



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: 14-1-50.12
(Section-Block-Lot)

Local File #: 2283-12

Project Name:

Applicant: Glenn Sammarco

Address: 1306 Union Avenue Newburgh NY

Attorney, Engineer, Architect: Coppola

Location of Site: 1306 Union Avenue - Chapel I-87
(Street, highway, nearest intersection)

Size of Parcel: 87000 Existing Lots: Proposed Lots/Units

Present Zoning District: R-2

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU):

AREA (AV): MAX height, MAX Allowed 58 Ft, MAX 4 CARS

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch

Preliminary

Final

DATE: 5/14/12

Shou Cardone

Chairperson, 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: May 1, 2012

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

I (WE) Glenn Sammarco PRESENTLY

RESIDING AT NUMBER 1306 Union Avenue Extension, Newburgh, NY 12550

TELEPHONE NUMBER 845-728-3431

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:

14-1-50.12 (TAX MAP DESIGNATION)

1306 Union Avenue (STREET ADDRESS)

R-2 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-15-A-4: Maximum of 680 sf of total accessory building

185-15-A-1: Maximum height of 15'-0"

Bulk Table: Maximum (4) vehicles

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: April 11, 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 variances to construct a new detached 20'-0" x 32'-0" garage

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:

The proposed garage is only 17'-9" high and will not be higher than the existing house or any neighboring properties.

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:

The interior height of a 12'-0" all is needed.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The height requirement is 15'-0". We are asking for 2'-9" above.

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

Drainage will not be substantially increased

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The zoning ordinance has not changed regarding the height of accessory structures since the owner purchased the property.

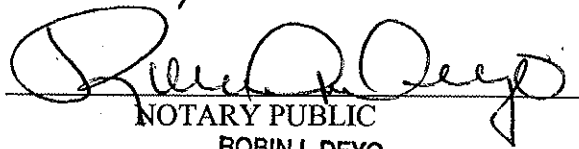
1. ADDITIONAL REASONS (IF PERTINENT):

We do not agree with the Building Departments denial letter for four (4) vehicles. The maximum number of vehicles in the proposed structure is two (2). There is an existing single car garage in the main house one (1).


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 17th DAY OF April 20 12



NOTARY PUBLIC
ROBIN I. DEYO
Notary Public, State of New York
Qualified in Orange County
Registration No. 01DE6155801
Commission Expires November 20, 20 14

There is a 2nd garage in the house which has been converted to storage - the overhead door has been removed and a Building Permit has been applied for.

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.

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Glenn Sammarco, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 1306 Union Avenue Extension
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 1306 Union Avenue Ext.
Newburgh, NY 12550

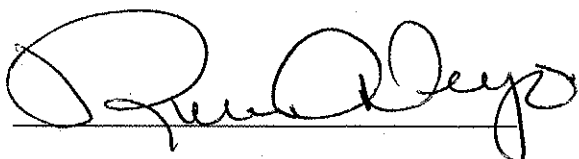
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Coppola Associates
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4/17/12 

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 17th DAY OF April 20 12

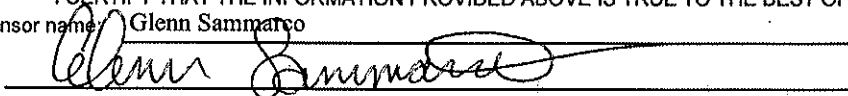


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Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR GLENN SAMMARCO	2. PROJECT NAME GLENN SAMMARCO GARAGE
3. PROJECT LOCATION: Municipality TOWN OF NEWBURGH County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) NORTH SIDE OF UNION AVENUE EXTENSION, 300'+/- SOUTH OF CHAPEL ROAD	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: GARAGE 20 X 32	
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	
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:	
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:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name Glenn Sammarco	Date: 4/17/12
	

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:

None

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

None

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

None

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:

None

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

None

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

None

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

None

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. 2283-12

Date: April 11, 2012

To: GLENN SAMMARCO

SBL 14-1-50.12

1306 UNION AVENUE

ADD: 1306 UNION AVENUE

NEWBURGH, NY 12550

ZONE R-2

PLEASE TAKE NOTICE that your application dated March 27,

20 12 for permit to build an accessory building (20 x 32 x 17' 9")

At the premises located at 1306 Union Avenue

Is returned herewith and disapproved on the following grounds:

185 - 15 - A - 4 -

THE FORMULA ALLOWS A MAXIMUM OF 680 SQ. FT. OF TOTAL ACCESSORY BUILDINGS.

