



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 5/8/2023

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

I (WE) Robert Rowe PRESENTLY

RESIDING AT NUMBER 136 W Main Street, Walden NY 12586

TELEPHONE NUMBER 914 204 4476

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

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

1. LOCATION OF THE PROPERTY:

2-1-51 (TAX MAP DESIGNATION)

913 Route 32 (STREET ADDRESS)

____ (ZONING DISTRICT)

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 (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1: Shall not increase the degree
of non-conformity
(Side yard) (50' minimum)

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:

5/2/2023

- 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 for

side yard setback on non-conforming structure

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:

Replacement of deck on rear of home. Deck will not protrude beyond width of house structure. Many neighboring homes also have small rear decks.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The replacement deck is requested at the rear of the house as it was previously

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The proposed deck leaves a 33' set back to side set back. Not requesting variance to decrease (further) to house set back to property line.

- 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 deck was pre-existing on home and not protruding beyond width of home and will not reduce side set back to property line.

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

Set back was revised in going after home was built. Not requesting a further reduction in set back. Replacing existing deck on rear of home.

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~ Bronx

SWORN TO THIS 9th DAY OF MAY 20 23



NOTARY PUBLIC

Diego Andrade
Notary Public New York State
No. 01AN5057827
Qualified in Bronx County
Commission Expires: 3/4/26

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Short Environmental Assessment Form **Part 1 - Project Information**

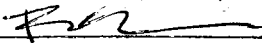
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 913 Route 32			
Project Location (describe, and attach a location map): 2-1-51			
Brief Description of Proposed Action: Replace pre-existing rear deck			
Name of Applicant or Sponsor: Robert Rowe		Telephone: 914 204 4476	
		E-Mail: rowerconed.com@gmail.com	
Address: 136 W Main Street			
City/PO: Walden		State: NY	Zip Code: 12586
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval: Building permit - Town of Newburgh			<input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1 acres	
b. Total acreage to be physically disturbed?		.0044 acres (1925 sq ft)	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" 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			

Page 2 of 5

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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Robert Rowe</u> Date: <u>5/8/2023</u></p> <p>Signature: <u></u></p>		

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



ORANGE COUNTY – STATE OF NEW YORK
KELLY A. ESKEW, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

GA-23-13219-O

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15386 / 70
INSTRUMENT #: 20230013632

Receipt#: 3134708
Clerk: PM
Rec Date: 02/27/2023 10:00:47 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: GreenAcre Abstract LLC

Party1: GALATI ROBERT
Party2: ROWE ROBERT
Town: NEWBURGH (TN)
2-1-51

Recording:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - county	9.00

Sub Total: 200.00

Transfer Tax
Transfer Tax - State 720.00

Sub Total: 720.00

Total: 920.00

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

***** Transfer Tax *****
Transfer Tax #: 6617
Transfer Tax
Consideration: 180000.00

Transfer Tax - State 720.00

Total: 720.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

Kelly A. Eskew
Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGE0

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 17th day of February, 2023,

BETWEEN Robert Galati and Sandra Miller, of 913 State Route 32, Wallkill, New York 12589, party of the first part, and

Robert Rowe of 136 W. Main Street, Walden, New York 12586, party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) and other valuable consideration 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 erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly described in Schedule A attached hereto.

BEING and intended to be the same premises conveyed to Robert Galati and Sandra Miller from Sandra L. Miller and Michael J. Febbie, Jr. by Deed dated September 10, 2003 and recorded in the Office of the Orange County Clerk on October 3, 2003 in Liber 11215 at page 769.;

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 encumbered in any way whatever, except as aforesaid.

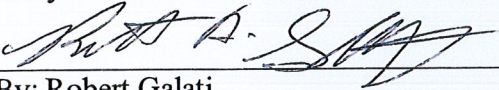
Record and Return to:
Ozman Law office
Attn: Brandon Ozman, Esq.
130 West Main St
Walden, NY 12586

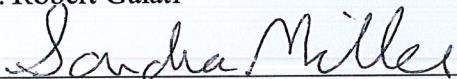
SBL: 2 | 1 | 51

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.

