



OFFICE OF ZONING BOARD  
(845) 566-4901

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

DATED: 2-11-2020

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

I (WE) CORINNE Smith PRESENTLY  
RESIDING AT NUMBER 50 Molloy Rd. Walkill N.Y.  
TELEPHONE NUMBER 917-515-9050

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

27-3-12 (TAX MAP DESIGNATION)  
14 FRANCIS ST. (STREET ADDRESS)  
R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

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: Feb-4-2020
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 2-4-20

4. DESCRIPTION OF VARIANCE SOUGHT: Relief from increase in non-conformity from Raising Pitch of Roof

~~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:

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**(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:

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

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~~X~~ THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

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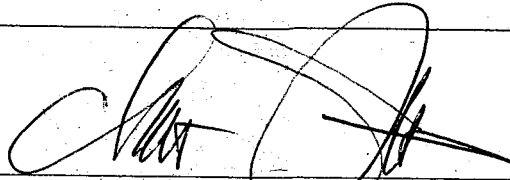
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6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:  
All Roofs in the Area are Pitched- this action will make the house more consistent with those in the neighborhood.
- 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 Area of the Roof is existing AND is sandwiched between two other sections of Pitched Roof.
- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:  
the Request will make the look of the house more consistent with other homes, will raise Property Value AND will be unnoticeable from the street.
- 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 Action is Aesthetic to the neighborhood eye and will not increase run off or have any other negative impact on the neighborhood.
- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:  
the house was constructed prior to the zoning AND sits at an odd angle to the street frontage.

7. ADDITIONAL REASONS (IF PERTINENT):

the Low Pitched Roof was unsightly AND Leaked  
Reducing the desirability of the home



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12<sup>TH</sup> DAY OF February 20 20



NOTARY PUBLIC

ARTE D ROSARIO

NOTARY PUBLIC-STATE OF NEW YORK

No. 01RO6369800

Qualified in Orange County

My Commission Expires 01-22-2022

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)

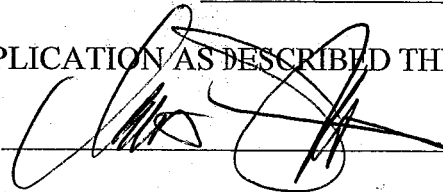
TOWN OF NEWBURGH  
ZONING BOARD OF APPIALS

PROXY

CORINNE Smith, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 50 Malloy Rd. Walkill  
IN THE COUNTY OF ORANGE AND STATE OF N.Y.  
AND THAT HE/SHE IS THE OWNER IN FEE OF 14 Francis St.

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

DATED: \_\_\_\_\_



OWNER'S SIGNATURE

Caroline Kennedy

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12<sup>TH</sup> DAY OF February 20 20

Arte Rosario

NOTARY PUBLIC

ARTE D ROSARIO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RO6369800  
Qualified in Orange County  
My Commission Expires 01-22-2022

## Short Environmental Assessment Form

### Part 1 - Project Information

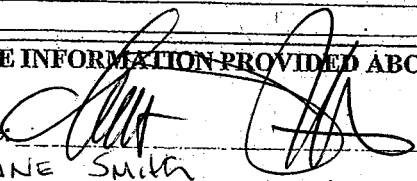
#### Instructions for Completing

**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: <b>AREA VARIANCE - B.P. APPLICATION to INCREASE PITCH of ROOF</b>			
Project Location (describe, and attach a location map): <b>14 FRANCIS ST.</b>			
Brief Description of Proposed Action: <b>VARIANCE to INCREASE PITCH of EXISTING ROOF</b>			
Name of Applicant or Sponsor: <b>COLINNE SMITH</b>		Telephone: <b>917-515-9050</b>	
Address: <b>50 MALLOY RD.</b>		E-Mail:	
City/PO: <b>WALKILL</b>		State: <b>N.Y.</b>	Zip Code: <b>12508</b>
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 governmental Agency? If Yes, list agency(s) name and permit or approval: <b>Building Permit</b>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>1.50</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>.50</u> acres	
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			



<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: </p> <p>Signature: <u>CORINNE SMITH</u></p>	<p>Date: <u>2-12-20</u></p>	



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:		
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