185 - 15 - A - 1 -

ALLOWS A MAXIMUM HEIGHT OF 15 FT. FOR ACCESSORY BUILDINGS.

BULK TABLE - SCHEDULE 4 - COLUMN A -

ALLOWS NOT MORE THAN (4) FOUR VEHICLES.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES **NO**

2283-12

NAME: GLENN SAMMARCO

ADDRESS: 1306 UNION AVE NEWBURGH NY 12550

PROJECT INFORMATION:

TYPE OF STRUCTURE: 20' X 32' X 17'-9" ACCESSORY BUILDING

SBL: 14-1-50.12 **ZONE:** R / 2

TOWN WATER: **YES**

TOWN SEWER: **NO**

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
ACCESSORY S.F.	680 S.F.		880 S.F.	200 S.F.	29.5%
4 CAR MAX. STORAGE	(1) CAR IN DWELLING & (4) CAR NEW STRUCTURE = 5 TOTAL				
MAX. BUILDING HEIGHT	15'		17'-9"	2'-9"	18.4%
BUILDING COVERAGE	OK				
SURFACE COVERAGE	OK				

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**
 FRONT YARD - 185-15-A -----
 STORAGE OF MORE THEN 4 VEHICLES ----- **YES**
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- **YES**
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 -----

NOTES: HAS 4 PENDING APPLICATION FOR PRIOR BUILT 96 SF SHED, 144 SF SHED, COVERED REAR DECK, CONVERTED 1/2 OF BASEMENT GARAGE.

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 THE FORMULA ALLOWS A MAXIMUM OF 680 SF OF TOTAL ACCESSORY BUILDINGS
- 2 185-15-A-1 ALLOWS A MAXIMUM HEIGHT OF 15' FOR ACCESSORY BUILDINGS.
- 3 BULK TABLE SCHEDULE 4 COLUMN A NOT MORE THEN 4 VEHICLES.
- 4 _____

REVIEWED BY: JOSEPH MATTINA **DATE:** 11-Apr-12

ACCESSORY STRUCTURE SQUARE FOOTAGE BY FORMULA

PER THE TOWN OF NEWBURGH MUNICIPAL CODE
SECTION 185-15(4) - ACCESSORY BUILDINGS

(4) An accessory use to a principal residential use, as listed in Article IV, Schedules of District Regulations, Use Table, Column A, that is housed within an accessory building shall be limited to a maximum of 1,000 square feet or to a lower number as may be determined by the following formula:

FORMULA:

