

TOWN OF NEWBURGH

Crossroads of the Northeast

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

1
B

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: JUNE 9, 2015

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

I (WE) ROBERT AND TESHA VOLZ PRESENTLY

RESIDING AT NUMBER 489 LAKESIDE ROAD, NEWBURGH, NEW YORK 12550

TELEPHONE NUMBER 845-913-6312

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:

28-1-13.3 (TAX MAP DESIGNATION)

489 LAKESIDE ROAD (STREET ADDRESS)

R-1 SINGLE FAMILY RESIDENTIAL (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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: (1) HEIGHT, (4) TOTAL ACCESSORY STRUCTURE AREA.



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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: APPILCATION NUMBER 15-0219 DATED 05/22/2015
- 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 FOR PROPOSED ACCESSORY STRUCTURE: PROP. HEIGHT 24' (15' PERMITTED)
TOTAL ACCESSORY STRUCTURE 1,146 S.F. (960 S.F. PERMITTED)

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 DETACHED GARAGE IS NEW CONSTRUCTION AND COLORS WILL MATCH EXISTING RESIDENCE. THE PROPERTY IS ALSO OWNER OCCUPIED AND WELL MAINTAINED.

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:

A SMALLER DETACHED GARAGE WILL NOT SUIT THE OWNER'S NEEDS AND CONSTRUCTION OF A SIMILAR ATTACHED GARAGE WOULD REQUIRE AREA VARIANCES FOR YARD SETBACKS AND WOULD ALSO REQUIRE ADDITIONAL SITE WORK FOR ADJUSTMENT OF DRIVEWAY AND WALKWAYS.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: IT WILL NOT CREATE ANY ADDITIONAL BURDEN ON THE TOWN OF NEWBURGH INFRASTRUCTURE INCLUDING ROADS, EMERGENCY SERVICES, OR SCHOOLS,

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 DETACHED GARAGE WILL BE NEW CONSTRUCTION AND THERE ARE SIMILAR ACCESSORY STRUCTURES ON NEARBY PROPERTIES THAT DO NOT APPEAR TO MEET ZONING REQUIREMENTS SUCH AS 503 LAKESIDE ROAD.

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

THE OWNER'S FAMILY HAS GROWN SINCE PURCHASING PROPERTY AND IS IN A HOME THEY CAN AFFORD FINANCIALLY. MOVING TO A LARGER PROPERTY WOULD NOT BE ECONOMICALLY FEASIBLE FOR THEM.



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7. ADDITIONAL REASONS (IF PERTINENT):

ROBERT AND TESHIA VOLZ
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS FIRST DAY OF JUNE 2015

NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



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

PROXY

ROBERT AND TESHA VOLZ, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 489 LAKESIDE ROAD, NEWBURGH, NEW YORK 12550

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

489 LAKESIDE ROAD (S/B/L: 28-1-13.3), TOWN OF NEWBURGH, ORANGE COUNTY, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: JUN - 1 2015

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS FIRST DAY OF JUNE 20 15

NOTARY PUBLIC

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2017

617.20
Appendix B
Short Environmental Assessment Form

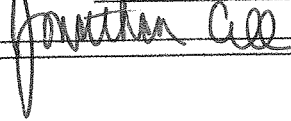
Instructions for Completing

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			
LANDS OF ROBERT AND TESHA VOLZ			
Name of Action or Project: PROPOSED PLOT PLAN FOR DETACHED GARAGE			
Project Location (describe, and attach a location map): 489 LAKESIDE ROAD (S/B/L: 28-1-13.3), APPROXIMATELY 0.10 MILE SOUTH OF LAKESIDE ROAD AND UNION AVENUE INTERSECTION.			
Brief Description of Proposed Action: CONSTRUCTION OF A DETACHED GARAGE NEAR THE SOUTHERN PROPERTY LINE IN A CURRENTLY GRASSED AREA AND ATTEMPT TO OBTAIN VARIANCE FOR HEIGHT AND FOOTPRINT OF GARAGE WHICH EXCEEDS THAT PERMITTED BY TOWN ZONING REGULATIONS.			
Name of Applicant or Sponsor: ROBERT AND TESHA VOLZ		Telephone: 845-913-6312	
		E-Mail: teshav@aol.com	
Address: 489 LAKESIDE ROAD			
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	YES
		X	
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: TOWN OF NEWBURGH ZONING BOARD OF APPEALS FOR AREA VARINCES FOR DETACHED GARAGE.		NO	YES
			X
3.a. Total acreage of the site of the proposed action?		<u>0.76</u>	acres
b. Total acreage to be physically disturbed?		<u>0.02</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.20</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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?		<input checked="checked" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/> <input checked="checked" type="checkbox"/> <input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="checked" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>SITE HAS AN EXISTING ON SITE SEWAGE DISPOSAL SYSTEM. THERE ARE NO INCREASES IN WATER USAGE RELATED TO THIS PROPOSAL.</u>	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/> <input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/> <input type="checkbox"/>	<input checked="checked" type="checkbox"/> <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	<input type="checkbox"/> <input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/> <input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/> <input type="checkbox"/>
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="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?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input checked="checked" type="checkbox"/>

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)? If Yes, explain purpose and size: _____	NO	YES
	X	
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
	X	
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
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: JONATHAN CELLA, P.E.	Date: 6/10/2015	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
7. Will the proposed action impact existing:	X	
a. public / private water supplies?	X	
b. public / private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

Name of Lead Agency

Date

GRACE CARDONE

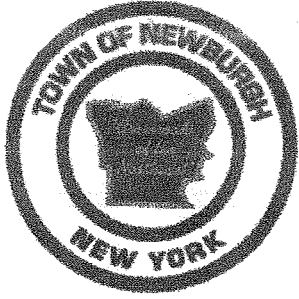
Print or Type Name of Responsible Officer in Lead Agency

CHAIRPERSON

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

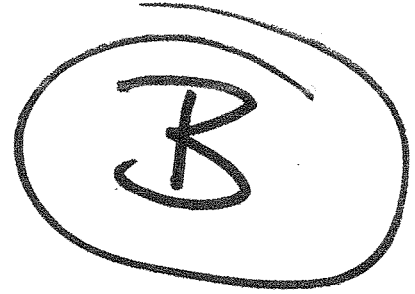
Signature of Preparer (if different from Responsible Officer)



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

2500-15

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/22/2015

Application No. 15-0219

**To: Robert Volz
489 Lakeside Rd
Newburgh, NY 12550**

**SBL: 28-1-13.3
ADDRESS: 489 Lakeside Rd**

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/08/2015 for permit to build a 40' x 32' x 23'-5" detached accessory building on the premises located at 489 Lakeside Rd is returned herewith and disapproved on the following grounds:

TOWN OF NEWBURGH MUNICIPAL CODE SECTIONS:

185-15-A-4 Shall not exceed the allowed square footage as determined by the formula.

185-15-A-4 Shall not exceed 15' in height.