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



BOOK/PAGE: 14590 / 891  
INSTRUMENT #: 20190046738

Receipt#: 2673314  
Clerk: KP  
Rec Date: 07/08/2019 11:18:52 AM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 3  
Rec'd Frm: RUSK WADLIN HEPPNER &  
MARTUSCELLO

Party1: PAUL V. RADER LIVING TRUST  
Party2: SMITH CORINNE M  
Town: NEWBURGH (TN)  
27-3-12

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

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

*Ann G. Rabbitt*  
Ann G. Rabbitt  
Orange County Clerk

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 800.00

Sub Total: 800.00

Total: 985.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 10664  
Transfer Tax  
Consideration: 200000.00

Transfer Tax - State 800.00

Total: 800.00

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 July 8, 2019 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 February 13, 2020

Record and Return To:

CORINNE M SMITH  
PO BOX 358  
WALLKILL, NY 12589

**SCHEDULE A**

Title Company: Regency Abstract Services, LTD  
Title Number: 19REG-X2595

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 4 on a certain map entitled, "Map of Echo Hills Sub-Division, owned by Mrs. Lenora C. Churlo, situated in the Town of Newburgh, County of Orange and State of New York", made by Charles R. Woodhull, LS, and filed in the Office of the Orange County Clerk on 12/31/1949, *Being more particularly bounded and described as follows: \**

Being and intending to be the same premises conveyed in a deed dated March 4, 2019 from Paul V. Rader to Paul V. Rader and Suzanne J. Rader-Kinkel a/k/a S.J. Rader-Kinkel, as Trustees of the Paul V. Rader Living Trust dated March 4, 2019, and recorded in the Orange County Clerk's Office on March 27, 2019 in Liber 14545 of deeds at page 247. The said Paul V. Rader having died a resident of the Town of Newburgh, Orange County, New York on March 17, 2019, leaving the said Suzanne J. Rader-Kinkel a/k/a S.J. Rader-Kinkel as surviving Trustee.

Being known and designated as:  
14 Francis Street, Newburgh, New York 12550  
Section 27, Block 3, Lot 12

\* **BEGINNING** at a point on the northerly side of Francis Street, said point marking the southeast corner of the herein described parcel and the southwest corner of Lot 5, lands now or formerly Galloway (Liber 14194 cp 1676); thence running westerly along the northerly side of said Francis Street, North 64° 42' 30" West 123.29 feet and North 82° 48' 30" West 44.66 feet to a point marking the southwest corner of the herein described parcel and the southeast corner of Lot 3, lands now or formerly Fisher (Liber 4550 cp 302); thence running northerly along the easterly line of said Lot 3, North 26° 12' 00" East 146.33 feet to a point marking the northwest corner of the herein described parcel and the southerly line of Lot 9, lands now or formerly Flinn (Liber 1809 cp 910); thence running easterly along the same in part, and along the southerly line of lands now or formerly Digeso (Liber 14300 cp 994) and along the southerly line of lands now or formerly Gannon (Liber 14188 cp 352), South 62° 02' 00" East 169.42 feet to a point marking the northeast corner of the herein described parcel and the northwest corner of the aforementioned Lot 5; thence running southerly along the westerly line of said Lot 5, South 27° 58' 00" West 124.66 feet to the point or place of **BEGINNING**.





## 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

# 2823-20

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/04/2020

Application No. 20-0044

To: Corinne M. Smith  
P.O. Box 358  
Walkkill, NY 12589


SBL: 27-3-12  
ADDRESS: 14 Francis St

ZONE: R3

PLEASE TAKE NOTICE that your application dated 01/21/2020 for permit to construct pitch roof over existing flat roof of Master bedroom and four season room on the premises located at 14 Francis St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (Rear yard)

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**      **BUILT WITH OUT A PERMIT**      YES / **NO**

**NAME:** Corinne Smith      **Building Application #** 20-0044

**ADDRESS:** 14 Francis St. Newburgh NY 12550

**PROJECT INFORMATION:**      **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:** Changing from flat to pitched roof

**SBL:** 27-3-12      **ZONE:** R-3      **ZBA Application #** 2823-20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD	40'	19.7'	Increasing the degree of non-conformity		
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:** The dwelling is existing non-conforming.

