

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: July 31, 2013

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

I (WE) PAUL SWEETMAN PRESENTLY

RESIDING AT NUMBER 509 CENTER STREET, NEWBURGH, N.Y. 12550

TELEPHONE NUMBER 845-564-9312 CELL PHONE 845-522-1279

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:

SBL 38-3-7 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

TOWN OF NEWBURGH MUNICIPAL CODE, BULK TABLE
SCHEDULE 5

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: 07/25/2013
- 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 VARIANCE FRONT YARD SET BACK 32 FEET

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 NEW PORCH 4' X 12' WITH ACCOMPANIED
8' X 8' VERSA-LOK WALL BLOCK PLANTERS WILL
BE PLACED OVER EXISTING CONCRETE SLAB.

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:

FRONT PORCH AND STAIRS ARE NECESSARY
TO MAINTAIN NEW HOMEOWNER'S INSURANCE
POLICY. OLD CONCRETE STAIRS WERE REMOVED BY
HOMEOWNER DUE TO SPALLING FROM PRIOR OWNERS
USE OF ROCK SALT.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

NEW FRONT PORCH WILL NOT ^{INCREASE IN} DISTANCE FROM
HOUSE OF EXISTING CONCRETE SLAB.

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

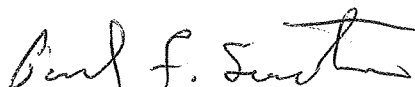
BECAUSE ALL CODES, PERMITS AND INSPECTIONS
WILL BE ADHERED TO AND OBTAINED BY CONTRACTOR
ALL DEBRIS WILL BE REMOVED BY CONTRACTOR

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

REMOVAL OF OLD CONCRETE FRONT STEPS WERE
NECESSITATED BECAUSE OF CONCRETE SURFACE
DETERIORATION CAUSED BY WEATHERING

7. ADDITIONAL REASONS (IF PERTINENT):

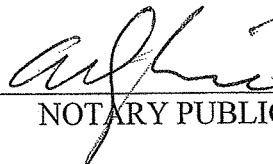
NEW HOMEOWNERS INSURANCE POLICY
EFFECTIVE 05/22/2013 REQUIRES
STEPS AND RAMPAGE AT FRONT ENTRANCE



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS FIFTH DAY OF AUGUST 2013



NOTARY PUBLIC

ANDREW J. ZARUTSKIE
 Notary Public, State of New York
 No. 01ZA4502524
 Qualified in Orange County
 Commission Expires Nov. 30, 2013

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 PAUL SWEETMAN	2. PROJECT NAME
3. PROJECT LOCATION: Municipality TOWN OF NEWBURGH County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 509 CENTER STREET NEWBURGH, N.Y. 12550	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: BUILD 4'x12' FRONT PORCH WITH STAIRS TO GRADE, BORDERED ON NORTH AND SOUTH BY 8'x8' CST VERSA-LOK STAINED FINISH WALL BLOCK, 2 COURSES HIGH WITH A CAP COURSE	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.31</u> 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: SINGLE FAMILY HOMES	
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: PAUL SWEETMAN Date: 08/31/2013 Signature: <i>Paul Sweetman</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)

Reset

W/B



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

2371-03

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/25/2013

Application No. 13-0641

**To: Paul Sweetman
PO BOX 405
Plattekill, NY 12568**

**SBL: 38-3-7
ADDRESS: 509 Center St**

ZONE: R-3

PLEASE TAKE NOTICE that your application dated 07/10/2013 for permit to construct a 4' x 12' front porch on the premises located at 509 Center St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code, Bulk table schedule 5 requires a 40' minimum front yard.


Joseph Mattina

**Cc: Town Clerk & Assessor (500')
File**

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

NO

NAME: Paul Sweetman

2371-03

ADDRESS: PO Box 405 Plattekill NY 12568

PROJECT INFORMATION:

TYPE OF STRUCTURE: 4 X 12 FRONT PORCH @ 509 Center St. Newburgh NY 12550

SBL: 38-3-7 ZONE: R-3

TOWN WATER: YES

TOWN SEWER: NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	40'	36'	32'	8'	20.0%
REAR YARD					
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: uncovered 4' x 12' front porch

VARIANCE(S) REQUIRED:

- 1 Bulk table schedule 5 requires a 40' minimum front yard setback.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: Joseph Mattina