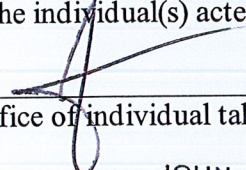

By: Robert Galati


By: Sandra Miller

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the 9th day of February in the year 2023, before me, the undersigned, personally appeared **Robert Galati and Sandra Miller**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

JOHN J REVELLA
Notary Public - State of New York
No. 02RE6188046
Qualified in Orange County
Commission Expires June 02, 2024

SCHEDULE A Description

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 and State of New York, being bounded and described as follows:

BEGINNING at a point on the westerly line of Route No. 32, said point being the intersection of the westerly line of said Route No. 32, with the northerly line of lands now or formerly of Steffe (Liber 1627 Page 957);

RUNNING THENCE along the northerly line of lands now or formerly of said Steffe, and along the northerly, easterly and southerly lines of lands now or formerly of Maloney (Liber 1581 Page 234) the following: South 85 degrees 33' 50" West, 350.00 feet to a point;

THENCE North 11 degrees 38' 30" West, 75.00 feet to a point;

THENCE North 83 degrees 33' 50" East, 125.00 feet to a point;

THENCE North 11 degrees 38' 30" West, 75.00 feet to a point;

THENCE North 83 degrees 33' 50" East, 225.00 feet to a point on the westerly line of
aforesaid Route No. 32;

THENCE running along the westerly line of said Route No. 32, South 11 degrees 38' 30" East, 150.00 feet to the point or place of BEGINNING.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

3043-23

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 05/02/2023

Application No. 23-0403

To: Robert Rowe
136 West Main Street
Walden, NY 12586

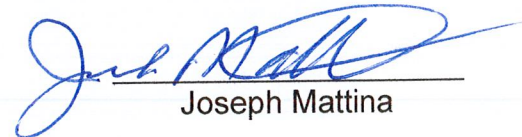
SBL: 2-1-51
ADDRESS: 913 Route 32

ZONE: RR

PLEASE TAKE NOTICE that your application dated 04/24/2023 for permit to Construct a 12' x 16' rear deck on an existing non-conforming dwelling on the premises located at 913 Route 32 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Section:

1) 185-19-C-1: Shall not increase the degree of non-conformity. (Side yard)(50' minimum)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: ROBERT ROWE Application # 23-0403

ADDRESS: 136 WEST MAIN ST WALDEN NY 12586

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: Rear deck @ 913 Rt. 32 Wallkill NY 12589

SBL: 2-1-51 ZONE: RR ZBA Application # 3043-23.

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD	50'	33'	Increasing degree non-conformity		
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES** / NO
2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
FRONT YARD - 185-15-A YES / NO
STORAGE OF MORE THEN 4 VEHICLES YES / NO
HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES:

