



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: 04/09/2019

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

I (WE) SUSAN SCHULZ PRESENTLY

RESIDING AT NUMBER 9 BENS WAY

TELEPHONE NUMBER 845-401-6383

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:

40-1-8 (TAX MAP DESIGNATION)

9 BENS WAY (STREET ADDRESS)

R-3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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-2, 185-119-C-1



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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: 04/02/2019
- 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: Requesting area variances for

maximum lot surface coverage, & side yard setbacks, AND REAR SIDE setbacks AND PROPERTY line.

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 deficiencies are existing and are consistent with many of the homes in the neighborhood which have similar conditions.

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:

There is not enough land area on the parcel to accommodate the need for the minimal amount of additional storage and recreational area.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The variances sought are all existing deficiencies. The variances do not produce an undesirable change to the neighborhood and are in character with many of the lots and buildings in the area.

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 non-conformities are existing, do not pose a threat to the environment, represent a common need, and are visually appealing.

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

There is a common need for additional recreational and storage area in general, and the non-conformities to the current zoning bulk regulations are pre-existing for the residence and drive.



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7. ADDITIONAL REASONS (IF PERTINENT):

There is a generic need today for additional storage area, living space, and recreational areas. The addition of the enclosed porch, accessory building, and deck are consistent with those needs.

Susan Schuetz

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9 DAY OF April 2019

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

Joseph P. PEDI

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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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Susan Schulz, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 9 Bens Way - Newburgh
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot 40-1-8
aka 9 Bens Way as described in Liber 2583 at Page 275 of Deeds.

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, LLS
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: APR 09 2019 Susan Schulz
OWNER'S SIGNATURE

Sal Marcontonio
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9 DAY OF April 2019

JOSEPH P. PEDI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PE6370913
Qualified in Orange County
Commission Expires February 12, 2022

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OFFICE OF ZONING BOARD
(845) 566-4901

ENCLOSURES: SUBMIT ALL ITEMS TOGETHER

- * RECEIPT(S) ISSUED BY THE TOWN CLERK
(SEE 1-1-2017 FEE SCHEDULE) (X)
- BUILDING INSPECTOR'S DISAPPROVAL (X)
OR REFERRAL LETTER FROM PLANNING BOARD
- PLOT PLAN, ELEVEN (11) COPIES DRAWN
TO SCALE (X)
- * DEED OR CERTIFIED COPY THEREOF (X)
- * ASSESSOR'S LIST OF PROPERTY OWNERS
WITHIN 500 FEET OF PROPERTY (X)
- FOUR PHOTOGRAPHS TAKEN AT DIFFERENT
ANGLES (X)
- * ZONING BOARD APPLICATION WITH SHORT
ENVIRONMENTAL ASSESSMENT FORM (X)
- * PROXY OR STATEMENT FOR REPRESENTATION
THEREOF (X)
- SEPTIC DESIGN BY P.E. (IF APPLICABLE) ()
- PERCULATION TEST (IF APPLICABLE) ()

*** ORIGINALS ARE REQUIRED.**

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).

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.

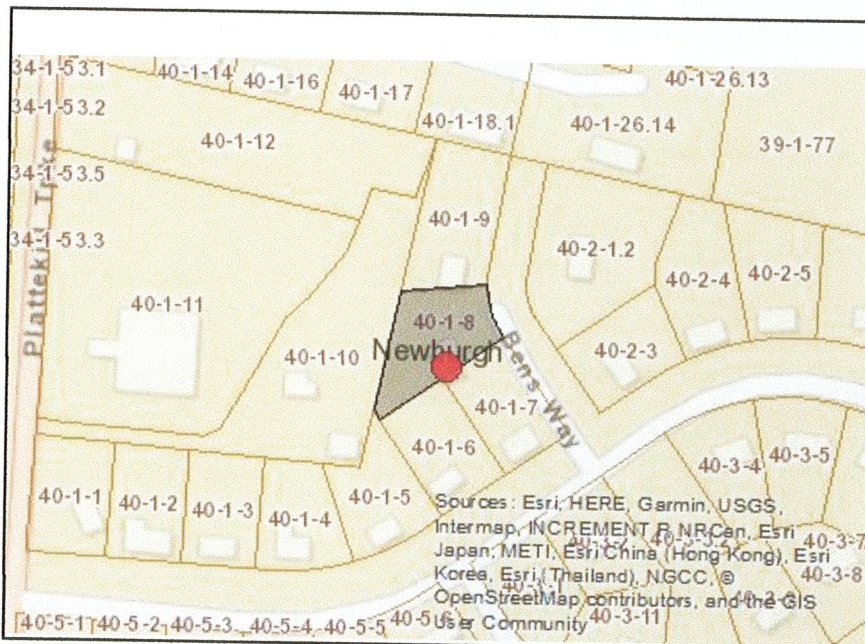
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|--|--|---|---|
| Name of Action or Project: Schultz Request For Variance - Town of Newburgh - Zoning Board of Appeals | | | |
| Project Location (describe, and attach a location map): 9 Bens Way - Newburgh, NY 12550 | | | |
| Brief Description of Proposed Action: Request for Area Variances: Yard Setbacks and Surface Coverage | | | |
| Name of Applicant or Sponsor: Jonathan N, Millen, LLS | | Telephone: 914-906-8830 | |
| | | E-Mail: JMillenLLS@ACESsurveying.com | |
| Address: 1229 Route 300 - Suite 3 | | | |
| City/PO: Newburgh | | State: New York | 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 <input checked="" type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input checked="" type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | 0.407 acres | |
| b. Total acreage to be physically disturbed? | | 0.0 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 0.407 acres | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <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 | | | |

