



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

**2326-B-12**  
**Area Built**  
**Swimming Pool**

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 24/07/2013

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

PADDINGTON ZWIZARD  
I (WE) KAMALODIN MOHAMED PRESENTLY

RESIDING AT NUMBER 4 CHRISTIE Rd NEWBURGH, N.Y. 12550

TELEPHONE NUMBER 845 563 0569

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:

73-14-9 (TAX MAP DESIGNATION)

4 CHRISTIE Rd (STREET ADDRESS)

NEWBURGH, NY 12550 (ZONING DISTRICT) **R-3**

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BULK TABLE - SCHEDULES

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: 20/12/2012
- 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

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:

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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:

PROJECT HAS ALREADY BUILT AND ITS  
EXCEEDING REAR YARD SET BACK

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:

ITS WITHIN MY PROPERTY LINE

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

ITS AN ABOVE GROUND POOL  
AND ITS NOT A PERMANENT ONE

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

ITS NOT INTERFERING WITH ANY OF THE  
NEIGHOUR PROPERTY OR HAS ANY ENVIRONMENTAL  
EFFECTS

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

THE HARDSHIP HAS BEEN BY ME. Kamaladin Meland  
BECAUSE I BULD WITHOU A PERMIT

7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Ronald M. Land*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 25<sup>th</sup> DAY OF July 2013

*Andrew J. Zarutskie*  
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.

## 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>KAMALODIN MOHAMED</i>	2. PROJECT NAME <i>16' SWIMMING POOL</i>
3. PROJECT LOCATION: Municipality _____ County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)  <i>4 CHRISTIE Rd NEWBURGH, N.Y. 12550</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:  <i>ABOVE GROUND POOL 16'</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input 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:	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>KAMALODIN MOHAMED</i>	Date: <i>24/07/2013</i>
Signature: <i>Kamalodin Mohamed</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

OVER

1

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>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.</b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p>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:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>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:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p><b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	
<p><b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

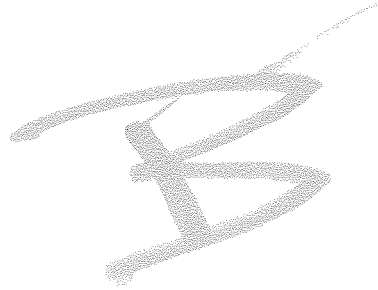
**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic 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.

<p><input type="checkbox"/></p>	<p>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.</p>
<p><input type="checkbox"/></p>	<p>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.</p>
<p>_____ Name of Lead Agency</p>	<p>_____ Date</p>
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>

Reset

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. 2326-B-12

Date: November 20, 2012

To: PADDINGTON ZWIGARD

SBL 73-14-9

P.O. BOX 331

ADD: 4 Christie Rd, Newburgh

AURORA, NY 13026

ZONE R-3

PLEASE TAKE NOTICE that your application dated April 20,

20 12 for permit to keep the Prior Built 16' swimming pool

At the premises located at 4 Christie Road, Newburgh

Is returned herewith and disapproved on the following grounds:

