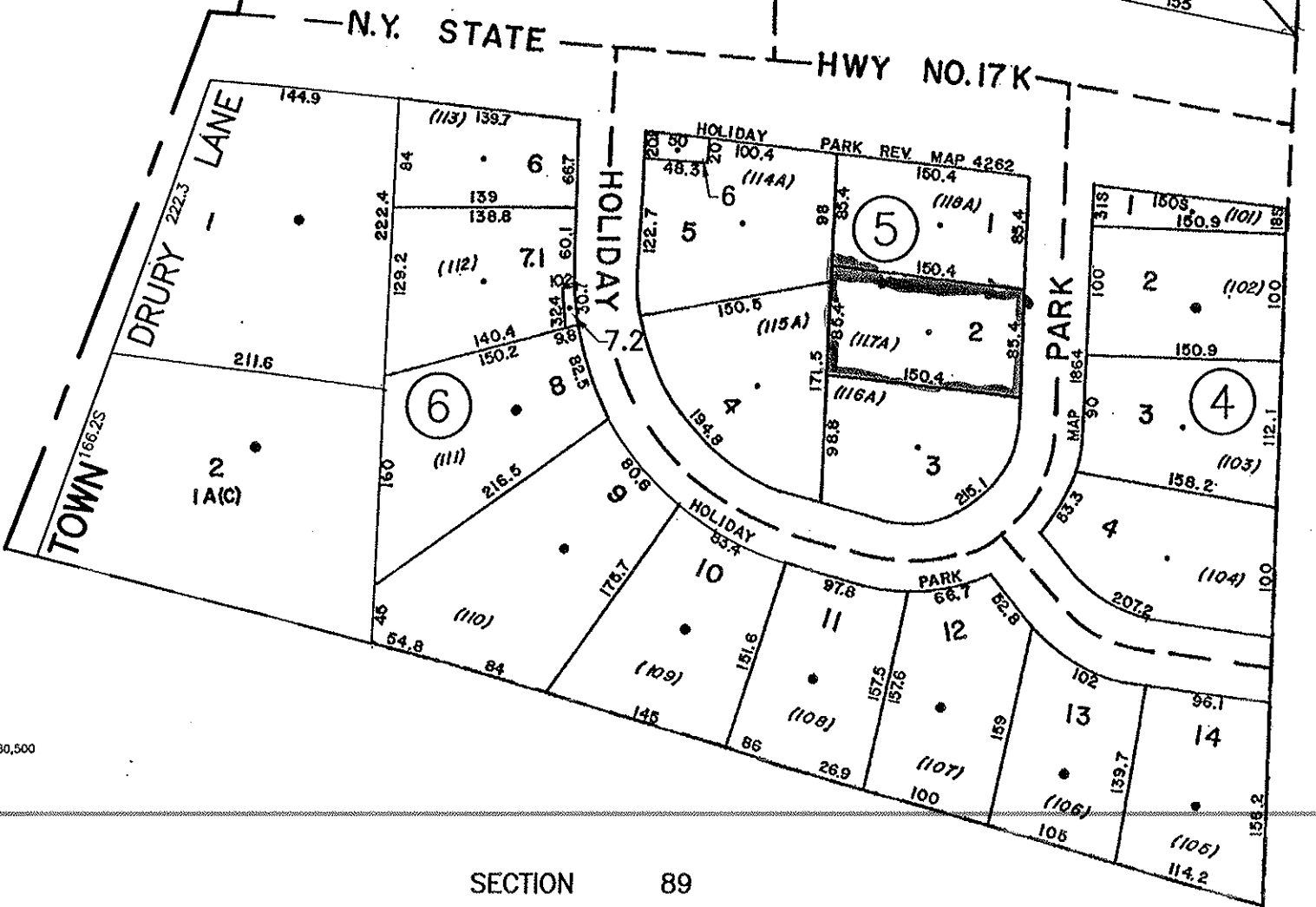
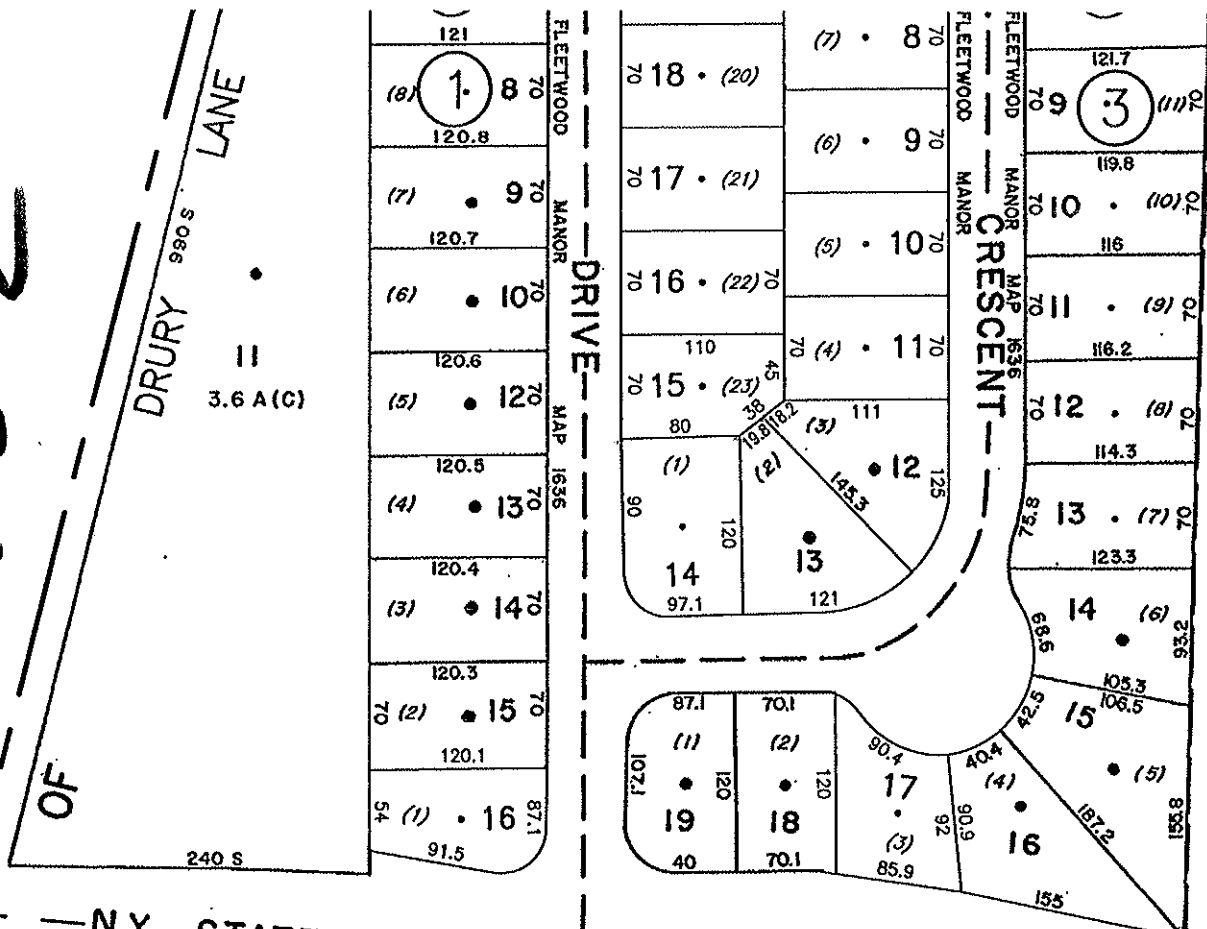
got permit & c.o.  
 1/8/13 C.O. # 16870

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1 SHALL NOT INCREASE DEGREE NON CONFORMITY (ONE SIDE YARD)
- 2 185-19-C-1 SHALL NOT INCREASE DEGREE NON CONFORMITY (COMBINED SIDE YARD)
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA      DATE: 2-Jan-13

Perez  
8 Holiday Park  
88-5-2



180,500