The dwelling is existing non-conforming

REVIEWED BY: Joseph Mattina

DATE: 2-May-23



919 NY-32

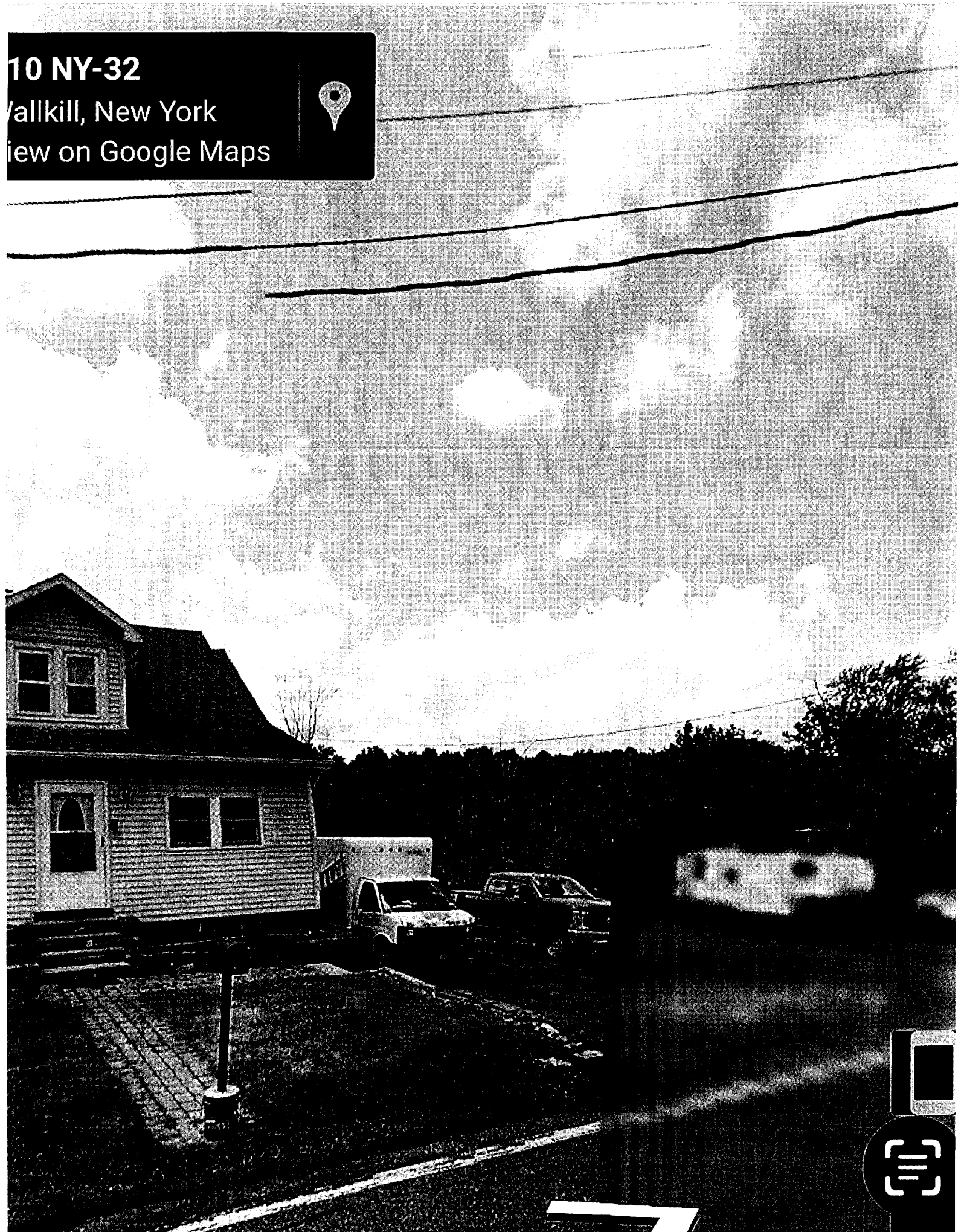
Wallkill, New York

[View on Google Maps](#)