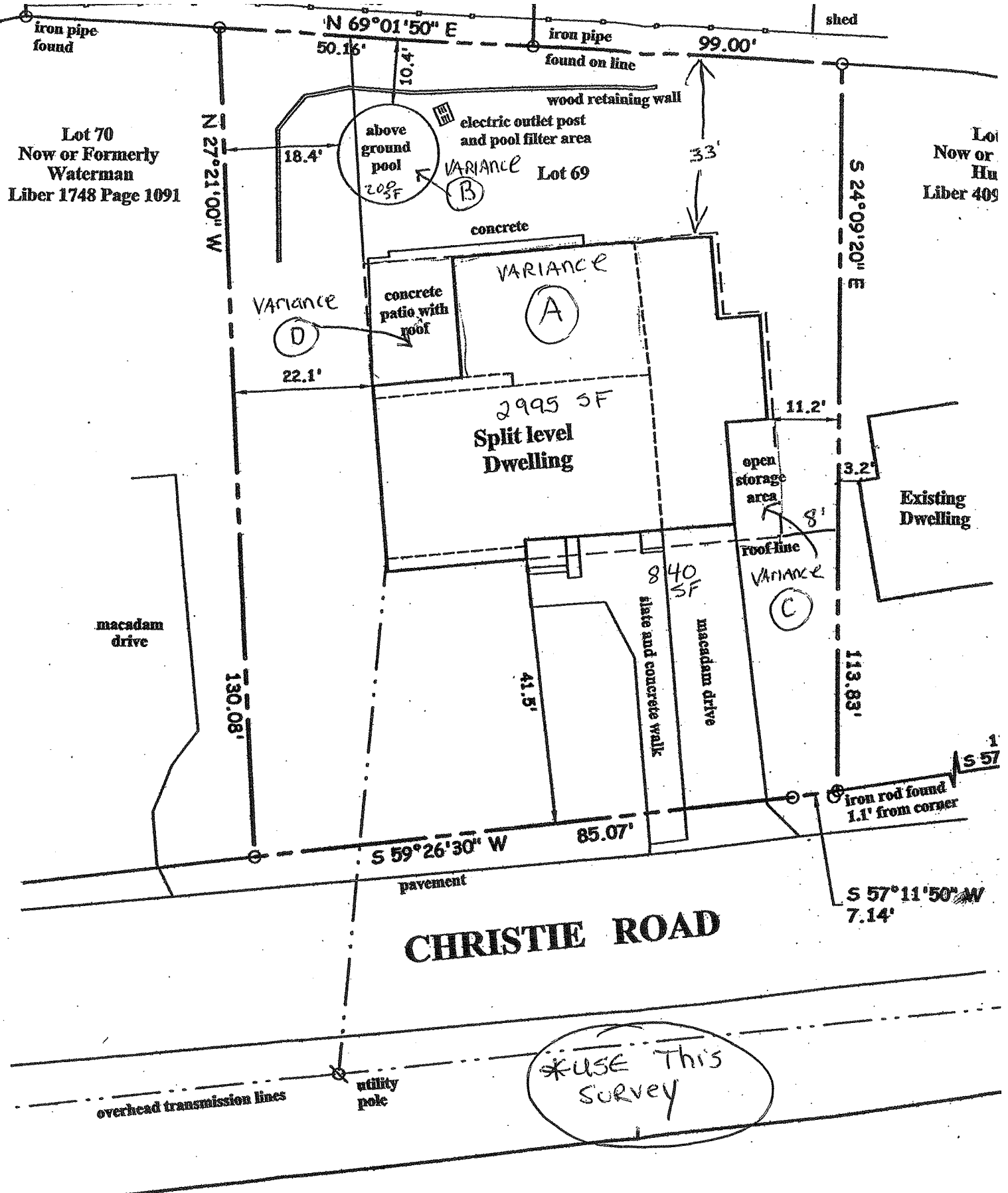
BULK TABLE - SCHEDULE 5 -  
ALLOWS A MAXIMUM LOT SURFACE COVERAGE OF 30%.

  
JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')  
File







# CHRISTIE ROAD

## Survey of Property For PADDINGTON ZWIGARD

Town of Newburgh                      Orange County, New York  
 Scale: 1" = 20'    May 8, 2008    Area 11,624 S.F. or 0.267 Acres  
 Pool and retaining wall location August 25, 2012

ZWIGARD  
4 Christie Rd  
73-14-19



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

DENISE SCOTT N/K/A  
DENISE BROMM

TO  
PADDINGTON ZWIGARD

SECTION 73 BLOCK 14 LOT 9

RECORD AND RETURN TO:  
(name and address)

O'KEEFE & McCANN, ESQS  
25 MAIN ST  
GOSHEN, NY 10924



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>  </u> 2089 BLOOMING GROVE (TN)      | <u>  </u> 4289 MONTGOMERY (TN)      |
| <u>  </u> 2001 WASHINGTONVILLE (VLG)    | <u>  </u> 4201 MAYBROOK (VLG)       |
| <u>  </u> 2003 SO. BLOOMING GROVE (VLG) | <u>  </u> 4203 MONTGOMERY (VLG)     |
| <u>  </u> 2289 CHESTER (TN)             | <u>  </u> 4205 WALDEN (VLG)         |
| <u>  </u> 2201 CHESTER (VLG)            | <u>  </u> 4489 MOUNT HOPE (TN)      |
| <u>  </u> 2489 CORNWALL (TN)            | <u>  </u> 4401 OTSVILLE (VLG)       |
| <u>  </u> 2401 CORNWALL (VLG)           | <u>  </u> 4600 NEWBURGH (TN)        |
| <u>  </u> 2600 CRAWFORD (TN)            | <u>  </u> 4800 NEW WINDSOR (TN)     |
| <u>  </u> 2800 DEERPARK (TN)            | <u>  </u> 5089 TUXEDO (TN)          |
| <u>  </u> 3089 GOSHEN (TN)              | <u>  </u> 5001 TUXEDO PARK (VLG)    |
| <u>  </u> 3001 GOSHEN (VLG)             | <u>  </u> 5200 WALLKILL (TN)        |
| <u>  </u> 3003 FLORIDA (VLG)            | <u>  </u> 5489 WARWICK (TN)         |
| <u>  </u> 3005 CHESTER (VLG)            | <u>  </u> 5401 FLORIDA (VLG)        |
| <u>  </u> 3200 GREENVILLE (TN)          | <u>  </u> 5403 GREENWOOD LAKE (VLG) |
| <u>  </u> 3489 HAMPTONBURGH (TN)        | <u>  </u> 5405 WARWICK (VLG)        |
| <u>  </u> 3401 MAYBROOK (VLG)           | <u>  </u> 5600 WAWAYANDA (TN)       |
| <u>  </u> 3689 HIGHLANDS (TN)           | <u>  </u> 5889 WOODBURY (TN)        |
| <u>  </u> 3601 HIGHLAND FALLS (VLG)     | <u>  </u> 5801 HARRMAN (VLG)        |
| <u>  </u> 3889 MINISINK (TN)            | <u>  </u> 5809 WOODBURY (VLG)       |
| <u>  </u> 3801 UNIONVILLE (VLG)         | <u>  </u> CITIES                    |
| <u>  </u> 4089 MONROE (TN)              | <u>  </u> 0900 MIDDLETOWN           |
| <u>  </u> 4001 MONROE (VLG)             | <u>  </u> 1100 NEWBURGH             |
| <u>  </u> 4003 HARRMAN (VLG)            | <u>  </u> 1300 PORT JERVIS          |
| <u>  </u> 4005 KIRYAS JOEL (VLG)        | <u>  </u> 9999 HOLD                 |