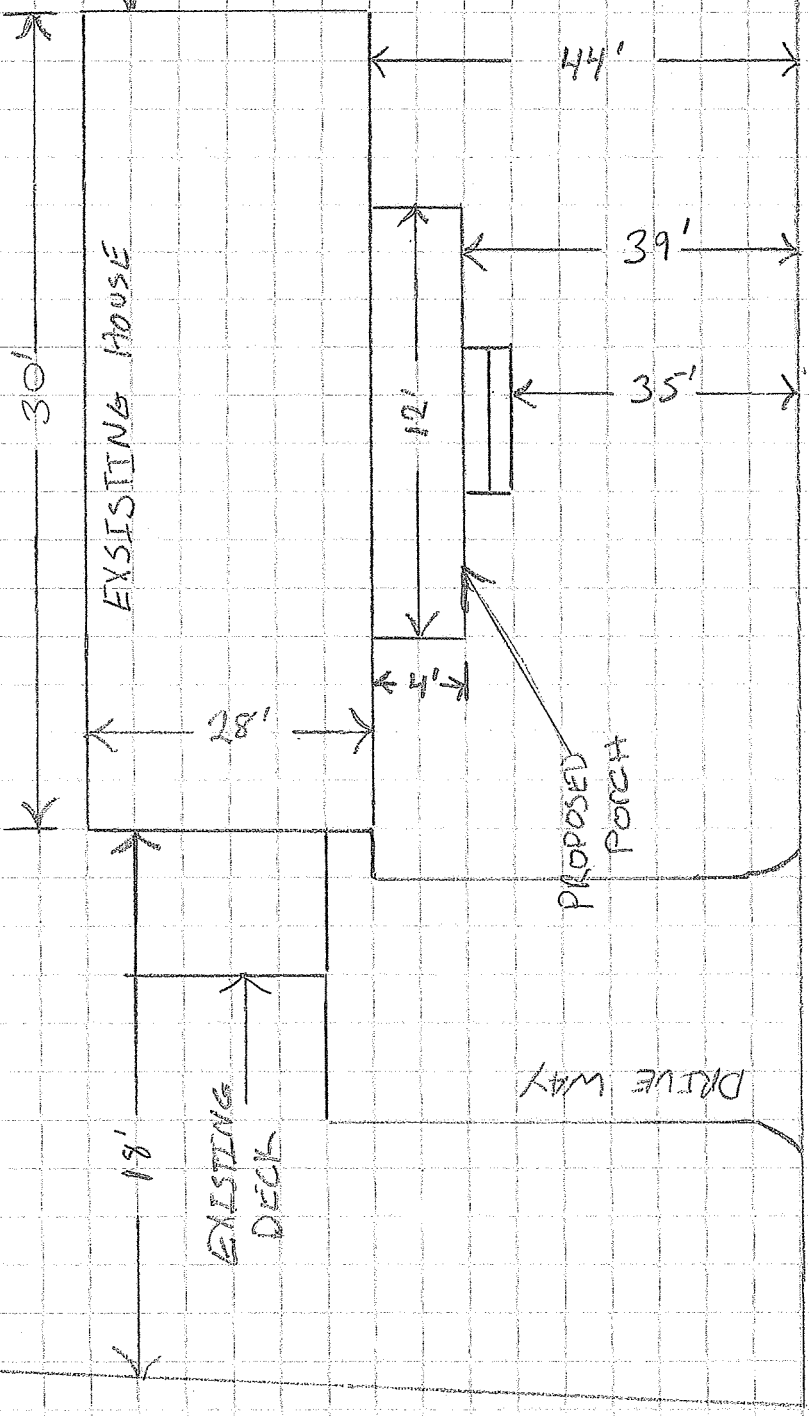
DATE: 25-Jul-13

NOT TO SCALE