10 NY-32

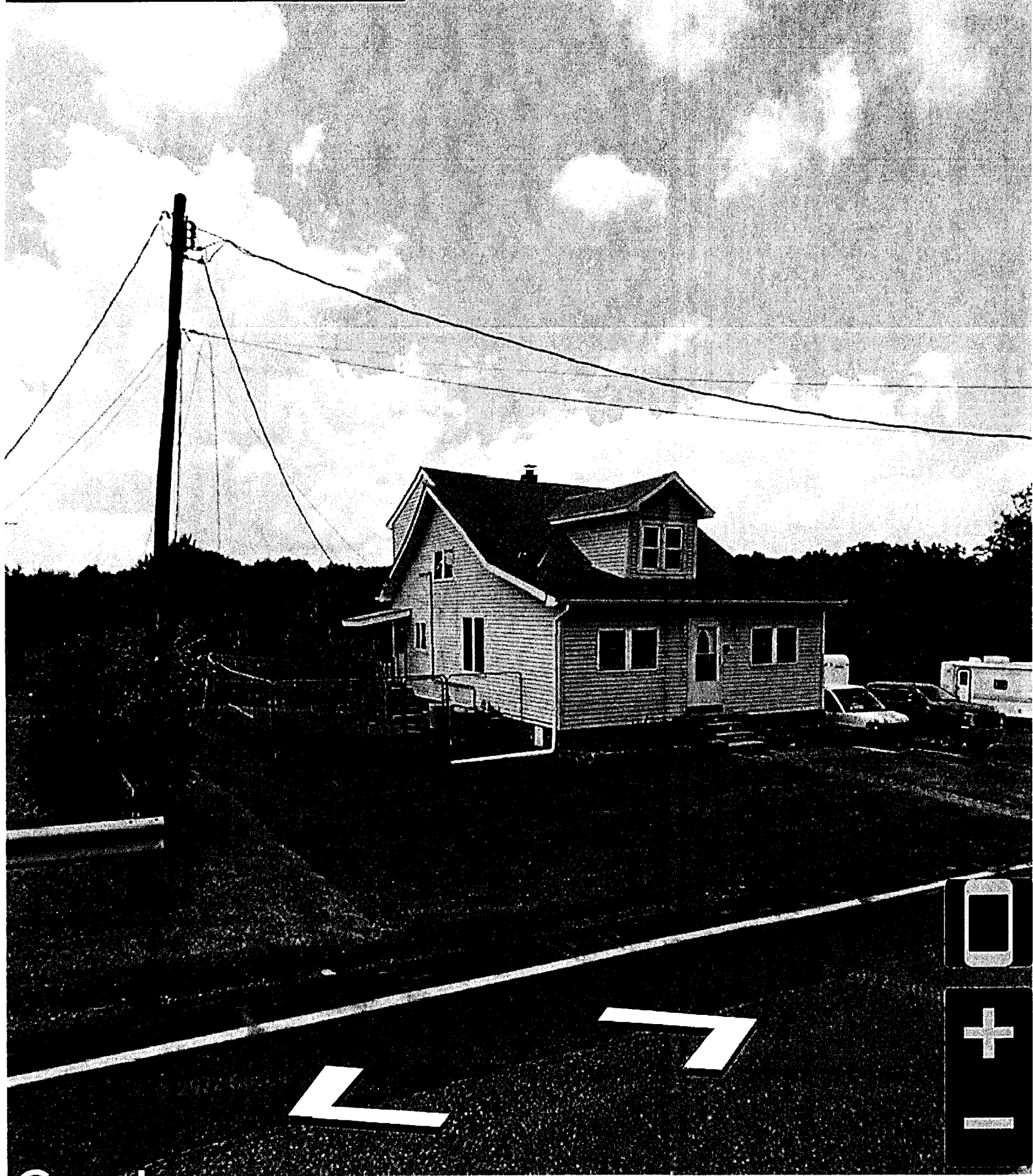
Wallkill, New York
View on Google Maps

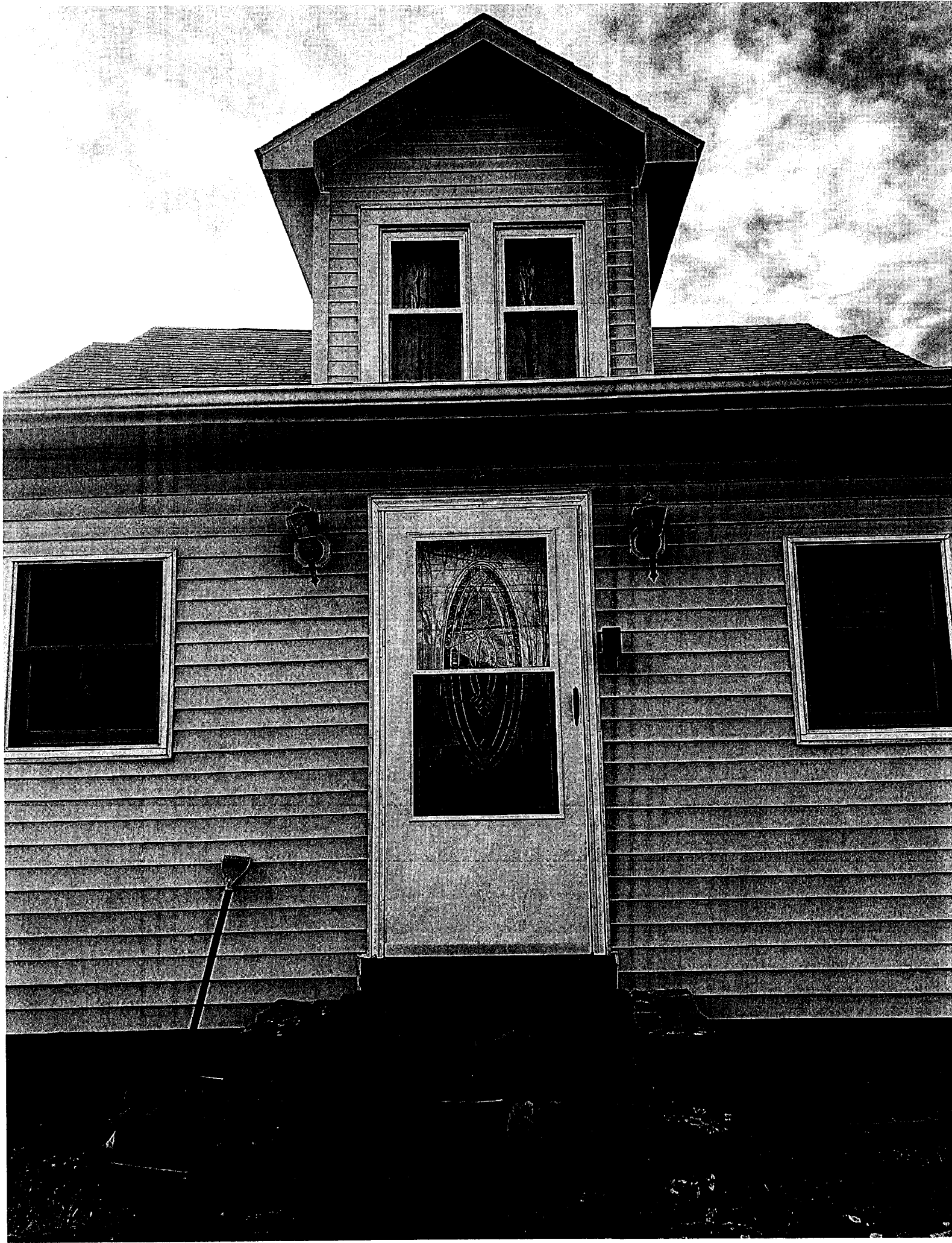


913 NY-32