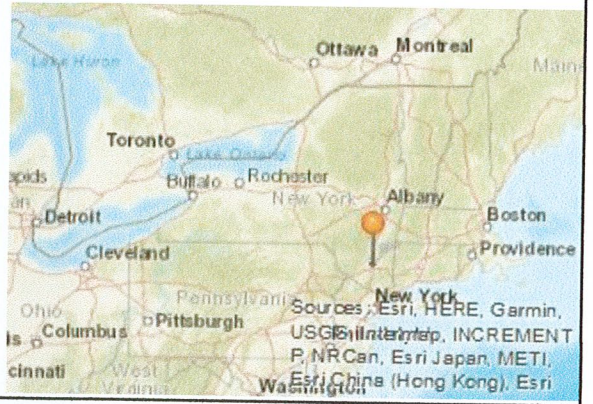
| 5. Is the proposed action, | NO | YES | N/A |
|--|-------------------------------------|-------------------------------------|--------------------------|
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? | NO | YES | |
| If Yes, identify: _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Are public transportation services available at or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? | NO | YES | |
| If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? | NO | YES | |
| If No, describe method for providing potable water: <u>Private Well</u> _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? | NO | YES | |
| If No, describe method for providing wastewater treatment: <u>Private Septic Disposal System</u> _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ | | | |

| | | |
|---|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: | | |
| <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 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 |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 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 |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jonathan N. Millen, LLS</u> Date: <u>04/09/2019</u> Signature: <u><i>Jonathan N. Millen</i></u> Title: <u>President</u> | | |