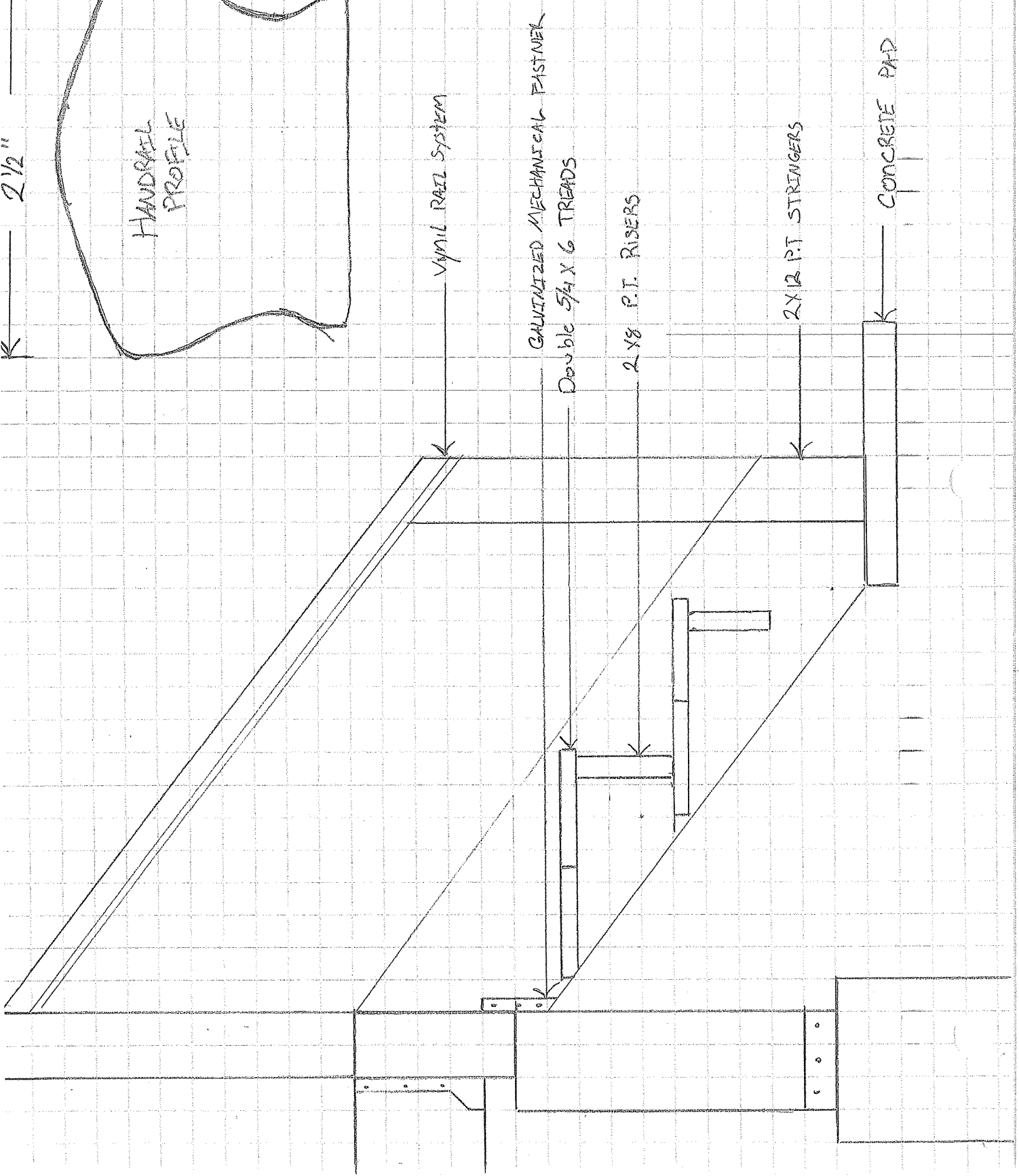
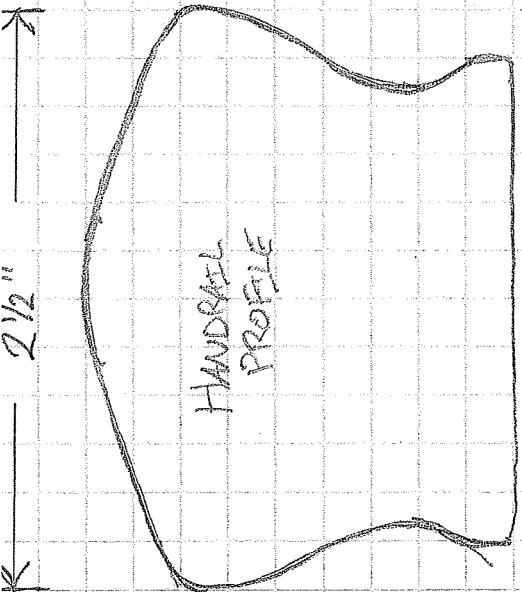
68.6'