**VARIANCE(S) REQUIRED:**

- 1 185-19-C-1: Shall not increase the degree of non-conformity
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

**REVIEWED BY:** Joseph Mattina      **DATE:** 4-Feb-20



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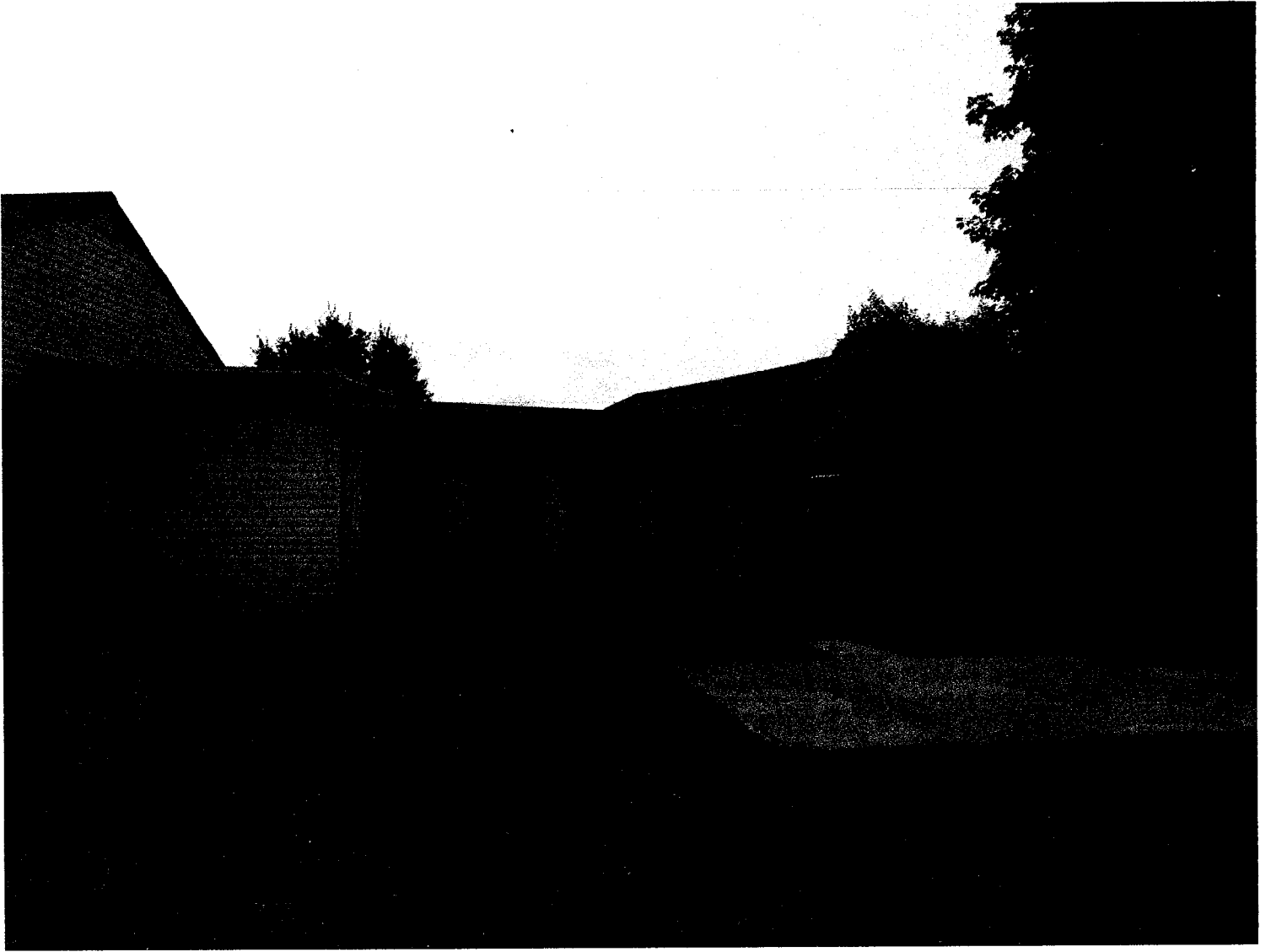




