

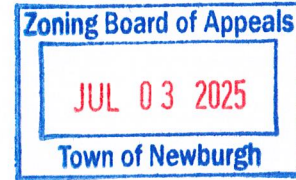


# TOWN OF NEWBURGH

*Crossroads of the Northeast*

## ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 6-24-25

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

I (WE) Donald L. DuBois PRESENTLY

RESIDING AT NUMBER 103 Cross St, Newburgh

TELEPHONE NUMBER 845-505-0380

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:

84-3-4 (TAX MAP DESIGNATION)

5 West Stone St. (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 one side yard  
185-19-C-1 two side yards  
Bulk Table Schedule 5 Rear yard setback

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:

6/30/2025

- 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: One side yard, 8.9' and two side yards 17.9' and Rear yard setback 36.1'

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:

Has been in existence for at least 30 years  
and was the same size as existing concrete porch.  
Side set backs consistant w/ house and  
neighboring properties.

- 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:

it is an existing structure.

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

~~Has but~~ shall not increase the degree  
of non-conformity for side yard setbacks.  
Existing structure.

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

Existing structure consistant  
with side set back for house.

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

inherited property/part of estate.

7. ADDITIONAL REASONS (IF PERTINENT):

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

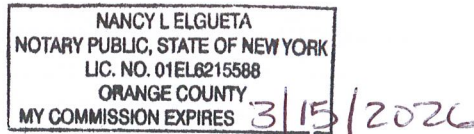
*Donald L. DeBorja*

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2<sup>nd</sup> DAY OF July 20 25

*Nancy S. Elgueta*  
NOTARY PUBLIC



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

Donald L. DuBois Jr, Executor DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 103 Cross Street, Newburgh  
IN THE COUNTY OF Orange AND STATE OF NY  
AND THAT HE/SHE IS THE OWNER IN FEE OF 5 West Stone St,  
Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED \_\_\_\_\_

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/2/2025 Donald L. DuBois Jr.

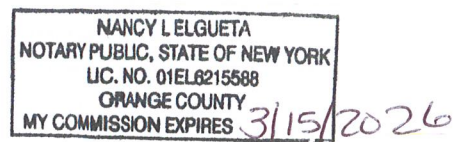
OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 2<sup>nd</sup> DAY OF July 2025

Nancy L. Elgueta  
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.

<b>Part 1 - Project and Sponsor Information</b>			
Donald L. DuBois, JR, Executor			
Name of Action or Project: Variance for existing structure			
Project Location (describe, and attach a location map): 5 West Stone St, Newburgh			
Brief Description of Proposed Action: 13' x 14' Rear addition			
Name of Applicant or Sponsor: Donald L. DuBois JR (Executor)		Telephone: 845-505-0380	
Address: 103 Cross St.		E-Mail: kldubois26@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?		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:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.11	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?		0.11	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			





18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Donald L. DuBois JR Executor</u> Date: <u>2/1/2025</u>		
Signature: <u>Donald L. DuBois JR. Executor</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 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:		
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)



## 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

# 2025-28

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/30/2025

Application No. 25-0659

To: Donald Dubois  
24 O Dell Cir  
Newburgh, NY 12550

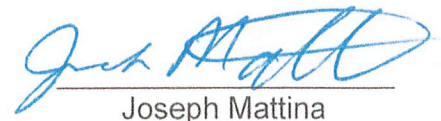
SBL: 84-3-4  
ADDRESS: 5 West Stone St

ZONE: R3

PLEASE TAKE NOTICE that your application dated 06/24/2025 for permit to keep a rear addition built without permits or approvals on the premises located at 5 West Stone St is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-19-C-1: Shall not increase the degree of non-conformity: One side yard setback
- 2) 185-19-C-1: Shall not increase the degree of non-conformity: Combined side yard setback.
- 3) Bulk table schedule 5: Requires a 50' minimum rear yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# TOWN OF NEWBURGH ZONING CHART