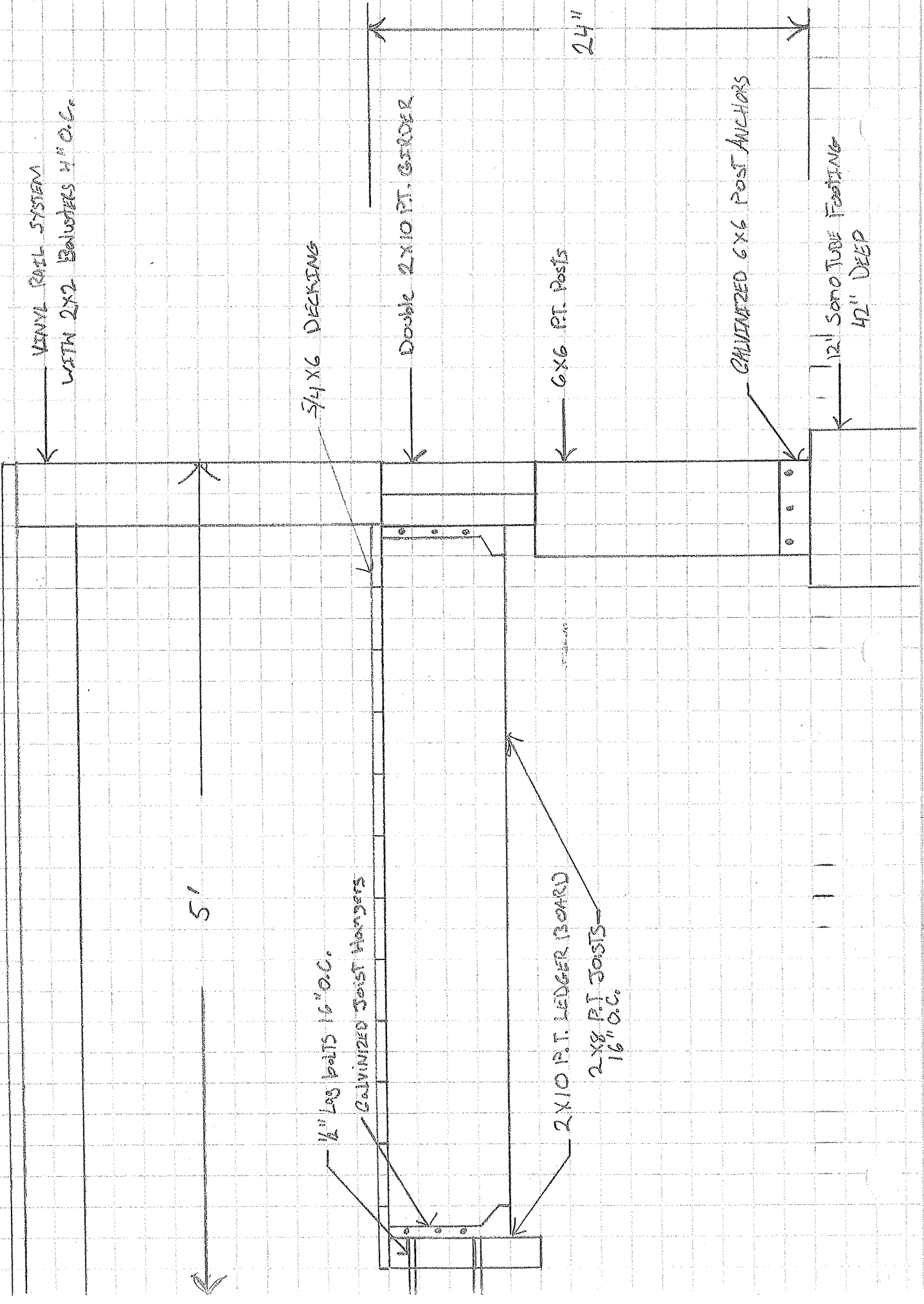
N

150'



CENTER STREET





VINYL RAIL SYSTEM
WITH 2x2 BALUSTERS 4" O.C.

5/4 X 6 DECKING

Double 2x10 P.T. GIRDER

6x6 P.T. Posts

GALVANIZED 6x6 POST ANCHORS

12" SQUARE FOOTING
42" DEEP

5'

24"

1/2" LAG BOLTS 16" O.C.
GALVANIZED JOIST HANGERS

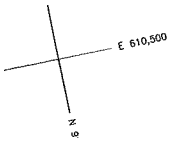
2x10 P.T. LEDGER BOARD
2x8 P.T. JOISTS
16" O.C.