Bulk table schedule 3 allows the storage of 4 vehicles maximum.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

2500-15

NAME: _____ ROBERT VOLZ _____

ADDRESS: _____ 489 LAKESIDE RD NEWBURGH NY 12550 _____

PROJECT INFORMATION:

TYPE OF STRUCTURE: _____ **32' X 40' X 23'-5" ACCESSORY BUILDING** _____

SBL: _____ 28-1-13.3 _____ **ZONE:** _____ R-1 _____

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
TOTAL SQUARE FEET	756.39 SF	192 SF	1472 SF	715.61 SF	94.6%
VEHICLE STORAGE	4.00	2.00	5.00	1.00	
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT	15'		23'-5"	8'-5"	56.066%
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: HAS AN EXISTING 192 SF ACCESSORY BUILDING.

VARIANCE(S) REQUIRED:

- 1 185-15-A-4 Shall not exceed the maximum allowed square feet per the formula.
- 2 185-15-A-1 Shall not exceed 15' in height.
- 3 Bulk table schedule 3 Storage of no more than 4 vehicles.
- 4

REVIEWED BY: _____ Joseph Mattina _____ **DATE:** _____ 20-May-15 _____

June 10, 2015

To: Town of Zoning Board of Appeals
1496 New York State Route 300
Newburgh, New York 12550

Re.: **Request for Area Variances**
Lands of Robert and Tesha Volz
489 Lakeside Road (S/B/L: 28-1-13.3), Town of Newburgh, Orange County, N.Y.

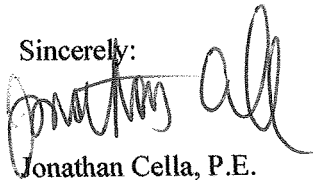
Dear Chairman and Zoning Board of Appeals Members:

Enclosed please find application fees for the initial submission of the above referenced subdivision that includes the following:

1. One (1) copy of Zoning Board of Appeals Application Package for Detached Garage.
2. Letter of Referral from the Town of Newburgh Code Compliance for Application Number 15-0219 dated 05/22/2015.
3. One (1) copy of Short Form Environmental Assessment Form for Detached Garage Area Variances.
4. One (1) copy of Zoning Board of Appeals Application Package for Swimming Pool.
5. Letter of Referral from the Town of Newburgh Code Compliance for Application Number 02-16669 dated 05/22/2015.
6. One (1) copy of Short Form Environmental Assessment Form for Pool Area Variance
7. One (1) copy of cover letter dated June 10, 2015.
8. Eleven (11) copies of plot plan titled "plot Plan for Detached Garage, Residential Site Plan for Robert and Tesha Volz," Sheet 1 of 1 dated 04-03-2015 and last revised 06/02/2015.
9. Four (4) copies of property photos (4 sheets dated 06-02-2015)
10. Deed (original provided at submission)
11. \$200.00 Application fees for detached garage area variances.
12. \$200.00 Application fees for pool area variance.

At this time we respectfully request that this application be placed on the next available Town of Newburgh Zoning Board of Appeals for review and public hearing. Please do not hesitate to contact me with any questions or concerns related to this matter. Thank you.

Sincerely:



Jonathan Cella, P.E.

Project Engineer

51 Hunt Road, Wallkill, New York 12589
845-741-0363, jonathancellahotmail.com

June 10, 2015

To: Town of Zoning Board of Appeals
1496 New York State Route 300
Newburgh, New York 12550

Re.: **Request for Area Variances**
Lands of Robert and Tesha Volz
489 Lakeside Road (S/B/L: 28-1-13.3), Town of Newburgh, Orange County, N.Y.

Dear Chairman and Zoning Board of Appeals Members:

The above referenced property lies in the Town of Newburgh R-1 zoning district and contains one single family residence, which is owner occupied. The current owners' purchased the property in October 2001 and has occupied the residence since. Included with this submission is a plot plan based upon a March 2015 survey prepared by Jonathan Millen, P.L.S., depicting the property in proposed conditions

A summary of the requested variances are as follows:

1. Area variance for side yard setback for existing 27' diameter above ground pool (10' minimum required, 8.5' existing)

This pool was installed by a contractor hired by the current owner and based upon the current survey it has been determined that the pool is too close to the northern property line. As this pool was installed by a contractor this is a condition that was not self-created and would be a hardship on the owner if it had to be relocated.

2. Area variances for construction of a proposed detached garage at the end of the existing driveway along the property's southern property line. Construction of this garage will require area variances for height of proposed accessory structure (15' maximum permitted, 24' proposed), and total footprint of accessory structures (756 square feet (s.f.) permitted, 1,146 proposed).

The owners' of the property are proposing to construct a two story two car garage for storage of their automobiles on the ground level and possessions on the second floor. This garage will also include construction a 10' wide covered patio on the north side of the garage. The 1,146 s.f. total area of accessory structures on the subject property includes an existing 186 s.f. shed which will be located behind the proposed garage and will not be visible from the road should the ZBA approve the requested area variances. The owners wish to construct the garage as the existing residence is only 1,416 square feet and the garage will make living more comfortable.

Request for Area Variances
Lands of Robert and Tesha Volz
489 Lakeside Road (S/B/L: 28-1-13.3), Town of Newburgh, Orange County, N.Y.

June 10, 2015

1 of 2

They are not in the financial position to purchase a larger home and enjoy the neighborhood and community they live in.

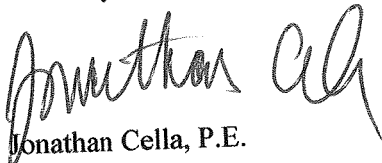
In observing the immediate neighborhood a similar detached garage is exists on a property to the north at 503 Lakeside Road, and the property directly across the street also contains several barns which appear to exceed height limitations permitted by current zoning regulations for accessory structures.

The subject property is served by an individual well and sewage disposal system that will not be impacted by the proposed construction of the detached garage and an expansion of the SDS is not required as the bedroom count of the property will not be altered.

As seen in the photos of the subject property included with the application, the owners' take pride in their property and keep it well maintained. As summarized above we feel that the requested area variances are minor in nature and will not have an adverse impact on the surrounding neighborhood.

On behalf of the owner, we respectfully request that this application be reviewed and that the area variances be considered for approval by the Zoning Board of Appeals. Please do not hesitate to contact me with any questions or concerns related to this matter. Thank you.