$$\frac{A+(B \times C)}{100} = D$$

A - GROSS AREA OF LOT IN SQUARE FEET

B - LIVABLE FLOOR AREA OF RESIDENCE IN SQUARE FEET

C - MINIMUM REQUIREMENT IN THE ZONING DISTRICT FOR ONE SIDE YARD, IN FEET

D - TOTAL SQUARE FOOTAGE PERMITTED FOR ALL ACCESSORY BUILDINGS

A= 37,672.00 SF

B= 2,024.00 SF

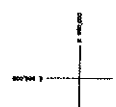
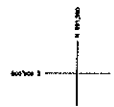
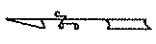
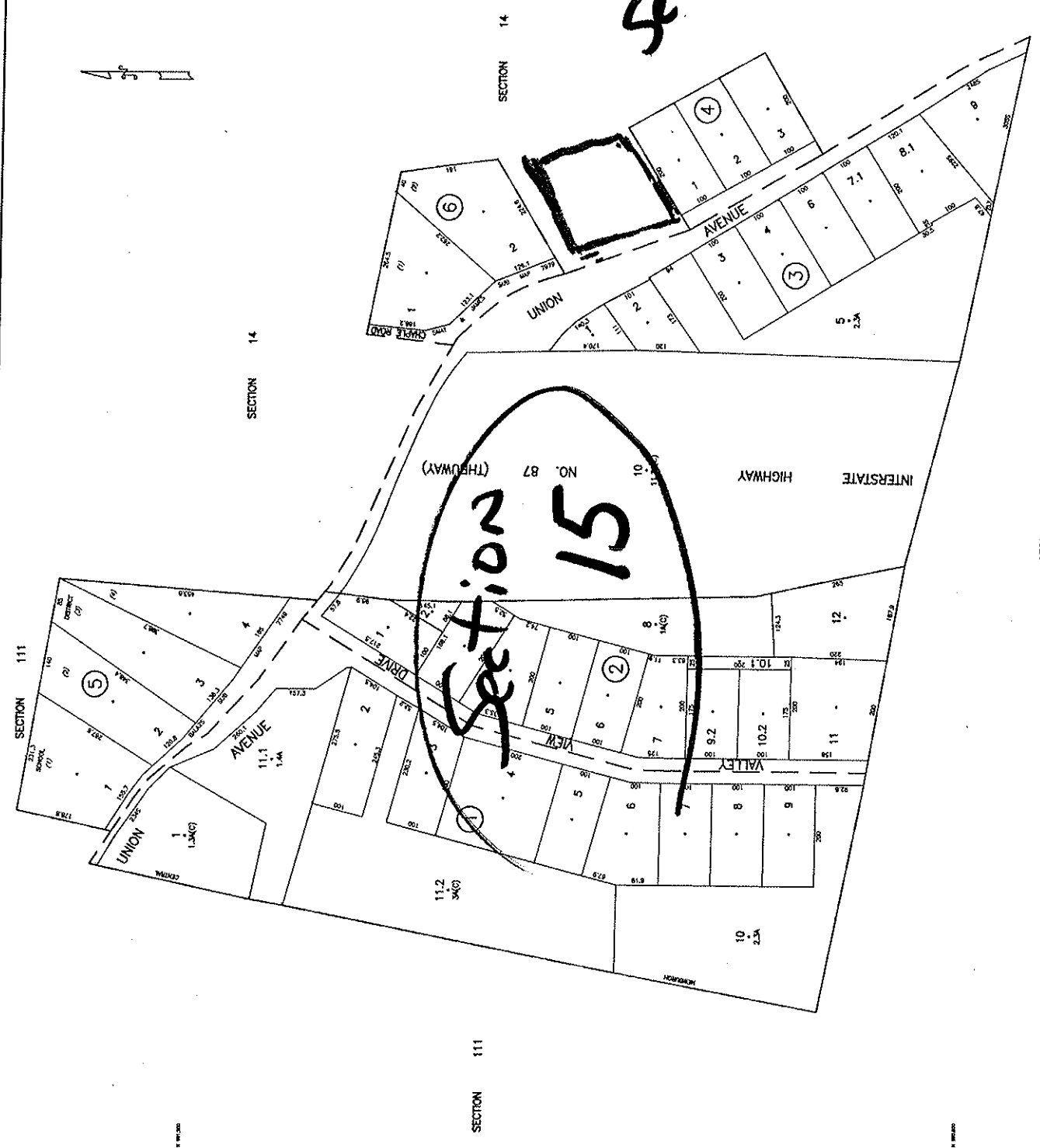
C= 15.00 FEET

D= 680.32 SF OR 1,000 SF WHICHEVER IS LESS IS PERMITTED.





See Section 14
TAX MAP



SECTION 111

SECTION 14

SECTION 111

SECTION 14

SECTION 34