NO. PAGES   3   CROSS REF.     
CERT. COPY    ADD'L X-REF.     
MAP#    PGB.   

PAYMENT TYPE: CHECK     
CASH     
CHARGE     
NO FEE   

Taxable  
CONSIDERATION \$ 235,000.-  
TAX EXEMPT     
Taxable  
MORTGAGE AMT. \$   

MORTGAGE TAX TYPE:  
   (A) COMMERCIAL/FULL 1%  
   (B) 1 OR 2 FAMILY  
   (C) UNDER \$10,000  
   (E) EXEMPT  
   (F) 3 TO 6 UNITS  
   (I) NAT.PERSON/CR. UNION  
   (J) NAT.PER-CR.UN/1 OR 2  
   (K) CONDO

*Donna L. Benson*

DONNA L. BENSON  
ORANGE COUNTY CLERK

Received From O'KEEFE & McCANN

RECORDED/FILED  
08/06/2008/ 10:49:56  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE # 20080058359  
DEED R / BK 12678 PG 1038  
RECORDING FEES 114.00  
TTX# 007500 T TAX 940.00  
Receipt#894684 alicev

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 6-6-08 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* 8-2-13  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS  
ORANGE COUNTY



*See original  
8/2/13*

**THIS INDENTURE**

**MADE** the 21st day of May, Two Thousand Eight between DENISE SCOTT N/K/A DENISE BROMM, residing at 10 Barbara Court, Newburgh, New York 12550 party of the first part, and PADDINGTON ZWIGARD, with a mailing address of P.O. Box 331, Aurora, New York 12580, party of the second part:

**WITNESSETH:**

That the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars lawful money of the United States, AND OTHER GOOD AND VALUABLE CONSIDERATION paid by the party of the second part, does hereby grant and release unto the party of the second part, its heirs, successors and assigns forever,

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, Orange County and State of New York, known as and by Lot 69 on a certain map entitled, "Gidney Estates Subdivision, made by T.W. Westlake, Engineer," and filed in the Orange County Clerk's Office on February 7th, 1957, as Map No. 1694 and more particularly bounded and described according to said map as follows:

BEGINNING at a point on the Northerly side of Christie Road, South 57 degrees 11 minutes 50 seconds West, 117 feet from the corner formed by the intersection of the Northerly side of Christie Road and the Westerly side of Stony Run Road; running thence along the Northerly side of Christie Road, South 57 degrees 11 minutes 50 seconds West, 7.14 feet and South 59 degrees 26 minutes 30 seconds West 85.07 feet; thence North 27 degrees 21 minutes West 130.08 feet; thence North 69 degrees 01 minute 50 seconds East 99 feet; thence South 24 degrees 09 minutes 20 seconds East, 113.83 feet to the Northerly side of Christie Road, the point or place of beginning.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in an 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 the said premises,

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

**AND** the said party of the first part covenants that he has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

**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 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.

IN WITNESS WHEREOF, the party of the first part has hereunto set hand and seal the day and year first above written.

*Denise Scott NKA Denise Bromm*  
DENISE SCOTT, N/K/A DENISE BROMM

STATE OF NEW YORK )

SS:

COUNTY OF ORANGE )

On the <sup>21<sup>st</sup></sup> day of May in the year 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE SCOTT, N/K/A DENISE BROMM, 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.

*Diane K. Halstead*  
Notary Public

DIANE K. HALSTEAD  
Notary Public, State of New York  
No. 4856289  
Qualified in Orange County  
Commission Expires March 31, 2010

1517.002\S:\Clients\Scott, Denise\Deed.doc

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

I, Paddington Zwigard <sup>PROXY</sup> ← A.K.A. "Matz (maiden name) PMZ, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 331 Main Street, Arva, NY 13026  
IN THE COUNTY OF Cayuga AND STATE OF New York  
AND THAT HE/SHE IS THE OWNER IN FEE OF 4 Christie Rd  
Newburgh, New York 12550

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

DATED: 8/1/13 [Signature]

OWNER'S SIGNATURE

[Signature]  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1<sup>ST</sup> DAY OF August 2013

[Signature]

NOTARY PUBLIC

YOOK LAN AU  
Notary Public - State of New York  
No. 01AU6283417  
Qualified in Richmond County  
My Commission Expires June 03, 2017