Sincerely:



Jonathan Cella, P.E.
Project Engineer

51 Hunt Road, Wallkill, New York 12589
845-741-0363, jonathancella@hotmail.com

Request for Area Variances

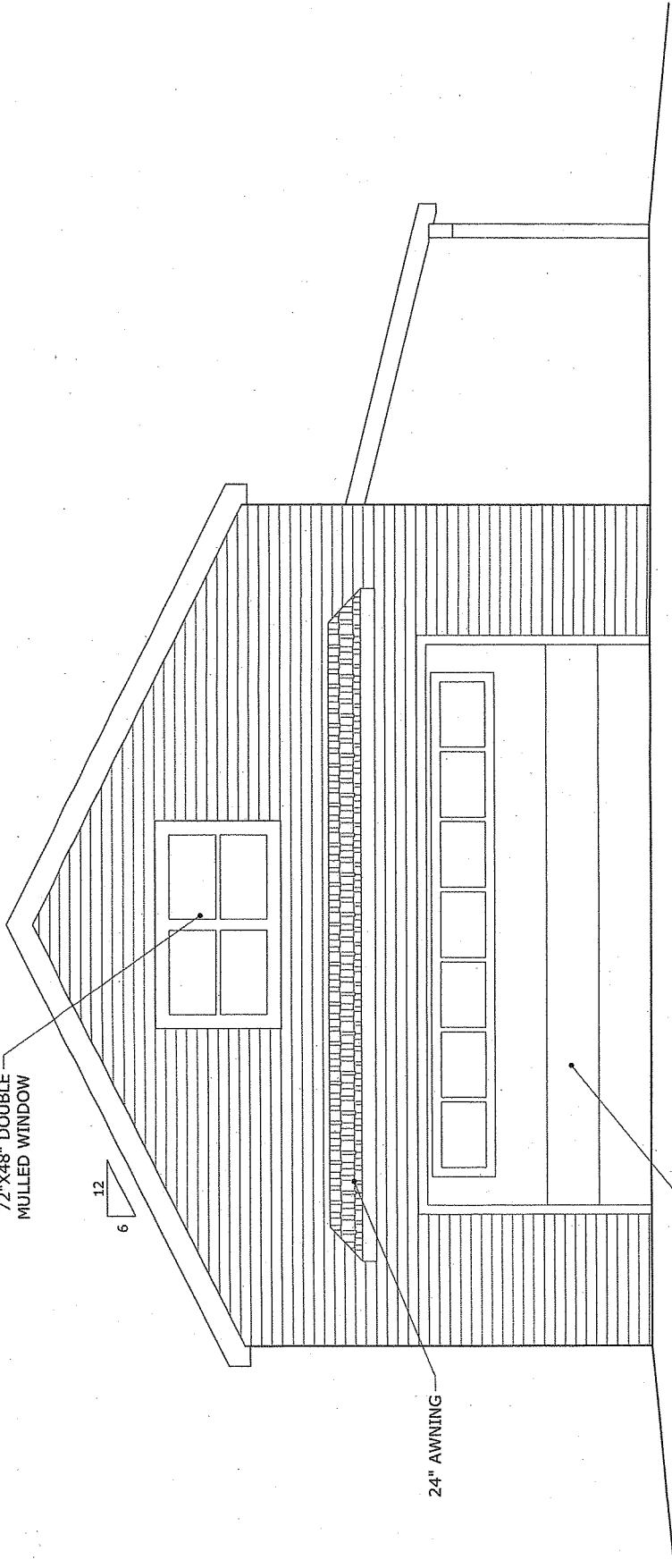
Lands of Robert and Tesha Volz

489 Lakeside Road (S/B/L: 28-1-13.3), Town of Newburgh, Orange County, N.Y.

