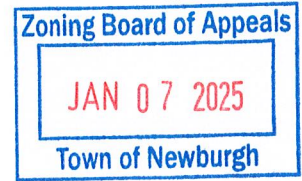




TOWN OF NEWBURGH

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: 12/26/2024

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

I (WE) Eileen Reilly PRESENTLY

RESIDING AT NUMBER 123 Lattintown Rd

TELEPHONE NUMBER 845-728-4388

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:

7-1-32 (TAX MAP DESIGNATION)

123 Lattintown Rd (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bulk Table Schedule 2

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:
12/13/2024

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: Side yard setback, 30' minimum required

only 20.6' is provided. Variance of 9.4' requested

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

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

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The proposed deck shall be built in the same foot print as the existing deck at the rear of the existing house. The deck not be visible from the road.

- 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 existing house location is less than minimum required for the side yard setback. Any deck coming of the rear of the home will not meet the minimum required setback.

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

The proposed deck is to replace the current deck that has become unsafe. The location and size of the proposed deck is in the same location of the ageing existing deck.

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

No additional disturbance will be required because the existing deck is just being replaced.

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

The existing deck is at the end of its life and its replacement can be considered a safety measure.

7. ADDITIONAL REASONS (IF PERTINENT):

Allen Beilly
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF January 2025

[Signature]
NOTARY PUBLIC

MICHAEL H. RANDOLPH
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01RA6279988
Qualified in Orange County
My Commission Expires April 15, 2025

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)

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Eileen Reilly, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 123 Lattintown Rd
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF 123 Lattintown Rd

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, LLS/ACES
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 01/08/25 Eileen Reilly

[Signature]

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 8th DAY OF January 2025



[Signature]
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

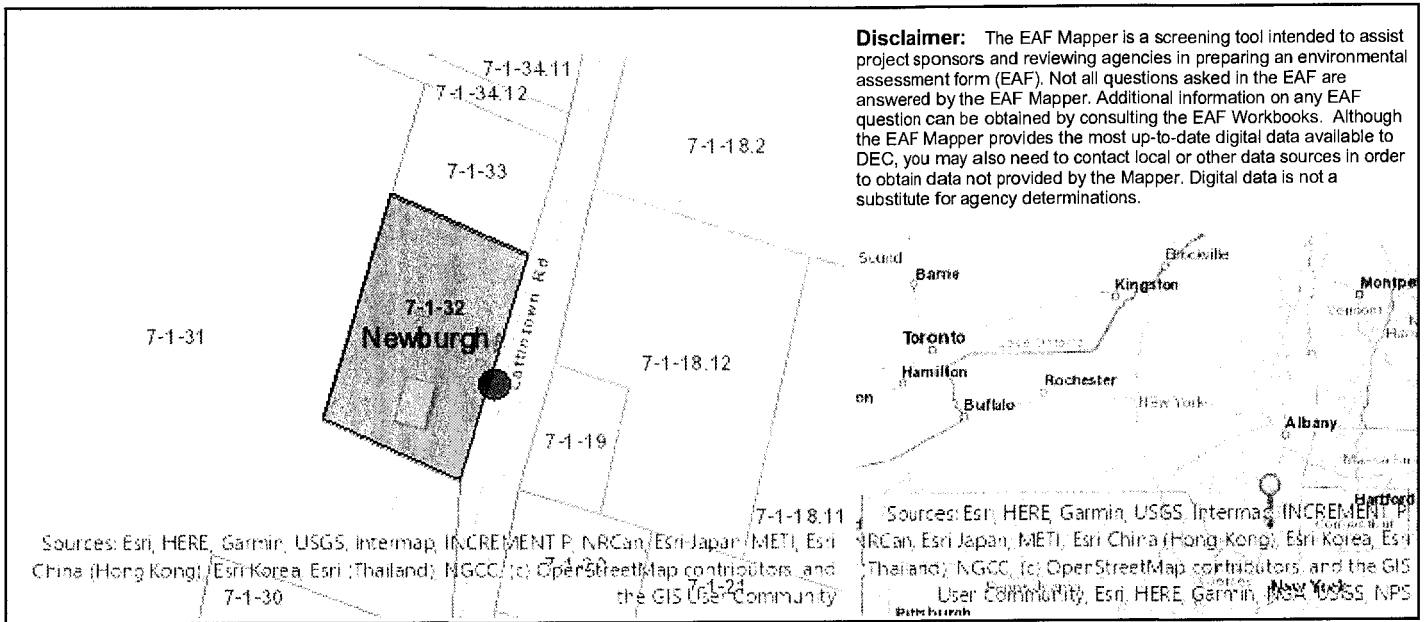
Instructions for Completing

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: Eileen Reilly deck replacement			
Project Location (describe, and attach a location map): 123 Lattintown Rd			
Brief Description of Proposed Action: Proposed replacement of existing aging deck in the same location.			
Name of Applicant or Sponsor: Eileen Reilly		Telephone: 845-728-4388	
Address: 123 Lattintown		E-Mail: eileenreilley63@gmail.com	
City/PO: Newburgh		State: NY	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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Newburgh ZBA		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.98 acres			
b. Total acreage to be physically disturbed? _____ 0.01 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.98 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input 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: _____	NO	YES	
	<input 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 services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ deck only _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ deck only _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14570 / 46
 INSTRUMENT #: 20190034355