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2/13/2020





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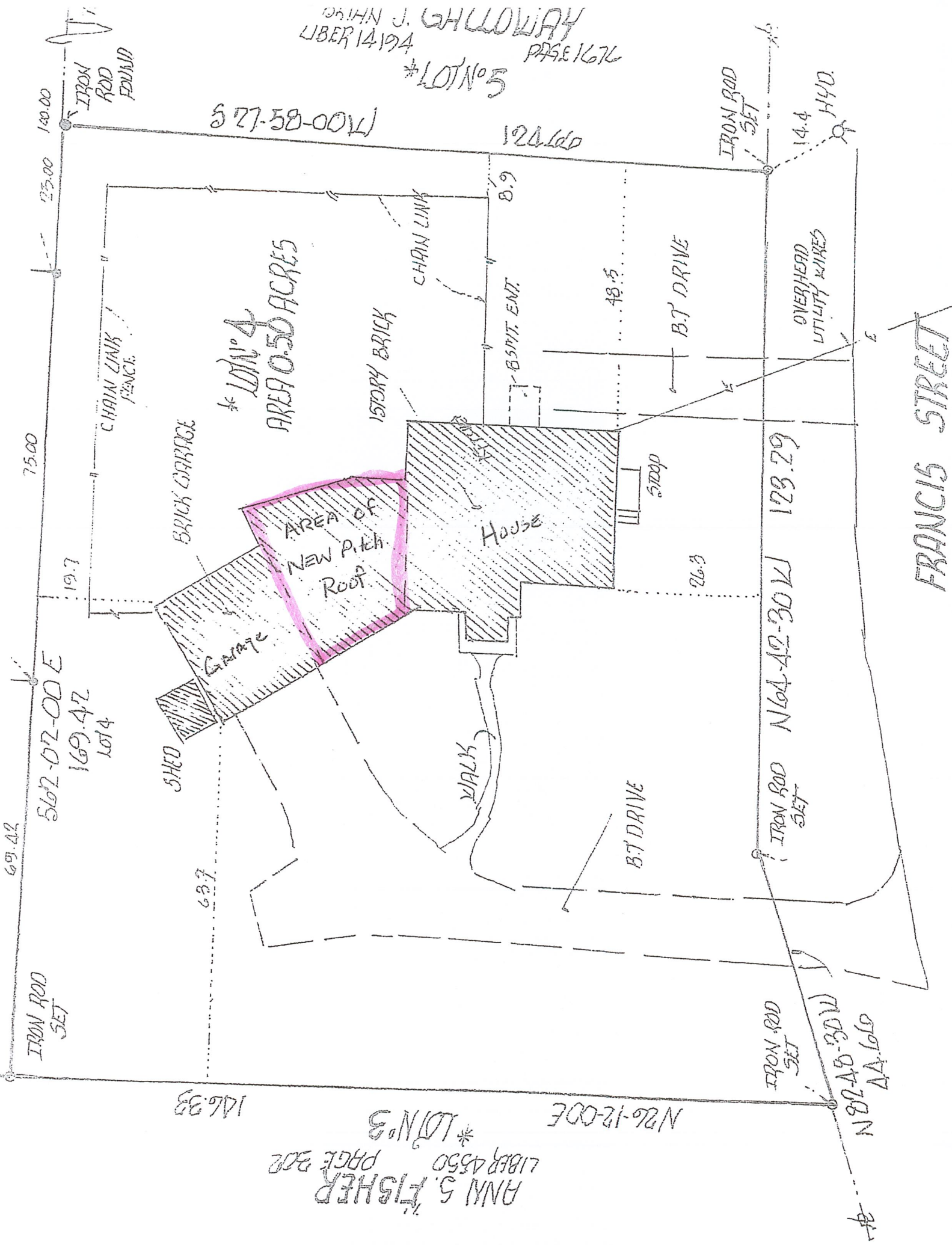


Left Side



DR. HAN J. GILLOWAY  
LIBER 14194 PAGE 167L  
\*LOT N° 5

ANN S. FISHER  
LIBER 4550 PAGE 202  
\*LOT N° 3



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Timothy Dexter, being duly sworn, depose and say that I did on or before

February 13, 2020, post and will thereafter maintain at

14 Francis St 27-3-12 R3 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.

Timothy P. Dexter

Sworn to before me this 13th

day of February, 2020.

[Signature]

Notary Public



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

