



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: 04-23-24

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

I (WE) James D. Turner PRESENTLY
RESIDING AT NUMBER 340 Lakeside Rd. Newburgh, N.Y 12550
TELEPHONE NUMBER 914-805-1477

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:

63-1-9 (TAX MAP DESIGNATION)
409 Gardnertown Rd. (STREET ADDRESS)
R3 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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
Increasing the degree of non-conformity

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:
04-09-24
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: Increase the degree of non-conformity (Raising Roof lines of existing structure & adding decks upper & lower.

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 house had preexisting dormer all ready, which made it a 1 1/2 story house. Would like to just square it off to make a full 2-story house.

- 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:

There are two houses on the property which all ready makes it a non-conforming property. I am asking to continue and improve the non-conformity.

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

The change would actually enhance the look and the value of the property

- 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 changes would actually enhance the value of this property and the properties around it. It is actually an eye sore now.

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

No hardship stated. Just want to make the house beautiful and bring it up to today's standards.

7. ADDITIONAL REASONS (IF PERTINENT):

James D. Turner
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF April 2024

Kevin Alvarez
NOTARY PUBLIC

KEVIN ALVAREZ
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01AL6382480
QUALIFIED IN DUTCHESS COUNTY
MY COMMISSION EXPIRES OCT 29, 2026

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			
409 Gardnertown Rd. / James D. Turner			
Name of Action or Project: Renovation of house			
Project Location (describe, and attach a location map): 409 Gardnertown Rd.			
Brief Description of Proposed Action: Renovation of existing home. original house was a 1 1/2 story. prior owner extended roof lines (dormers) to make a full 2nd story however it was done illegally and incorrectly. I want to correct.			
Name of Applicant or Sponsor: James D. Turner		Telephone: 914-805-1477	
		E-Mail: DVP718@AOL.com	
Address: 340 Lakeside Rd. Newburgh			
City/PO: Newburgh		State: N.Y.	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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1/2	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1/2	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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input 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="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input 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)?	NO	YES
If Yes, explain purpose and size: _____ _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>James D. Turner</u>	Date: <u>04-23-24</u>	
Signature: <u>James D. Turner</u>		

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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" 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.

Town of Newburgh ZBA

Name of Lead Agency

04-23-24

Date

Stobhan Jablesnik

Print or Type Name of Responsible Officer in Lead Agency

Acting Secretary

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

James D. Turner property owner
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

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 15479 / 68
 INSTRUMENT #: 20230060806

Receipt#: 3207860
 Clerk: BR
 Rec Date: 10/12/2023 09:40:34 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: GreenAcre Abstract LLC

Party1: CAMPER JAMAR
 Party2: TURNER JAMES D
 Town: NEWBURGH (TN)
 63-1-9

Recording:

Recording Fee	45.00
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: 205.00

Transfer Tax	
Transfer Tax - State	860.00

Sub Total: 860.00

Total: 1065.00

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

***** Transfer Tax *****
 Transfer Tax #: 1772
 Transfer Tax
 Consideration: 215000.00

Transfer Tax - State	860.00
----------------------	--------

Total: 860.00

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

Comment: _____

Kelly A. Eskew

Kelly A. Eskew
 Orange County Clerk

STATE OF NEW YORK, COUNTY OF ORANGE ss:
 I, Kelly A. Eskew, 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 10/12/2023 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 04/18/2024.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
 Orange County

Record and Return To:

ELECTRONICALLY RECORDED BY INGENIO

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 29th day of September, 2023

BETWEEN

JAMAR CAMPER, residing at 409 Gardnertown Road, Newburgh, NY 12550, party of the first part,
and

JAMES D. TURNER, residing at 340 Lakeside Drive, Newburgh, NY 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other good and
valuable consideration

(\$10.00 dollars)

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, Orange County, New York, more particularly
described on Schedule A annexed hereto, and also known by Tax Map 63-1-9.

BEING AND INTENDED TO BE the same premises conveyed to *Jamar Camper*
on *11/29/2016* and recorded in the Orange County Clerk's Office on *12/20/2016*
in Liber *17157* at page *17,2*

S/B/C: 63-1-9

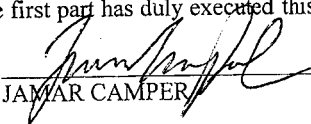
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets
and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the
appurtenances and all the estate and rights of the party of the first part in and to said premises;

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.

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.



JAMAR CAMPER

Stewart Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-23-13974-O

Policy No.: Owner Policy: O-8911-000964691

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 in the assumed southwesterly road line for Gardnertown Road at the boundary line of the herein described parcel, to the southeast and lands now or formerly of Treadwell (Liber 3682 Page 269) to the northwest;

RUNNING THENCE South 33 degrees 48' 00" West, 68.50 feet along said boundary line to a point marked by an iron rod found;

THENCE North 48 degrees 23' 00" West, 88.30 feet continuing along said boundary, being the southwesterly bounds of said lands now or formerly of Treadwell to a point marked by an iron rod found;

THENCE South 61 degrees 24' 00" West, 10.00 feet along the same to a point marked by an iron rod found;

THENCE North 61 degrees 42' 00" West, 22.17 feet along the same to a point in or near a chain link fence;

THENCE South 28 degrees 23' 00" West, 46.00 feet along the southeasterly bounds of lands now or formerly of Decarlo (Liber 13162 Page 750) and along a chain link fence for a portion thereof to a point;

THENCE South 32 degrees 49' 00" West, 98.00 feet along said lands now or formerly of DeCarlo to a point in or near the northeasterly bank of the Quassaick Creek;

THENCE South 71 degrees 16' 00" East, 121.15 feet along and through said creek, being the northeasterly bounds of lands now or formerly of Woods (Liber 13988 Page 1663) to a point at or near the center of Quassaick Creek;

THENCE North 33 degrees 51' 00" East, 174.23 feet along the northwesterly bounds of lands now or formerly of the Frances Fowler Living Trust 2 (Liber 12977 Page 1092) to a point in the assumed southwesterly road line for Gardnertown Road;

THENCE North 24 degrees 35' 00" West, 10.55 feet along the assumed road line for Gardnertown Road to the point or place of BEGINNING.