June 19, 2015

2 of 2

72" X 48" DOUBLE
MULLED WINDOW

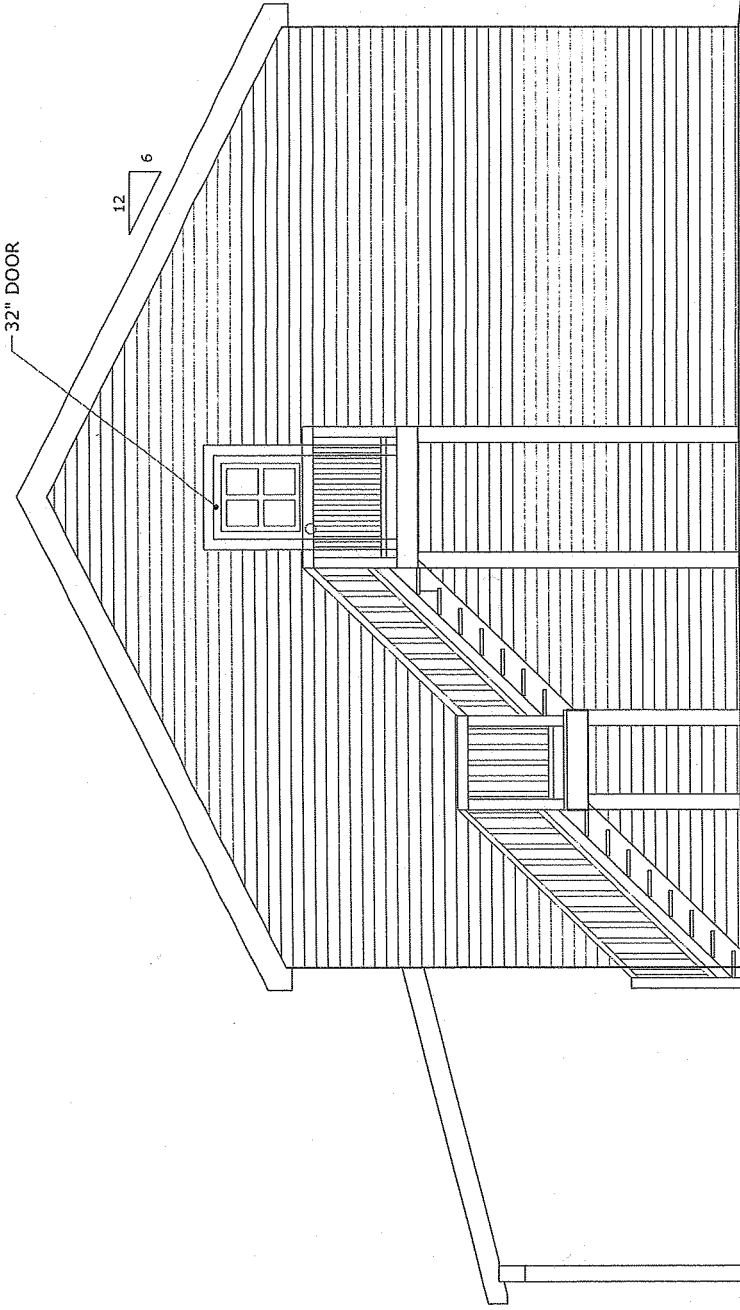


24" AWNING

20' X 8' GARAGE
DOORS
BY OWNER

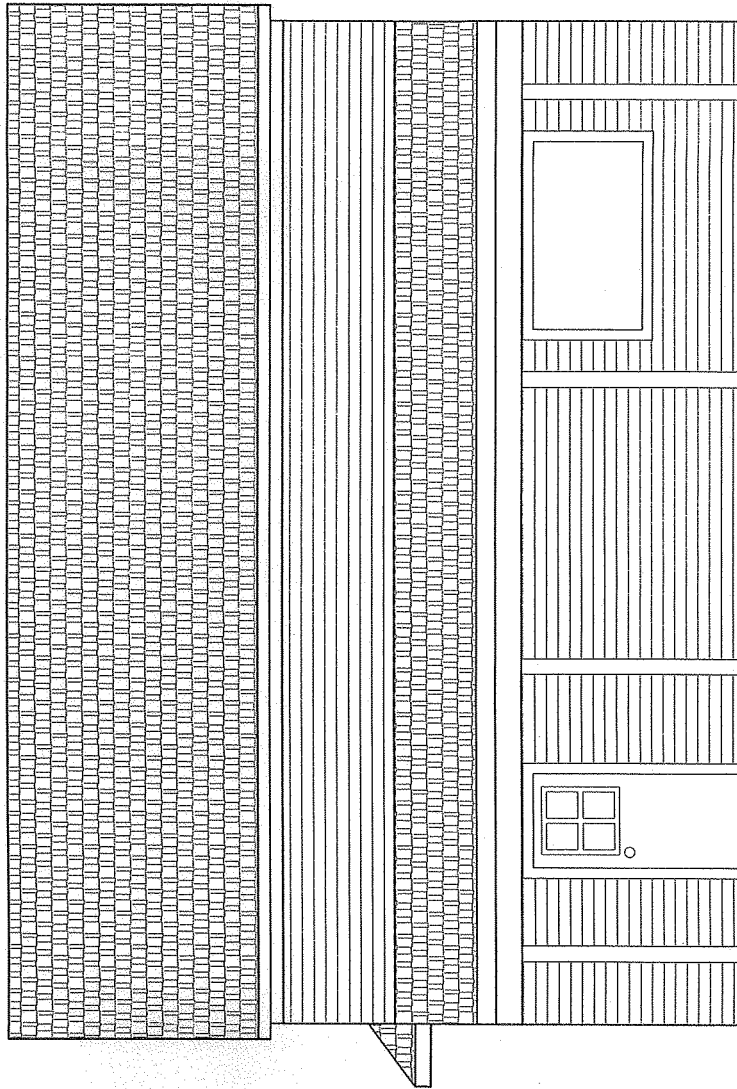
FRONT ELEVATION

Scale: 1/4" = 1'-0"



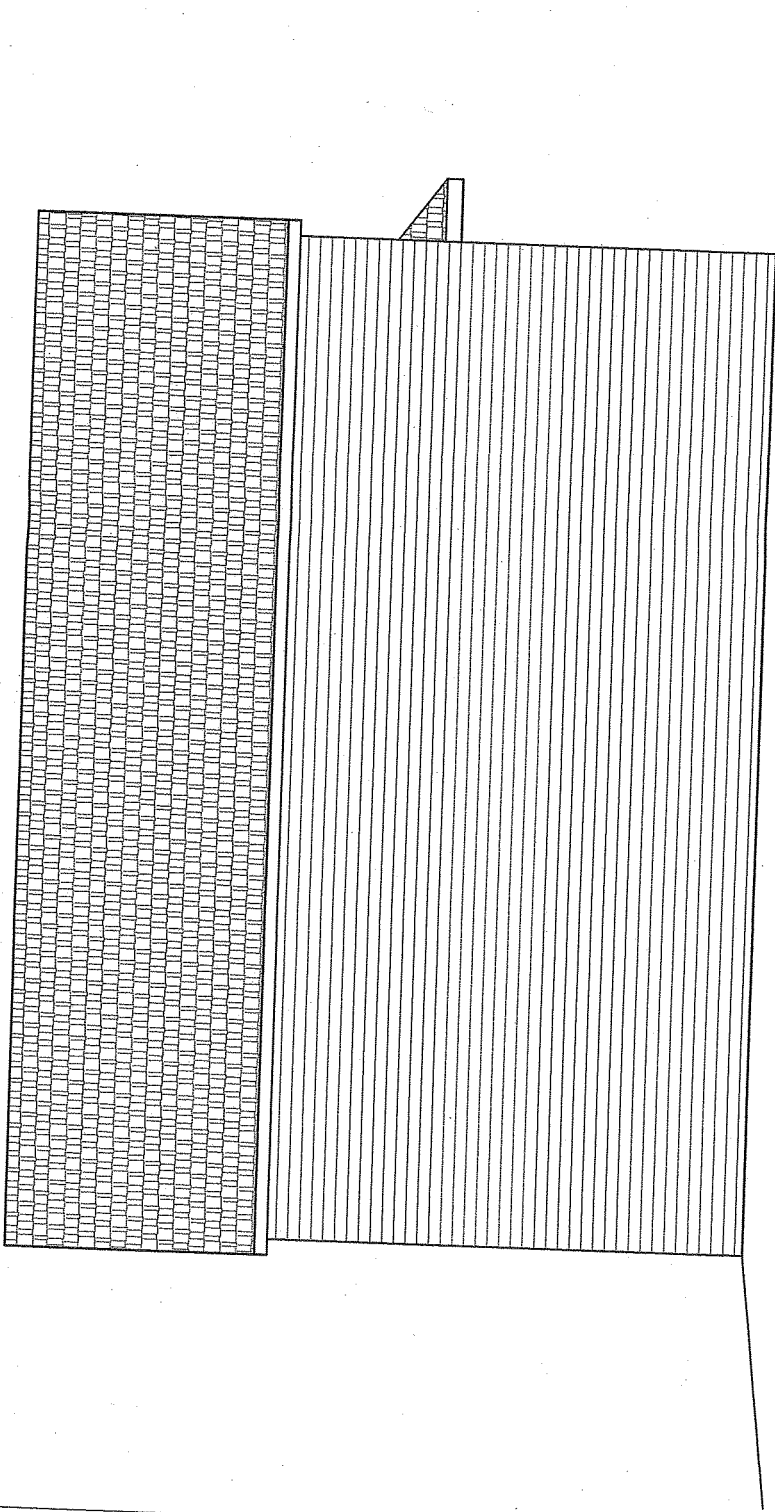
REAR ELEVATION

Scale: 1/4" = 1'-0"



