

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

12-26

OFFICE OF ZONING BOARD  
(845) 566-4901

## APPLICATION

DATED: 05-21-12

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

I (WE) James D. Turner PRESENTLY

RESIDING AT NUMBER 340 Lakeside Road Newburgh, N.Y.

TELEPHONE NUMBER 914-805-1477

12550

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:

28-3-5 (TAX MAP DESIGNATION)

340 Lakeside Rd. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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  
shall not increase the degree of non-conformity  
(Front yard setback)

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: 12-6-10
- 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: increase the degree of non-conformity (approx 8 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:

The house is quite unique and joining the two porches would actually make the house look better.

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

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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:

*The house is quite unique and joining the two porches would actually make the house look better.*

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:

*in order to connect the two porches we will be extending a non-conforming use.*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*it is only for aesthetic and usefulness of the porches.*

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

*It will actually make the house and property prettier hence enhancing the value of house and neighborhood.*

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

*It is not a hardship. The house was damaged by fire and we are now making it nicer and better.*

7.

ADDITIONAL REASONS (IF PERTINENT):

NONE

James D. Turner  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 21<sup>ST</sup> DAY OF MAY 20 12

A. Edward Paul  
NOTARY PUBLIC

A. EDWARD PAUL  
Notary Public, State of New York  
Exp. 01-31-2015  
Qualified in Rockland County  
Commission Expires May 22, 2012 2012

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.

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>James D. Turner</i>	2. PROJECT NAME <i>340 Lakeside Rd</i>
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>340 Lakeside Rd corner of Lakeside Rd. + Rayland Rd. across from Lakeview Howe Restaurant</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Replace front porch damaged from fire. Install new side porch. Join the two porches together. Non-conforming extension is 8ft. by 8ft.</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately <i>8ft. x 8ft.</i> 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 <i>increase the size of non-conformity by 8ft. by 8ft.</i>	
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: <i>James D. Turner</i> Date: <i>05-21-12</i> Signature: <i>James D. Turner</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: NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: will enhance aesthetic value of house

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats; or threatened or endangered species? Explain briefly: NO

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: NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO

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

05-2-12  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

owner  
\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

James D. Tuller  
\_\_\_\_\_  
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. 2208-9

Date: December 6, 2010

To: JAMES TURNER

SBL 28-3-5

340 LAKESIDE ROAD

ADD: 340 Lakeside Rd, Nbgh

NEWBURGH, NY 12550

ZONE R-1

PLEASE TAKE NOTICE that your application dated November 24,  
20 10 for permit to build a covered front porch

At the premises located at 340 Lakeside Road

Is returned herewith and disapproved on the following grounds:

**185 - 19 - C - 1 -**  
SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY (FRONT YARD  
SETBACK)

  
JOSEPH MATTINA

Cc: Town Clerk  
File

# Town of Newburgh Code Compliance

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

NAME: JAMES TURNER

ADDRESS: 340 LAKESIDE RD NEWBURGH NY 12550

2208-10

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: COVERED FRONT PORCH 8 X 32'-6"

SBL: 28-3-5 ZONE: R/1

TOWN WATER:  / NO TOWN SEWER:  / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
LAKESIDE RD FRONT YARD	50'	35.4'	INCREASING DEGREE OF NON CONFORMITY		
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
LOT BUILDING COVERAGE					
LOT SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1  / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY  YES / NO  
 CORNER LOT - 185-17-A  / 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: EXTENDING THE EXISTING NON CONFORMING COVERED FRONT PORCH BY 8'.  
THE FIRE DAMAGE REPAIR OF THE DWELLING IS UNDER A SEPARATE APPLICATION.