Jan

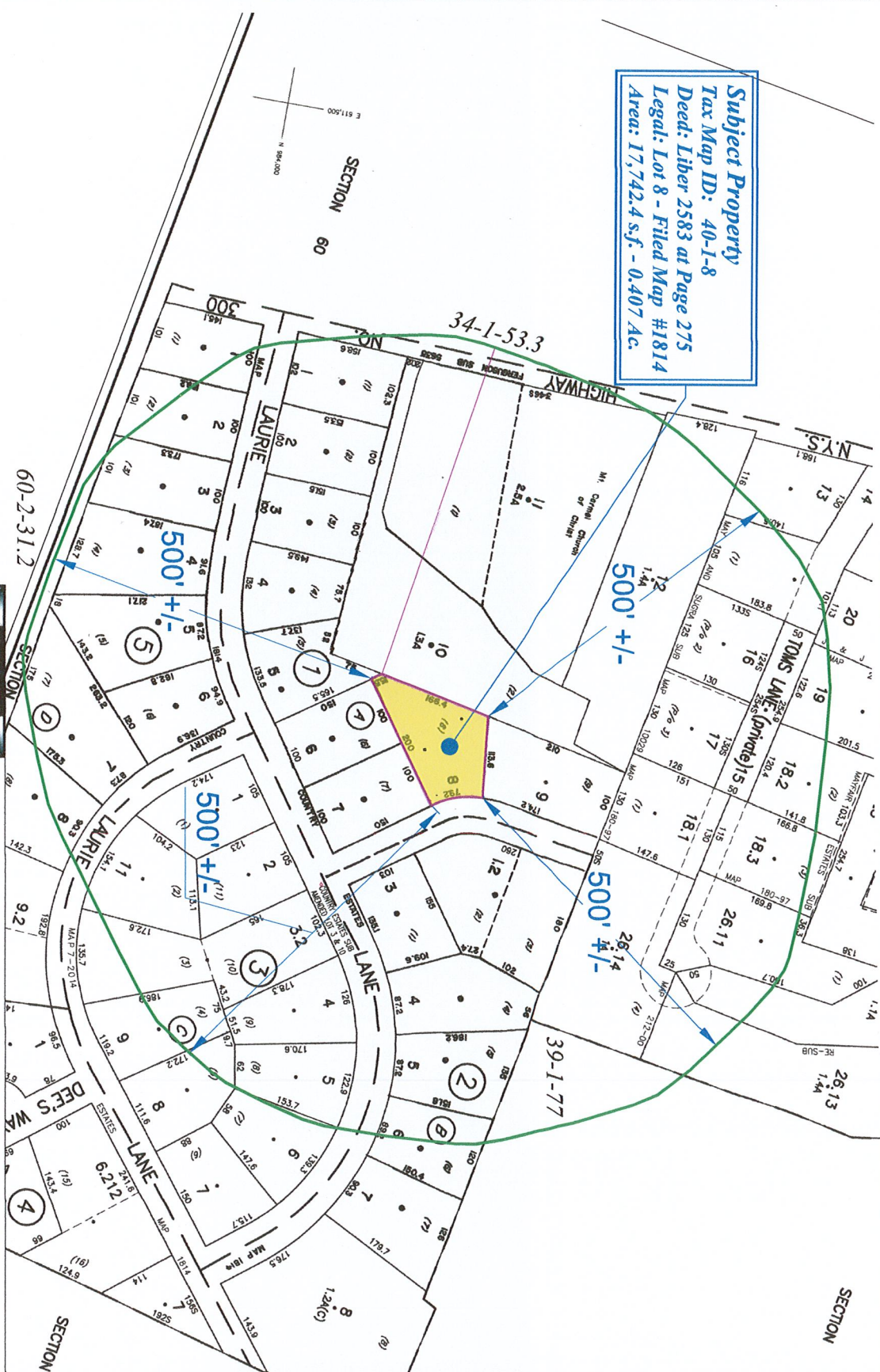


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

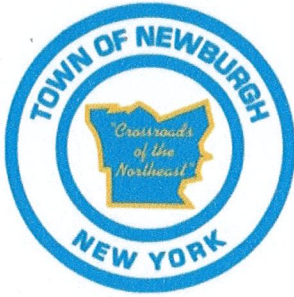


| | |
|---|-----|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | No |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |

Subject Property
 Tax Map ID: 40-1-8
 Deed: Liber 2583 at Page 275
 Legal: Lot 8 - Filed Map #1814
 Area: 17,742.4 s.f. - 0.407 Ac.



Area Variance Diagram All Tax Parcels win 500'
 Prepared for:
 Susan Schultz
 9 Bens Way
 Newburgh, NY 12550
 SBL: 40-1-18 Date: 04/08/2018
 BY: ACES/JONATHAN MILLEN, LLS - 845-943-7198



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

2747-19 A

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/02/2019

Application No. 19-0031

To: Susan Schultz
9 Bens Way
Newburgh, NY 12550

SBL: 40-1-8
ADDRESS: 9 Bens Way

ZONE: R3

PLEASE TAKE NOTICE that your application dated 01/15/2019 for permit to keep a 12' x 40' rear deck built without permits or approvals on the premises located at 9 Bens Way is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 5 / Requires a 30' minimum side yard setback
- 2) Bulk table schedule 5 / Requires a 80' combined side yard setback
- 3) Bulk table schedule 5 / Maximum allowed surface coverage is 30%


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: Susan Schultz **Building Application #** 19-0031

ADDRESS: 9 Bens Way

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 12' x 40' rear deck

SBL: 40-1-8 **ZONE:** R-3 **ZBA Application #** _____

TOWN WATER: YES / **NO**

TOWN SEWER: YES / **NO**

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|------------|----------|------------------|----------|---------------------|
| PROPERTY LINE | | | | | |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | | | | |
| ONE SIDE YARD | 30' | | 19.7' | 10.3' | 34.33% |
| COMBINED SIDE YARD | 80' | | 49.5' | 30.5' | 38.12% |
| MAX. BUILDING HEIGHT | | | | | |
| BUILDING COVERAGE | | | | | |
| SURFACE COVERAGE | 30%=5322.6 | | 37.1% 6602.8' | 7.1' | 23.66% |

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: **Garage, sunroom and rear deck all built prior to obtaining permits or approvals**

VARIANCE(S) REQUIRED:

- 1 Bulk table schdule 5 / Requires one side yard setback of 30' minimum. _____
- 2 Bulk table schedule 5 / Requires a combined side yard of 80' _____
- 3 Bulk table schedule 5 / Maximum lot surface coverage is limited to 30% _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 2-Apr-19