Receipt#: 2654545
 Clerk: JM
 Rec Date: 05/22/2019 01:48:30 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: STEFANIE A SOVAK LAW OFFICES

Party1: REILLY FRANCES JANE BY EX
 Party2: REILLY EILEEN
 Town: NEWBURGH (TN)
 7-1-32

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 Residential/Agricu 116.00
 RP5217 - County 9.00

Sub Total: 190.00

Transfer Tax
 Transfer Tax - State 0.00

Sub Total: 0.00

Total: 190.00

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

***** Transfer Tax *****
 Transfer Tax #: 9344
 Transfer Tax
 Consideration: 0.00

Total: 0.00

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

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

EXECUTOR'S DEED (INDIVIDUAL OR CORPORATION)

STANDARD NYBTU FORM 8005-B

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

THIS INDENTURE, made the 7th day of December, 2018

Between Lori Ann Mead, residing at 1 Heritage Lane, Montgomery, New York 12549 and Eileen Reilly, residing at 123 Lattintown Road, Newburgh, New York 12550, Co-Executors of the Estate of Frances J. Reilly (aka Frances Jane Reilly), late of the Town of Newburgh who died intestate on the 20th day of February, 2018.

party of the first part, and

Eileen Reilly, residing at 123 Lattintown Road, Newburgh, New York 12550

party of the second part,

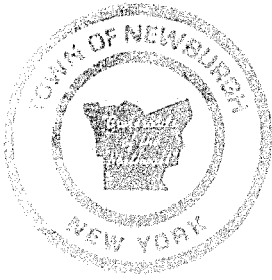
WITNESSETH, that the party of the first part, to whom Letters Testamentary were issued by the Surrogate's Court, Orange County, New York May 17, 2018 and by virtue of the power and authority given by Article 11 of the Estates, Powers and Trusts Law, and in consideration of Ten Dollars and 00/100 (\$10.00) lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever,

ALL that Land situate in the Town of Newburgh, County of Orange, and State of New York and bounded and described as follows:

BEGINNING at a point in the center of Lattintown Road, said point being 120 feet south from the northeast corner of the lands of Collins and southeast corner of lands of Joseph Chruma; thence north 60° 29' 20" west 20.26 feet to an iron pipe set in the assumed westerly road line of Lattintown Road; thence continuing north 60° 29' 20" west 159.74 feet to an iron pipe set; thence south 23° 27' 40" west 240.00 feet to an iron pipe set; thence south 60° 29' 20" east 159.74 feet to an iron pipe set in the assumed westerly road line of Lattintown Road; thence continuing south 60° 29' 20" east 20.26 feet to the center of said Lattintown Road; thence through the center of said Lattintown Road north 23° 17' 40" east 240.00 feet to the point or place of beginning. Containing .992 Acres more or less.

BEING a part of the premises conveyed to the parties of the first part by James F. Collins by deed dated April 21, 1944 and recorded in liber 929 of deeds at page 18.

ALSO BEING and intended to be the same premises conveyed to William J. Reilly and Frances Reilly from James F. Collins and Emma Collins by Deed dated May 9, 1962 and recorded in the Orange County Clerk's Office on May 28, 1962 in Liber 1616 of Deeds, page



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

202468

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 12/13/2024

Application No. 24-0889

To: Eileen Reilly
123 Lattintown Road
Newburgh, NY 12550

SBL: 7-1-32
ADDRESS: 123 Lattintown Rd

ZONE: AR

PLEASE TAKE NOTICE that your application dated 08/20/2024 for permit to replace a prior built rear deck on the premises located at 123 Lattintown Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 2 requires a 30' minimum side yard setback.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File



TOWN OF NEWBURGH ZONING CHART

NAME: EILEEN REILLY ADDRESS: 123 LATTINTOWN RD
NEWBURGH NY 12550

STRUCTURE: 12' X 16' REAR DECK TYPE OF VARIANCE: AREA / USE

S:B:L: 7-1-32 ZONE: AR TOWN WATER: NO / YES TOWN SEWER: NO / YES

VARIANCE DESCRIPTION	CODE SECTION	MINIMUM	REQUESTED	VARIANCE	%
SIDE YARD SETBACK	BULK TABLE SCHEDULE 2	30'	20.6'	9.4'	31.33%

COMMENTS: THE DWELLING WAS BUILT WITH A 7' X 7' REAR DECK
REPLACING A DECK THAT WAS BUILT WITHOUT A PERMIT

REVIEWED BY: JOSEPH MATINA DATE: 12-13-2024 APPLICATION: 24-0889
COA-2024-05

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Raymond B McKeiver, being duly sworn, depose and say that I did on or before

January 9, 2025, post and will thereafter maintain at

123 Lattintown Rd 7-1-32 AR 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.

Raymond B McKeiver

Sworn to before me this 8th

day of JANUARY, 2025.

Hedwig Helen Mlott

HEDWIG HELEN MLOTT
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ML4991824
Qualified in Orange County
My Commission Expires 02-10-2026