**VARIANCE(S) REQUIRED:**

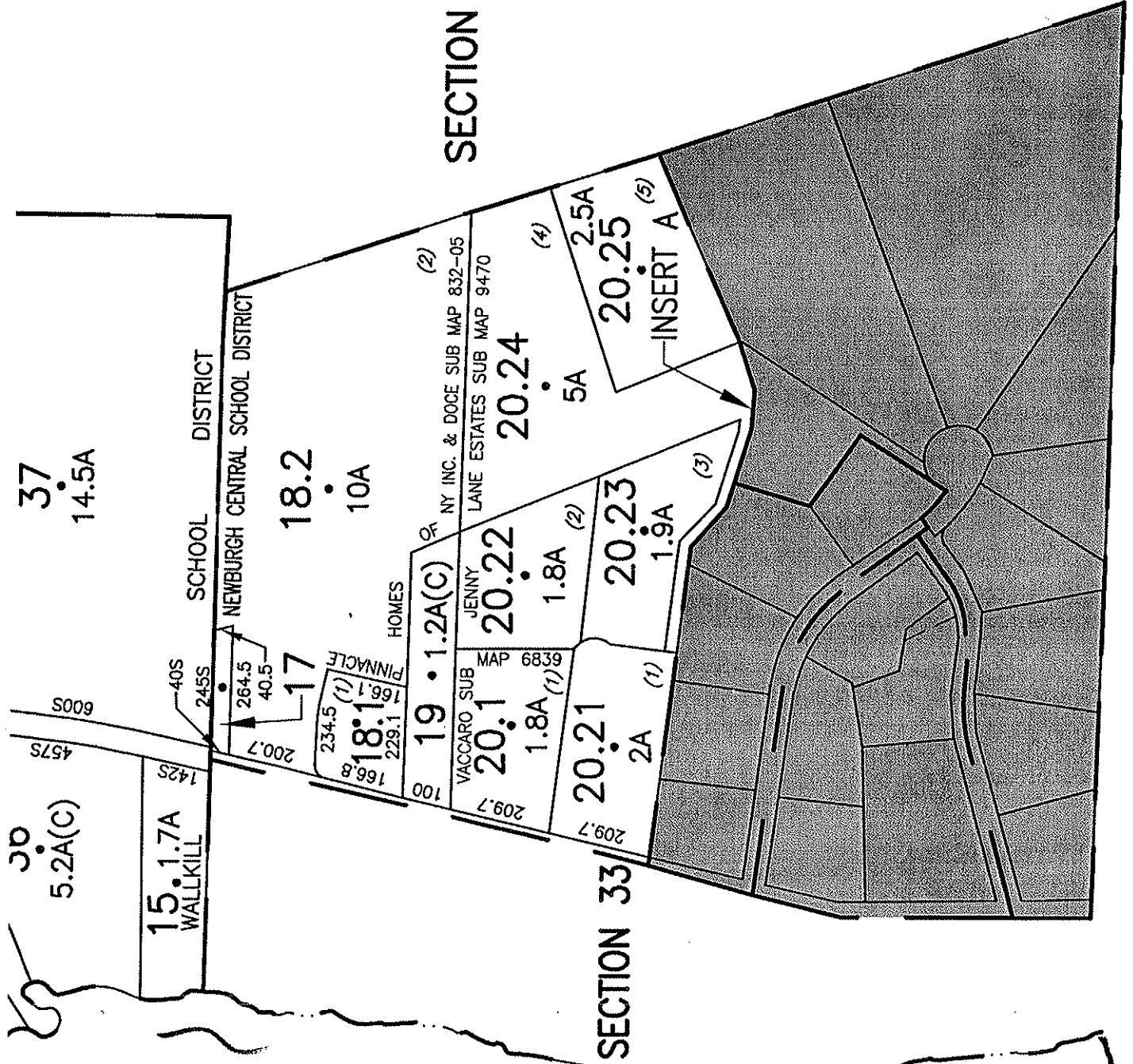
- 1 185-19-C-1 SHALL NOT INCREASE THE DEGREE OF NON CONFORMITY.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA DATE: 30-Nov-10



TURNER 340 LAKESIDE RD  
(28-3-5) R-1

SECTION 34



37  
14.5A

15.1.7A  
WALK KILL

SCHOOL DISTRICT  
NEWBURGH CENTRAL SCHOOL DISTRICT

18.2  
10A

17  
PINNACLE  
166.8  
18.1  
229.1

19.1.2A(C)  
HOMES  
NY INC. & DOCE SUB MAP 832-05  
LANE ESTATES SUB MAP 9470

20.1  
VACCARO SUB  
MAP 6889  
1.8A (1)

20.22  
JENNY

1.8A (2)