Sweetman
509 Center Ave Street
38-3-7

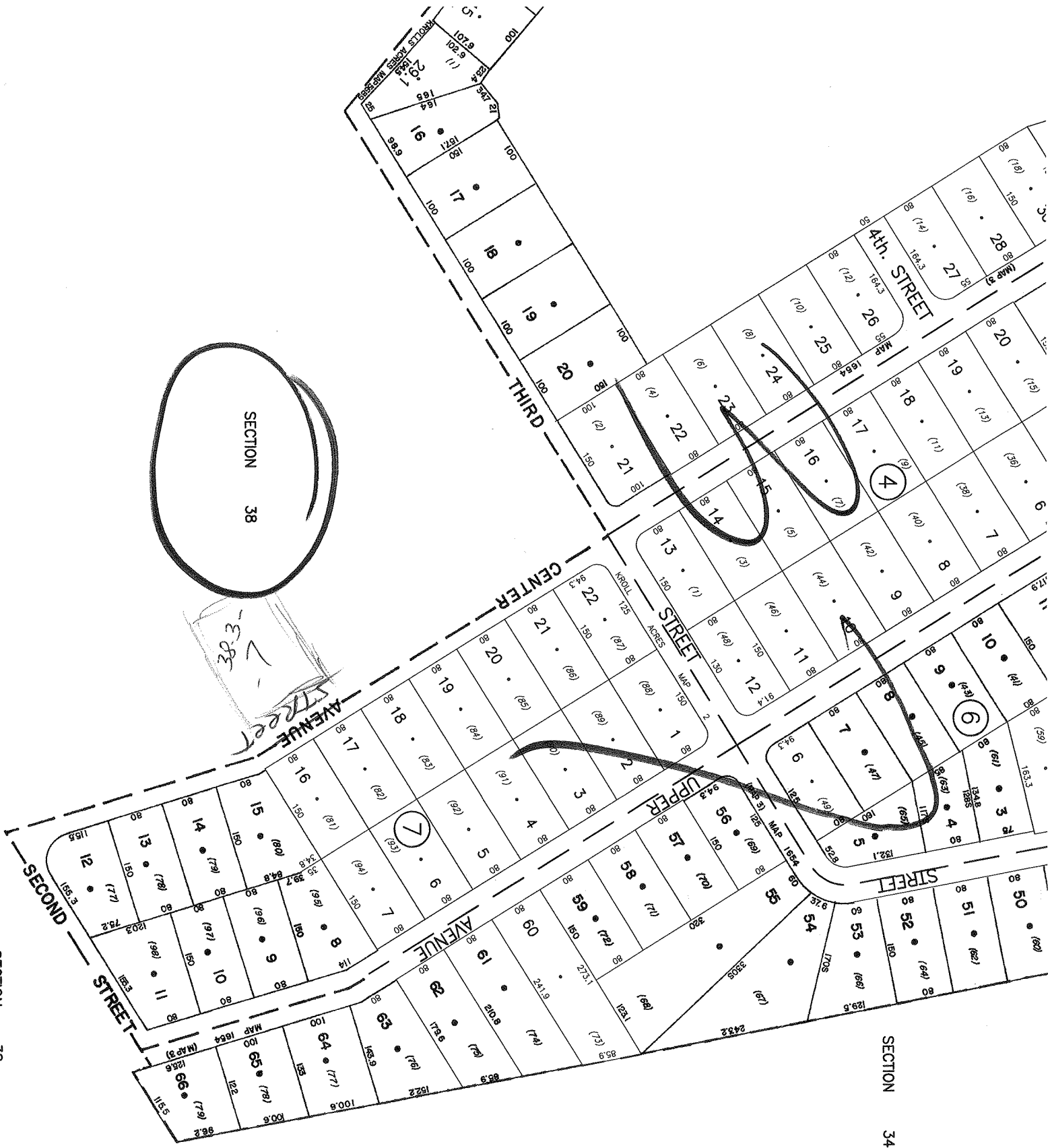
SECTION 37



SECTION 37
see next page



SECTION 18



SECTION 34

N 988.350

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 24th day of January, nineteen hundred and eighty-three,
BETWEEN JOSEPHINE INFELICE, residing at 509 Center Street,
Newburgh, New York 12550