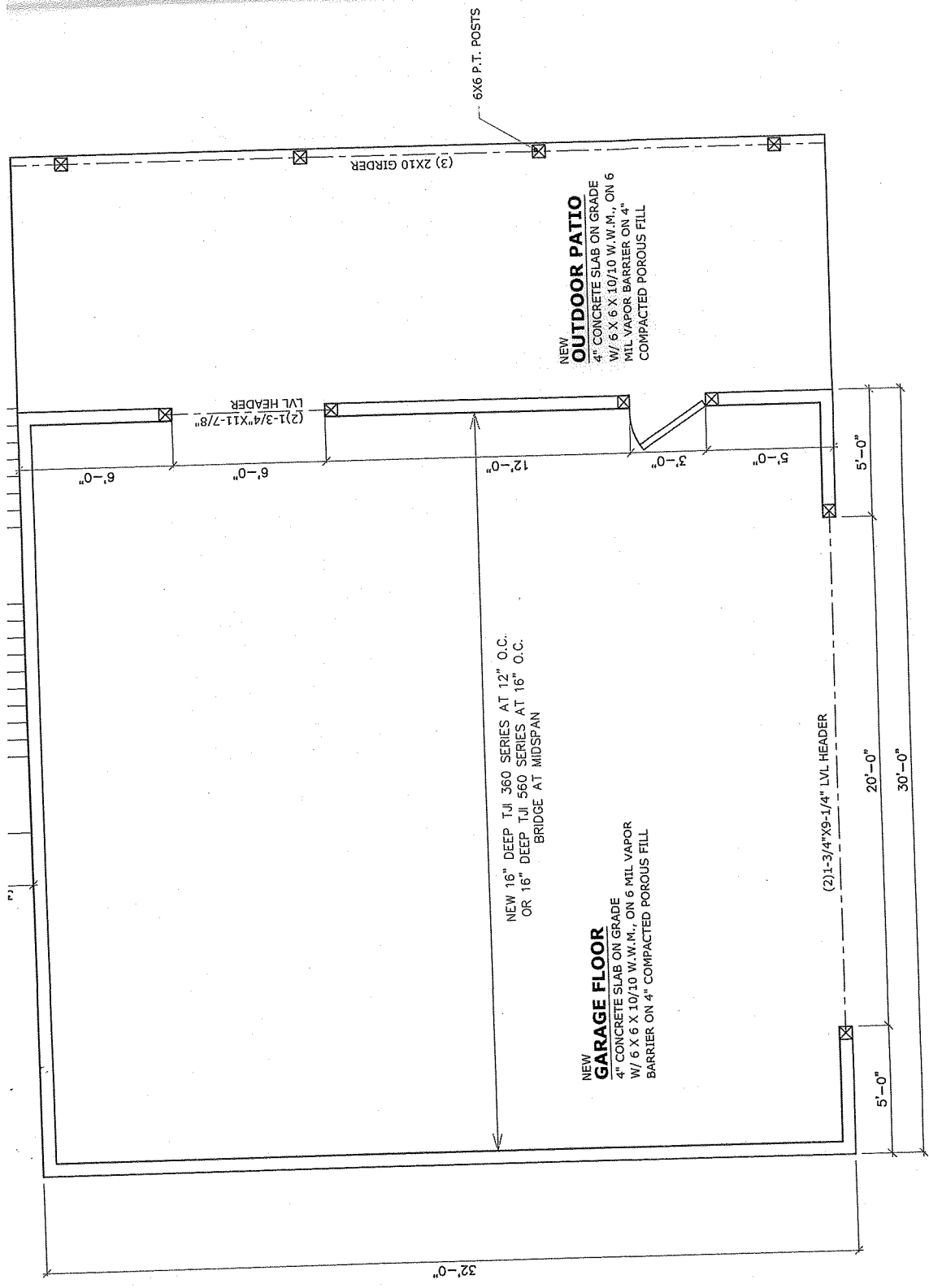
RIGHT ELEVATION

Scale: 1/4" = 1'-0"



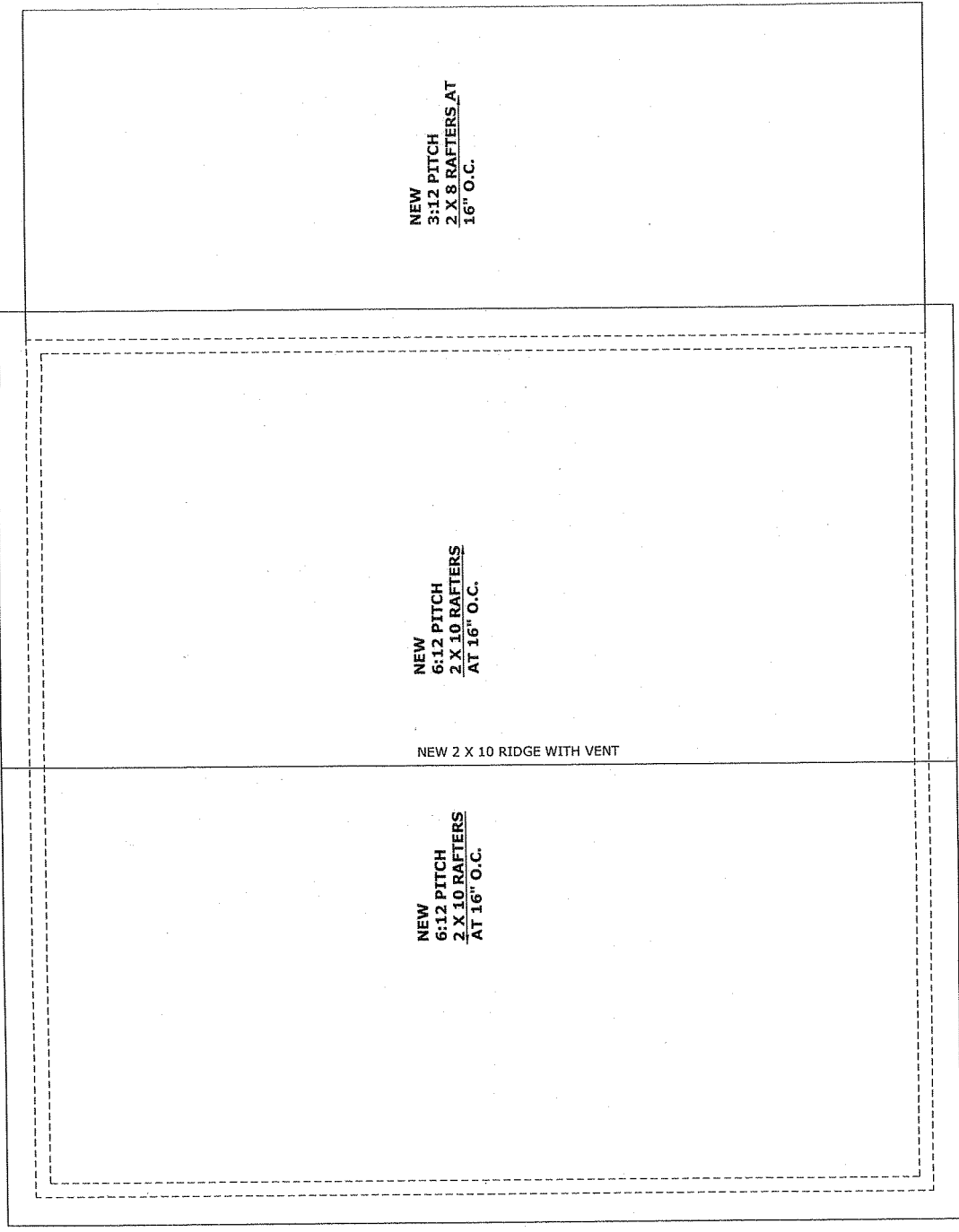
LEFT ELEVATION

Scale: 1/4" = 1'-0"



FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"



NEW
3:12 PITCH
2 X 8 RAFTERS AT
16" O.C.