20.21  
2A (1)

20.23

1.9A

20.24  
5A

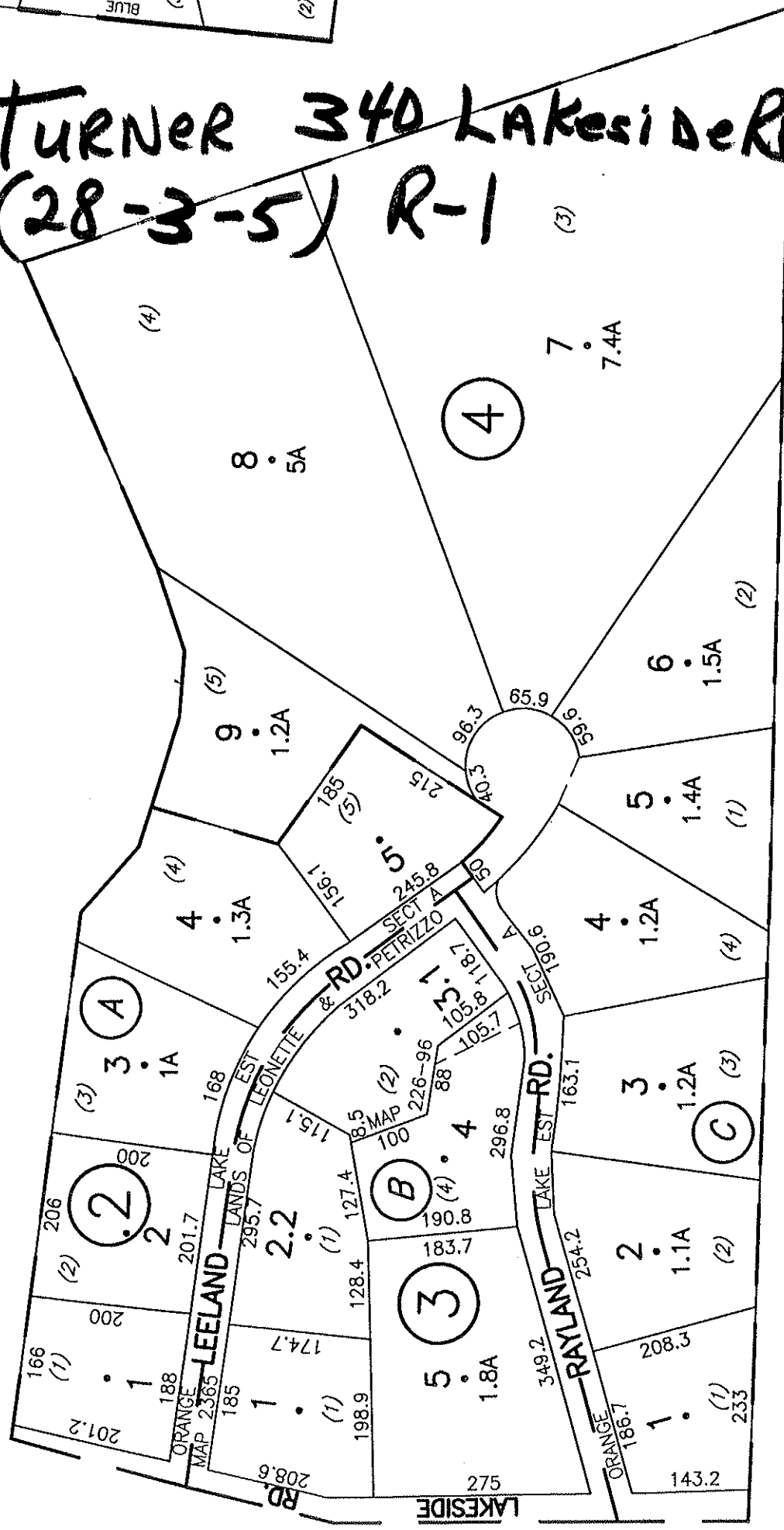
20.25  
INSERT A

2.5A

ORANGE LAKE

# TURNER 340 LAKESIDE RD (28-3-5) R-1

94,000



INSERT A  
1" = 200'