Stamp
34 10

*Law original
8/5/13 Bf*

party of the first part, and **F** PAUL SWEETMAN, residing at 65 Burham Road,
Bronxville, New York 10708;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND NO/100 (\$10.00)-----dollars,

lawful money of the United States, and other good and valuable considerations paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, ~~with the buildings and improvements thereon, created,~~ situate,
lying and being in the Town of Newburgh, County of Orange and State of
New York, bounded and described as follows:

BEGINNING at a point, said point being the intersection of the
southerly line of lands now or formerly Angelli as described in
Liber 1200 page 242 being lot No. 57 on a certain map entitled
"Krolls Acres - Map #2" which said map was filed in the Orange
County Clerk's Office as Map No. 1450, with the Westerly line of
Center Avenue and running thence along said Westerly line of Center
Avenue, SOUTH 10° 11' 00" EAST 88.40 feet to lands now or formerly
of Kroll as described in Liber 1153 page 84 being Lot No. 59 on
aforesaid filed Map No. 1450; thence along said lands now or form-
erly Kroll SOUTH 87° 20' 00" WEST 151.30 feet; thence along lands
now or formerly Ridings as described in Liber 1361 page 393 being
Lot No. 36, Section A-Kroll Acres NORTH 10° 11' 00" WEST 68.61
feet; thence alongs lands now or formerly of said Angelli NORTH
79° 49' 00" EAST 150.00 feet to the point of beginning.

BEING a portion of the premises conveyed to William Kroll and
Walter Kroll by Ida Kroll by deed dated March 31, 1950 and record-
ed in the Orange County Clerk's Office in Liber 1153 of Deeds at
Page 84 on March 31, 1950, the said William Kroll having died
December 16, 1968, leaving him surviving his widow, Ida Kroll,
and she having thereafter been duly appointed as Executrix of
the Last Will and Testament of William Kroll by the Surrogate's
Court of the County of Orange, and she likewise being the sole
legatee under his said Last Will and Testament.

TOGETHER with the right to use in common with others having a right
to use the same streets and ways as set forth on said map and other
streets leading to Union Avenue.

SUBJECT to easements affecting said lands granted to public utility
companies now of record in the Office of the Clerk of the Orange
County, New York.

SUBJECT to the following covenants and restrictions which shall run
with the land:

- 1. That no part of said premises shall be used for any purpose

X 2

except for the purpose of dwelling and such other buildings thereon as are appurtenant for the use and occupation of said premises for residential purposes only and no business of any kind shall be conducted upon said premises, or any part thereof.

2. That no residence buildings shall be constructed on said premises or any part thereof, that shall in any case cost less than \$3,000.00.

3. That no poultry, hogs, cows or any other livestock shall be kept or maintained, nor shall any poultry house, chicken coop, pig sty, barn or stable, or outside toilets be erected, maintained or operated, nor shall any nuisance whatsoever be kept upon said premises, or any part thereof.

4. That no wall or fence exceeding two and a half feet in height shall be erected at any time at or upon any line or lines dividing the lots or plots within any part of this tract.

BEING the same premises conveyed by Walter Kroll to Josephine Infelice by deed dated January 17, 1983, and intended to be recorded simultaneously herewith in the Orange County Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF

.....
.....
.....
.....


Josephine Infelice L.S.

STATE OF NEW YORK, COUNTY OF ORANGE

On the 24th day of January, 1983, before me personally came JOSEPHINE INFELICE

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

[Signature]
Notary Public

STRAID FRESHERLINE
Notary Public, State of New York
Residing in Orange County
Commission Expires March 20, 1983

STATE OF NEW YORK, COUNTY OF

On the day of 1983, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

LIBER 2242 PG 1112

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

JOSEPHINE INFELICE

TO

PAUL SWEETMAN

SECTION
BLOCK
LOT
COUNTY OR TOWN

RETURN BY MAIL TO:

DANIEL BLOOM, ESQ
P.O. Box 477
NAILS GATE, NY
Zip No. 12584

34/0
13-
Feldman

Reserve this space for use of Recording Office.

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 1-25-83 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

Donna L. Benson 731-13
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

RECEIVED
\$ 34.10
REAL ESTATE
JAN 25 1983
TRANSFER TAX
ORANGE COUNTY

Orange County Clerk's Office, ss:
Recorded on the 24th day of January, 1983 at 11:09 AM
Clock
Examined
[Signature]