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CODE COMPLIANCE DEPARTMENT

308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2747-19 b

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/02/2019

Application No. 19-0030

To: Susan Schultz
9 Bens Way
Newburgh, NY 12550

SBL: 40-1-8
ADDRESS: 9 Bens Way

ZONE: R3

PLEASE TAKE NOTICE that your application dated 01/15/2019 for permit to keep a 12' x 20' rear screened in room built without approvals or permits on the premises located at 9 Bens Way is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) Bulk table schedule 5 / Requires a 40' rear yard setback.
- 2) Bulk table schedule 5 / Maximum allowed surface coverage is 30%


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: Susan Schultz Building Application # 19-0030

ADDRESS: 9 Bens Way

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 12' x 20' Rear screened porch

SBL: 40-1-8 ZONE: R-3 ZBA Application # _____

TOWN WATER: YES / **NO**

TOWN SEWER: YES / **NO**

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|------------|----------|------------------|----------|---------------------|
| PROPERTY LINE | | | | | |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | | | | |
| REAR YARD | 40' | 26.8' | | 13.2' | 32.99% |
| SIDE YARD | | | | | |
| MAX. BUILDING HEIGHT | | | | | |
| BUILDING COVERAGE | | | | | |
| SURFACE COVERAGE | 30%=5322.6 | | 37.1% 6602.8' | 7.1' | 23.66% |

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: **Garage, sunroom and rear deck all built prior to obtaining permits or approvals**

VARIANCE(S) REQUIRED:

- 1 Bulk table schdule 5 / Requires a 40' minimum rear yard setback _____
- 2 Bulk table schedule 5 / Maximum lot surface coverage is limited to 30% _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

DATE: 2-Apr-19



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CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

2747-19

C

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/02/2019

Application No. 19-0032

To: Susan Schultz
9 Bens Way
Newburgh, NY 12550

SBL: 40-1-8
ADDRESS: 9 Bens Way

ZONE: R3

PLEASE TAKE NOTICE that your application dated 01/15/2019 for permit to keep a 12' x 20' accessory building installed without permits or approvals on the premises located at 9 Bens Way is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-15-A-2 / Accessory buildings shall setback 5' from the rear lot line.
- 2) Bulk table schedule 5 / Maximum allowed surface coverage is 30%


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: Susan Schultz **Building Application #** 19-0032

ADDRESS: 9 Bens Way

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: 20' x 12' Accessory building

SBL: 40-1-8 **ZONE:** R-3 **ZBA Application #** _____

TOWN WATER: YES / **NO**

TOWN SEWER: YES / **NO**

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | VARIANCE PERCENTAGE |
|----------------------|------------|--|-----------------|----------|---------------------|
| PROPERTY LINE | 5' | | 2.8' | 2.2' | 44.00% |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | Also see applications 19-0030 and 19-0031 for additional surface coverage variance | | | |
| REAR YARD | | | | | |
| SIDE YARD | | | | | |
| MAX. BUILDING HEIGHT | | | | | |
| BUILDING COVERAGE | | | | | |
| SURFACE COVERAGE | 30%=5322.6 | | 37.1% 6602.8 | 7.1% | 23.66 |

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: **Garage, sunroom and rear deck all built prior to obtaining permits or approvals**

VARIANCE(S) REQUIRED:

- 1 185-15-A-2 / Shall set back 5' from rear lot line
- 2 Bulk table schedule 5 / Maximum lot surface coverage is limited to 30%
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 2-Apr-19





03/09/2019 12:08



03/09/2019 12:09



03/09/2019 12:08

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Susan Schultz, being duly sworn, depose and say that I did on or before

April 11, 2019, post and will thereafter maintain at

9 Ben's Way 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.

Susan Schultz

Sworn to before me this 10

day of April, 2019.

Joseph P. PEDI
Notary Public

| |
|--|
| JOSEPH P. PEDI NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PE6370913 Qualified in Orange County Commission Expires February 12, 2022 |
|--|

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



TOWN OF NEWBURGH

Council of the Board
Serving the People
100 South Street
Newburgh, New York 12550

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 145-55A (1) of the Zoning Ordinance of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 25th day of April, 2019 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Susan Schultz for an area variance of an lot 12' x 40' one deck with one side level of 10.7' where 10' is required and maximum side yards of 45' where 50' is required (lot 12' x 20' one sided deck with a 10' front yard setback where 50' is required and lot 12' x 12' rearward building 2' E. of the property line where 2' is required and maximum building lot coverage of 33.3% where the maximum is 30%.

PREMISES LOCATED at 9 West 4th St. 40-1-A R-3 Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 11th day of April, 2019.

Susan Schultz
(APPLICANT)