NEW
6:12 PITCH
2 X 10 RAFTERS
AT 16" O.C.

NEW 2 X 10 RIDGE WITH VENT

NEW
6:12 PITCH
2 X 10 RAFTERS
AT 16" O.C.

STAIRS TO GRADE

ROOF PLAN

Scale: 1/4" = 1'-0"

12"Ø SONOTUBE
TO 3'6" FROST DEPTH
W/ 6X6 P.T. POST (TYP.)

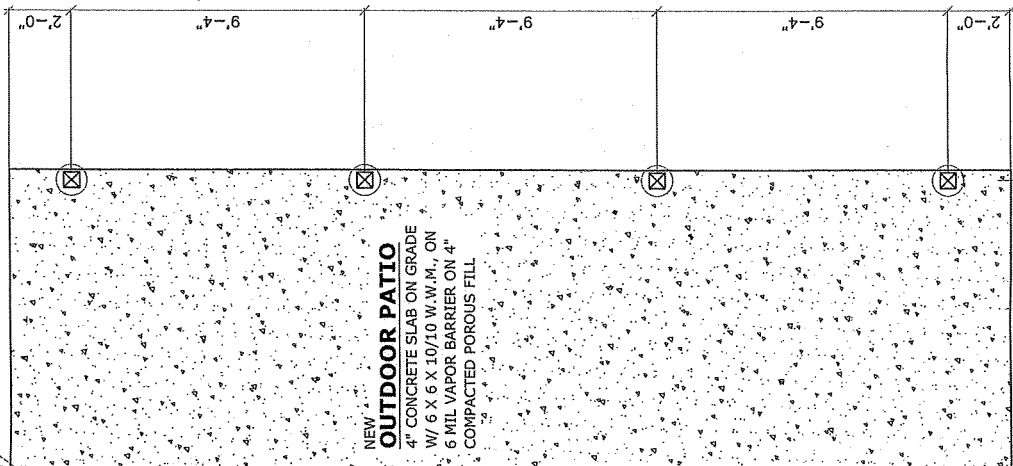
4'-0" V.I.F.

4'-9" V.I.F.

3'-0" V.I.F.

5'-3" V.I.F.

2'-0"



**NEW
OUTDOOR PATIO**
4" CONCRETE SLAB ON GRADE
W/ 6 X 6 X 10/10 W.W.M., ON
6 MIL VAPOR BARRIER ON 4"
COMPACTED POROUS FILL



**NEW
GARAGE FLOOR**
4" CONCRETE SLAB ON GRADE
W/ 6 X 6 X 10/10 W.W.M., ON 6 MIL VAPOR
BARRIER ON 4" COMPACTED POROUS FILL

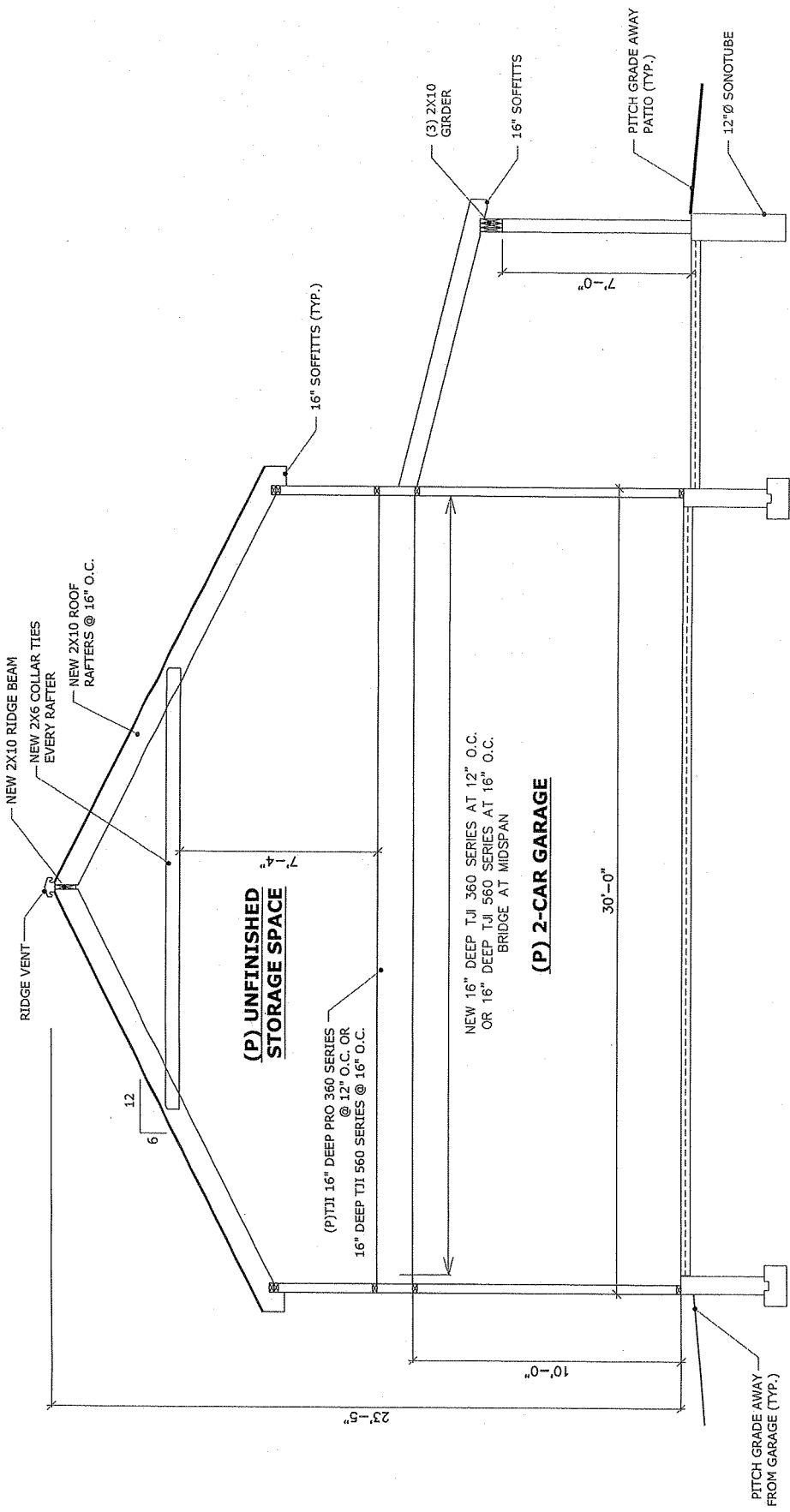
32'-0"

30'-0"

9'-8"

FOUNDATION PLAN

SCALE 1/4" = 1'



SECTION THRU GARAGE

Scale: 1/4" = 1'-0"



Handwritten: 6/5/01
Signature: [Handwritten signature]