TOGETHER WITH AND SUBJECT TO a 10 foot wide right of way for ingress and egress by persons, animals and vehicles and as further described in Liber 1316 Page 91, bounded and described as follows:

BEGINNING at a point in the assumed southwesterly road line for Gardnertown Road at the boundary line of the herein described parcel, to the northwest, and lands now or formerly of the Frances Fowler Living Trust 2 (Liber 12977 Page 1092), to the southeast;

THENCE North 24 degrees 35' 00" West, 5.87 feet along said assumed road line to a point;

THENCE South 33 degrees 51' 00" West, 123.70 feet through the herein described parcel to a point;

THENCE South 56 degrees 09' 00" East, 10.00 feet passing through the boundary of the herein described parcel and said lands of the Frances Fowler Living Trust 2 at a distance of 5.00 feet and continuing through said lands of the Frances Fowler Trust 2 to a point;

THENCE North 33 degrees 51' 00" East, 117.56 feet through lands of the Frances Fowler Living Trust 2 to a point in the assumed road line of Gardnertown Road;

THENCE North 24 degrees 35' 00" West, 5.87 feet along said assumed road line to the point or place of BEGINNING

For Information Only:

Said premise(s) being known as:

409 Gardnertown Road, Newburgh, NY 1550 (Section: 63 Block: 1 Lot: 9)

ACKNOWLEDGMENT TAKEN IN NEW YORK STATE

State of New York, County of Orange, ss:

On the ⁴2nd day of September in the year 2023, before me, the undersigned, personally appeared JAMAR CAMPER

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 he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Verna W. Cobb
VERNA W. COBB
Notary Public, State of New York
No. 4698838
Qualified in Orange County
Commission Expires August 31, 2025

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Recording Return

*Natasha M. Turner, ESQ
1662 Route 300, Ste. 135
Newburgh NY 12550*



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

2024-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/09/2024

Application No. 24-0100

To: James D. Turner
340 Lakeside Road
Newburgh, NY 12550

SBL: 63-1-9
ADDRESS: 409 Gardnertown Rd

ZONE: R3

PLEASE TAKE NOTICE that your application dated 02/06/2024 for permit to adding new decks and raise the roof on an existing non-conforming building on the premises located at 409 Gardnertown Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 5: Requires a minimum rear yard setback of 40'
- 2) Bulk table schedule 5: Requires one side yard of 30' minimum
- 3) 185-19-C-1: Shall not increase the degree of non-conformity. (Raising the roof on an existing on conforming building)



Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: JAMES TURNER Application # 24-0100

ADDRESS: 340 LAKESIDE RD NEWBURGH NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: SINGLE FAMILY @ 409 GARDNERTOWN RD

SBL: 63-1-9 ZONE: R-3 ZBA Application # 2024-21

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	40'	19'		21'	52.50%
ONE SIDE YARD	30'	27.9'		2.1'	7.00%
BUILDING HEIGHT	ADDING A FULL SECOND FLOOR ON AN EXISTING NON-CONFORMING BUILDING				
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: There are 2 single family dwelling units on one lot

REVIEWED BY: Joseph Mattina

DATE: 9-Apr-24







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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, James D. Turner, being duly sworn, depose and say that I did on or before
May 9, 2024, post and will thereafter maintain at
409 Gardnertown Rd 63-1-9 R3 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.

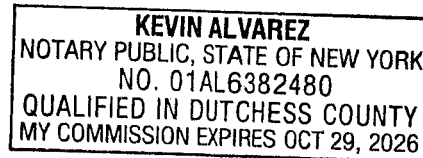
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

James D. Turner

Sworn to before me this 24th

day of April, 2024.

Kevin Alvarez







TOWN OF NEWBURGH

Crossroads of the Northeast

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

DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901
FAX LINE 845-564-7802

April 9, 2024

James Turner
340 Lakeside Rd
Newburgh, NY 12550

Re: 409 Gardnertown Rd., Newburgh
63-1-9 R3 Zone

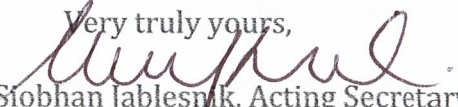
Dear Mr. Turner:

Enclosed please find Notice of Disapproval of Building Permit Application together with Application and Instructions for the Zoning Board of Appeals.

To add new decks and raise the roof on your property in the Town of Newburgh you must obtain a variance from the Zoning Board of Appeals.

The next scheduled available meeting of the Zoning Board of Appeals is Thursday May 23, 2024. If this Agenda is full, the next meeting will be Thursday June 27, 2024. If you plan on applying to the Zoning Board of Appeals for variances, the application and all materials requested must be submitted to this office no later than 13 business days prior to the hearing date. Also, all mailings must be completed at least 10 business days prior to that date. Please refer to the enclosed Meeting Dates and Deadlines sheet.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Siobhan Jablesnik, Acting Secretary
Zoning Board of Appeals

/BG

Encl. NYS GML Section 239 requires the Zoning Board of Appeals 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.