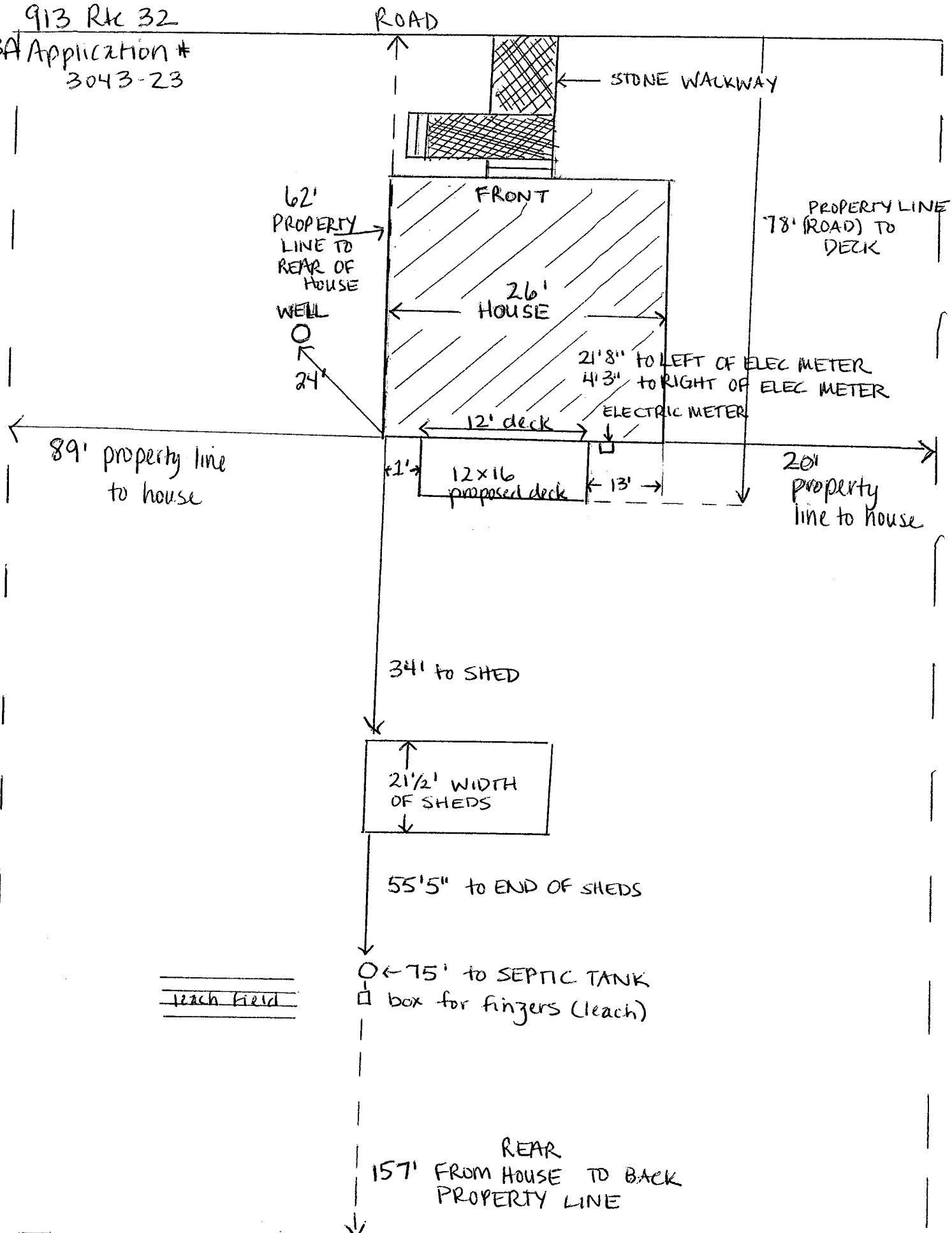
Wallkill, New York

[View on Google Maps](#)





913 Rte 32
2BA Application #
3043-23



HOUSE DECK

SIZE 12' X 16'

913 Rte 32

ZBA Application #

3043-23

STAIRS

3/8" MAXIMUM VARIANCE

9" MINIMUM TREAD

8 1/4" MAXIMUM RISE

SOLID LANDINGS

HAND RAILS IF 2 STEPS OR MORE

HANDRAIL HEIGHT 34-36"