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
 NAME(S) OF PARTY(S) TO DOCUMENT

Handwritten: Mel Martinez, Secretary of Housing + Urban Development of Washington, D.C. acting by through the Federal Housing Commissioner TO
 Robert M. Volz +
 Teasha L. Volz

SECTION 28 BLOCK 1 LOT 13.3

RECORD AND RETURN TO:
 (name and address)

Handwritten: Todd Kelsom, Esq.
 254 Rte 17K
 Newburgh, NY 12550

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | | |
|-----------------------------------|----------------------------------|---|
| <u>2089</u> BLOOMING GROVE (TN) | <u>4289</u> MONTGOMERY (TN) | NO. PAGES <u>4</u> CROSS REF. _____ |
| <u>2001</u> WASHINGTONVILLE (VLG) | <u>4201</u> MAYBROOK (VLG) | CERT. COPY <input checked="" type="checkbox"/> ADD'L X-REF. _____ |
| <u>2289</u> CHESTER (TN) | <u>4203</u> MONTGOMERY (VLG) | MAP# _____ PGS. _____ |
| <u>2201</u> CHESTER (VLG) | <u>4205</u> WALDEN (VLG) | PAYMENT TYPE: CHECK <input checked="" type="checkbox"/> |
| <u>2489</u> CORNWALL (TN) | <u>4489</u> MOUNT HOPE (TN) | CASH <input type="checkbox"/> |
| <u>2401</u> CORNWALL (VLG) | <u>4401</u> OTISVILLE (VLG) | CHARGE _____ |
| <u>2600</u> CRAWFORD (TN) | <u>4600</u> NEWBURGH (TN) | NO FEE <input type="checkbox"/> |
| <u>2800</u> DEERPARK (TN) | <u>4800</u> NEW WINDSOR (TN) | CONSIDERATION \$ <u>181,000</u> |
| <u>3089</u> GOSHEN (TN) | <u>5089</u> TUXEDO (TN) | TAX EXEMPT <input type="checkbox"/> |
| <u>3001</u> GOSHEN (VLG) | <u>5001</u> TUXEDO PARK (VLG) | MORTGAGE AMT. \$ _____ |
| <u>3003</u> FLORIDA (VLG) | <u>5200</u> WALLKILL (TN) | DATE _____ |
| <u>3005</u> CHESTER (VLG) | <u>5489</u> WARWICK (TN) | MORTGAGE TAX TYPE: |
| <u>3200</u> GREENVILLE (TN) | <u>5401</u> FLORIDA (VLG) | <input type="checkbox"/> (A) COMMERCIAL/FULL I |
| <u>3489</u> HAMPTONBURGH (TN) | <u>5403</u> GREENWOOD LAKE (VLG) | <input type="checkbox"/> (B) 1 OR 2 FAMILY |
| <u>3401</u> MAYBROOK (VLG) | <u>5405</u> WARWICK (VLG) | <input type="checkbox"/> (C) UNDER \$10,000 |
| <u>3689</u> HIGHLANDS (TN) | <u>5600</u> WAWAYANDA (TN) | <input type="checkbox"/> (E) EXEMPT |
| <u>3601</u> HIGHLAND FALLS (VLG) | <u>5889</u> WOODBURY (TN) | <input type="checkbox"/> (F) 3 TO 6 UNITS |
| <u>3889</u> MINISINK (TN) | <u>5801</u> HARRIMAN (VLG) | <input type="checkbox"/> (I) NAT.PERSON/CR. UNI |
| <u>3801</u> UNIONVILLE (VLG) | | <input type="checkbox"/> (J) NAT.PER-CR.UN/1 OF |
| <u>4089</u> MONROE (TN) | CITIES | <input type="checkbox"/> (K) CONDO |
| <u>4001</u> MONROE (VLG) | <u>0900</u> MIDDLETOWN | |
| <u>4003</u> HARRIMAN (VLG) | <u>1100</u> NEWBURGH | |
| <u>4005</u> KIRYAS JOEL (VLG) | <u>1300</u> PORT JERVIS | |
| | <u>9999</u> HOLD | |

Signature: Donna L. Benson
 DONNA L. BENSON
 ORANGE COUNTY CLERK

RECEIVED FROM: *Handwritten:* [Signature]

LIBER 5645 PAGE 68

LIBER 5645 PAGE 68

ORANGE COUNTY CLERKS OFFICE 58499 FL
 RECORDED/FILED 10/03/2001 09:48:15 AM

FEES 47.00 EDUCATION FUND 5.00
 SERIAL NUMBER: 002208
 DEED CNTL NO 63963 RE TAX 724.00

374-237067

BARGAIN AND SALE DEED

60 110

THIS INDENTURE, made as of the 25th day of September, 2001,
BETWEEN

MEL MARTINEZ, Secretary Of Housing and Urban Development, of Washington, D.C., acting
by and through the Federal Housing Commissioner, Grantor, and

ROBERT M. VOLZ and TEASHA L. VOLZ,
276 Temple Hill Road, New Windsor, New York, Grantee,
BLIND WIDOW & WIFE.

WITNESSETH: That the Grantor, for and in consideration of the sum of \$181,000.00
lawful money of the United States of America, unto him/her will and truly paid by the Grantee(s)
at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, hath granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by
these presents doth grant, bargain, sell, alien, enfeoff, release and confirm unto the Grantee(s),

ALL that certain plot, piece or parcel of land, situate, lying and being

SEE SCHEDULE A ATTACHED HERETO.

SAID PREMISES also known as and by the street address: 489 Lakeside Road, Newburgh, New
York.

DISTRICT: SECTION: 28 BLOCK: 1 LOT: 13.3 COUNTY: ORANGE

BEING THE SAME PREMISES acquired by deed from EUGENE GRILLO, ESQ.,
dated 5/17/2001, recorded 7/26/2001 in Liber 5585 page 325.

BEING the same property acquired by the Grantor first part pursuant to the provisions of the
National Housing Act, as amended (12 U.S.C. 1701 et seq.) and the Department of Housing and
Urban Development Act (79 Stat. 667).

TOGETHER WITH all right, title and interest, if any, of the Grantor 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 Grantor in and to said
premises;

TO HAVE AND TO HOLD the premises herein granted unto the Grantee(s), and to the heirs,
distributees and assigns of the said Grantee(s) forever.

SUBJECT TO ALL covenants, restrictions, reservations, easements, conditions and rights
appearing of record; and SUBJECT to any state of facts an accurate survey would show.

AND THE Grantor covenants that he has not done or suffered anything whereby the said
premises have been incumbered in any way whatsoever, except as aforesaid.

GOSHEN SEARCHERS INC.
20 SCOTCHTOWN AVENUE
GOSHEN, NEW YORK 10924
OFFICE: 914-294-5110
COUNTY BUILDING: 914-294-6913
NEWBURGH TIE LINE: 914-564-6150
FAX 914-294-9581

LIBER 5645 PAGE

THE GRANTOR covenants that if any improvements, repairs or alterations to the premises have been commenced and have not been completed at least four months before the recording of this deed, the Grantor 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 improvement, and that said Grantor will apply the same first to the payment of the cost of improvement before using any part of the total of the same for any other purpose.

THE WORD "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the undersigned has set her hand and seal in Blue Bell, Pennsylvania as attorney-in-fact for and on behalf of the Secretary of Housing and Urban Development ("HUD"), by virtue of a certain limited power of attorney dated February 27, 2001 given by the Secretary of HUD and recorded in the Office of the County Clerk of Orange County on 4/5/2001 in Liber 5493 Page 100, under authority and by virtue of 62 F.R. 54465 (10/20/97).

In Presence of: MEL MARTINEZ
Secretary of Housing and Urban Development

By: DALE ALBERTELLI (SEAL)
DALE ALBERTELLI
(of First Preston Management)
Attorney in Fact

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF Montgomery) ss.:

On this 24 day of September, 2001, before me, the undersigned, personally appeared

DALE ALBERTELLI

personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in Blue Bell, Pennsylvania.

Colleen McEntee
Notary Public

Notarial Seal
Colleen McEntee, Notary Public
Whitpain Twp., Montgomery County
My Commission Expires July 14, 2004



BARGAIN AND SALE DEED

RETURN BY MAIL TO:

SECRETARY OF HUD

to

ROBERT M. VOLZ and
TEASHA L. VOLZ

DISTRICT SECTION 28 BLOCK 1 LOT 133 COUNTY ORANGE

SCHEDULE A

GO 11017

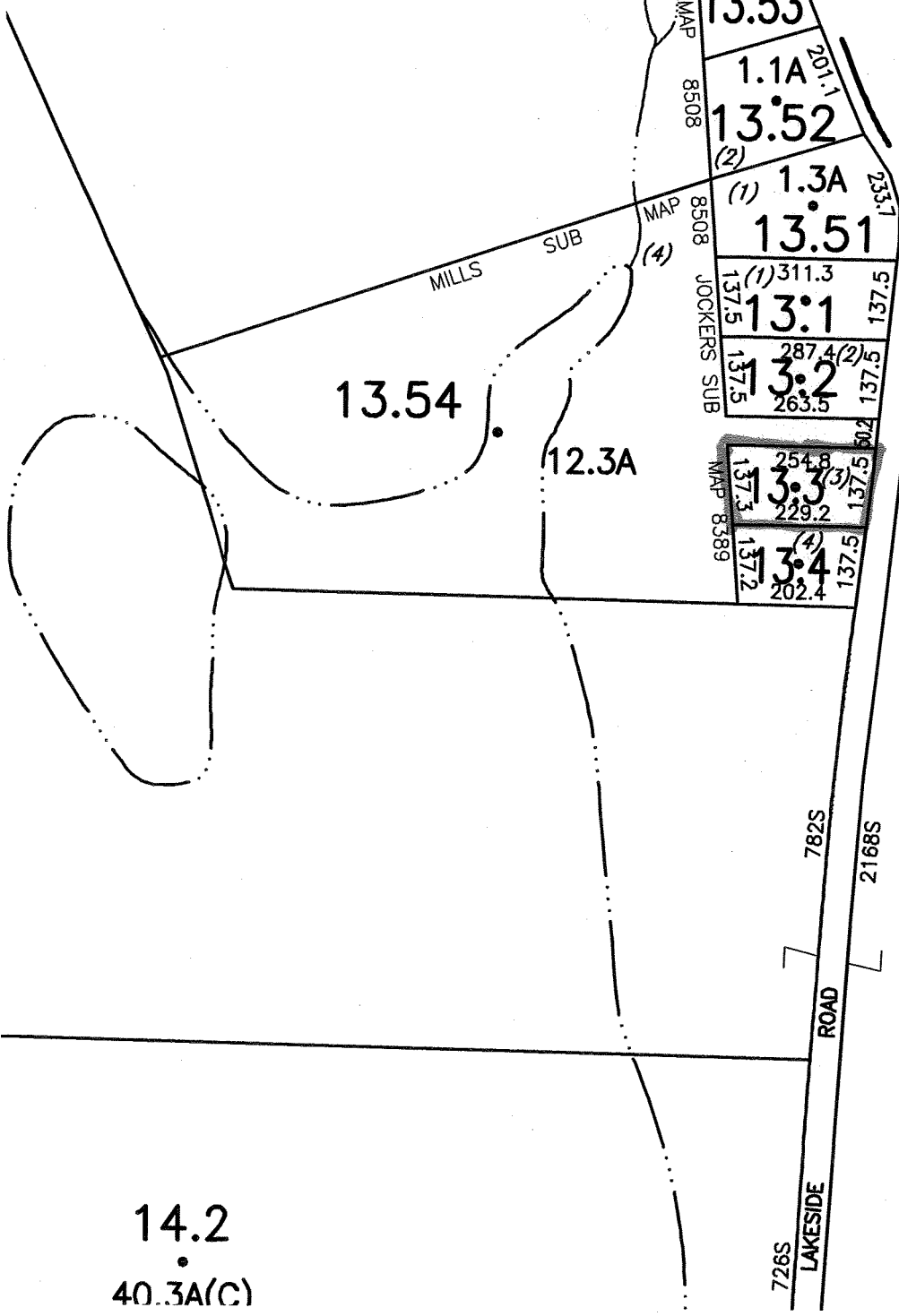
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, known and designated as Lot #3 on map entitled "Subdivision Plan of Lands of Jane A. Jockers", dated April 25, 1987, filed in the Orange County Clerk's Office on July 17, 1987 as Map No. 8389, being more particularly bounded and described as follows: Beginning at a point in the northwesterly line of the existing Lakeside Road, said point being on the division line between Lot No. 4 of the above mentioned filed map, lands now or formerly of Gilespe on the south and Lot No. 3 herein described on the north; thence along the last mentioned division line, North 68 degrees 25 minutes 41 seconds West 229.25 feet to a point on the division line between Lot No. 5 of the above mentioned filed map, lands now or formerly of Mills on the west and north and Lot No. 3 herein described on the east and south; thence along the last mentioned division line the following two (2) courses: (1) North 16 degrees 40 minutes 18 seconds East 137.30 feet and (2) South 68 degrees 25 minutes 41 seconds East 254.79 feet to a point on the aforementioned northwesterly line of Lakeside Road; thence along the last mentioned line the following two (2) courses: (1) South 26 degrees 38 minutes 05 seconds West 61.23 feet and (2) South 27 degrees 54 minutes 02 seconds West 76.27 feet to the point or place of beginning. Together with all rights, privileges and easements and subject to all covenants, easements, reservations and restrictions of record affecting said premises.

Said premises being known as and by street address: 489 Lakeside Road, Newburgh, New York 12550.

W

Ko12
489 LAKESIDE RD
Z8-1-13.3

12.2
33.6A(C)



14.2
40.3A(C)