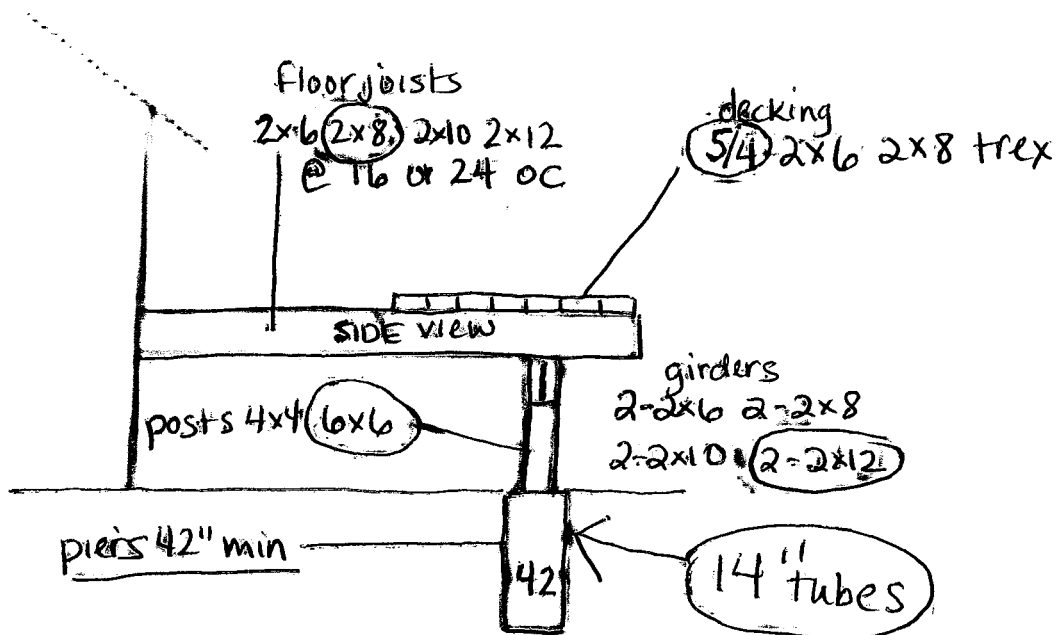
MINIMUM WIDTH 35"

RAILING HEIGHT 36" MINIMUM

MAXIMUM OPENING 4"

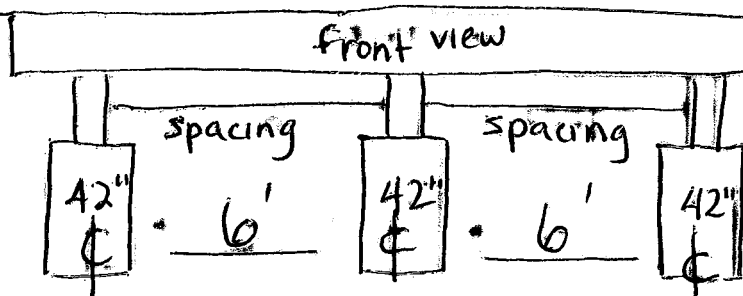
ANY WHERE ON DECK

circle one of each below



height of deck
from ground

• 48"



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

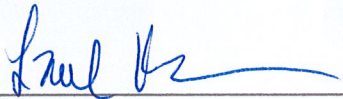
STATE OF NEW YORK: COUNTY OF ORANGE:

I, Laurel Benjamin-Rowe, being duly sworn, depose and say that I did on or before
May 11th, 2023, post and will thereafter maintain at

913 Route 32 2-1-51 RR Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to
the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The
Notice must then be removed and property disposed of within ten (10) days of the close of the Public
Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for
additional time.



Sworn to before me this 11th

day of May, 2023.

Karen E Miller
Notary Public, State of NY

KAREN E. MILLER
Notary Public, State of New York
Registration No. 01M16209185
Qualified in Orange County
Commission Expires July 20, 2025



Town of Beaverton
Beaverton, Oregon 97005
Phone: 503-261-1000
Fax: 503-261-1001

NOTICE TO THE PUBLIC
The Town of Beaverton is currently in the process of reviewing the Town's
General Plan. A Public Hearing will be held by the Planning Board at the Town of
Beaverton, 10000 SW 10th Ave, Beaverton, OR 97005, on the date of the
hearing, 10:00 AM to 12:00 PM, on the 10th day of May, 2011.

Any person who wishes to present comments on the General Plan should
submit them to the Planning Board at the above address or by email to
planning@beaverton.gov.

Comments received by the Planning Board will be used to inform the
Town's decision on the General Plan. The Planning Board will meet on the
10th day of May, 2011, at 10:00 AM.