NAME: \_\_\_\_\_ DONALD DUBOIS \_\_\_\_\_ ADDRESS: \_\_\_\_\_ 5 WEST STONE ST \_\_\_\_\_

NEWBURGH NY 12550

STRUCTURE: \_\_\_\_\_ 13' X 14' REAR ADDITION \_\_\_\_\_ TYPE OF VARIANCE: AREA

S:B:L: 84-3-4 \_\_\_\_\_ ZONE: R-3 \_\_\_\_\_ TOWN WATER: YES \_\_\_\_\_ TOWN SEWER: YES

VARIANCE DISCRPTION	CODE SECTION	MINIMUM	REQUESTED	VARIANCE	%
ONE SIDE YARD	185-19-C-1	25'	8.9'		SHALL NOT INCREASE THE DEGREE OF NON-CONFORMITY
TWO SIDE YARDS	185-199-C-1	50'	17.9'		
REAR YARD SETBACK	BULK TABLE SCHEDULE 5	50'	36.1'	13.9'	27.80%

COMMENTS: \_\_\_\_\_ 2-FAMILY DWELLING UNIT  
BUILT WITHOUT PERMITS OR APPROVALS  
NO CODE COMPLIANT OR STRUCTURAL REVIEW DONE

REVIEWED BY: \_\_\_\_\_ JOSEPH MATINA \_\_\_\_\_ DATE: 6-30-2025 \_\_\_\_\_ APPLICATION: 25-0659

25A - 2025-23



## 5 West Stone Street



Street front of house showing left side setback



Rear view of house and addition



## 5 West Stone Street



Side view of addition



Other side of addition



## 5 West Stone Street



Street view of front of house showing right side set back



Rear view of side set back

## 5 West Stone Street



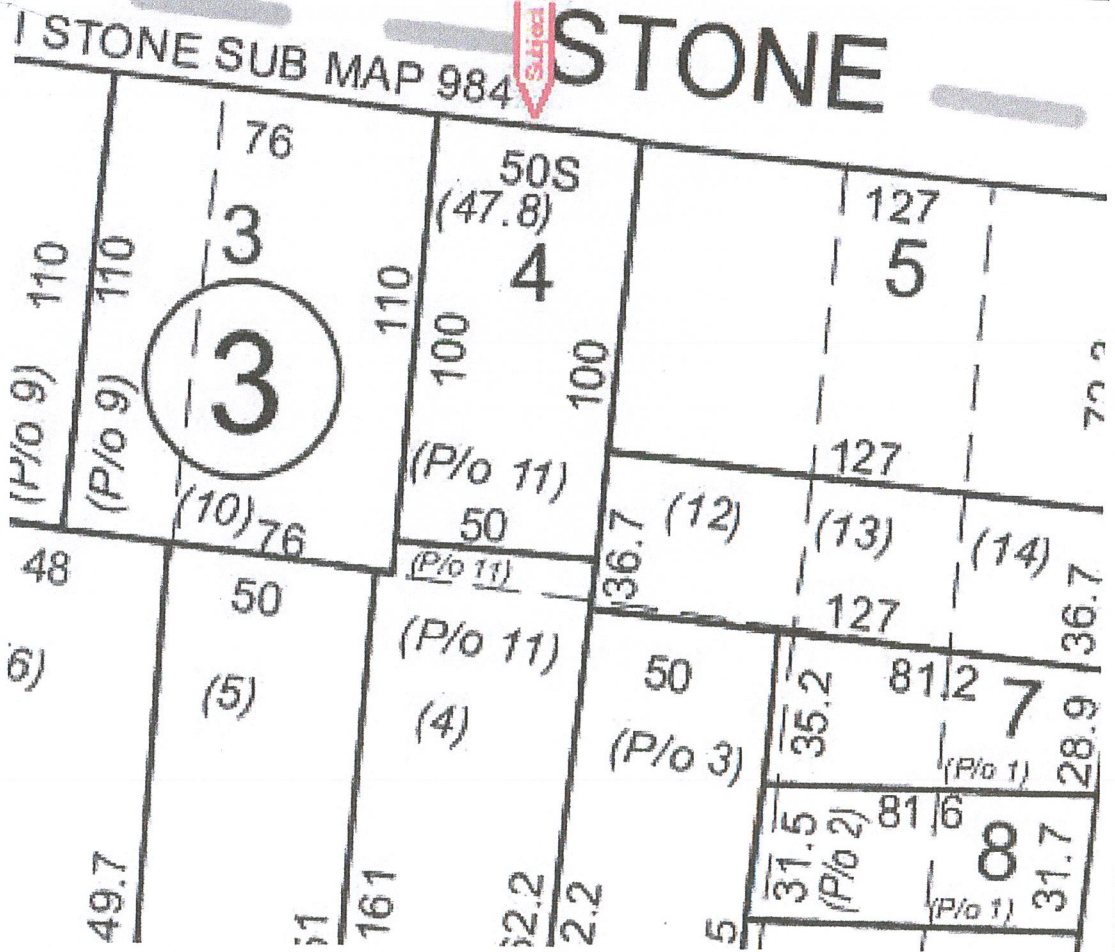
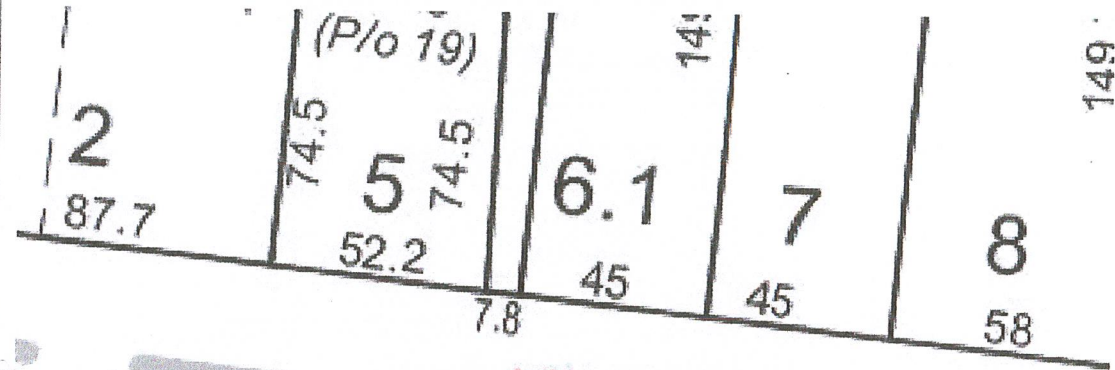
Back yard



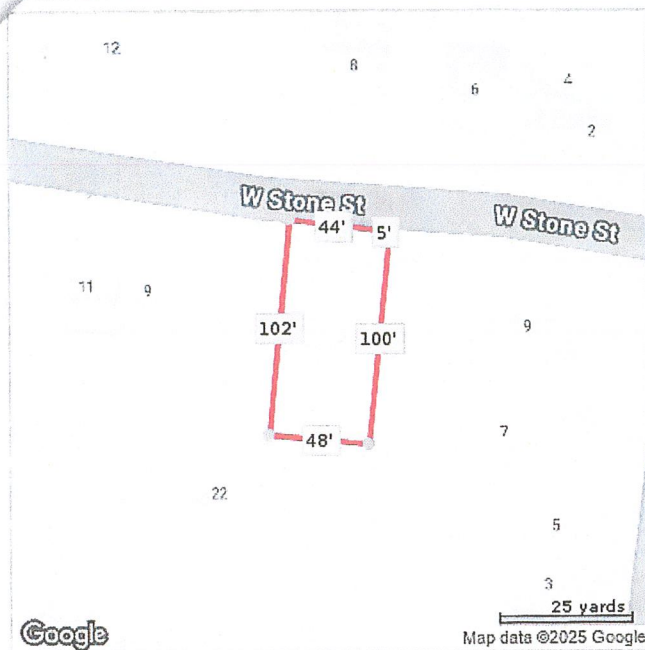
PLAT MAP

Client: Donald DuBois, Jr.  
 Property Address: 5 West Stone Street  
 City: Newburgh

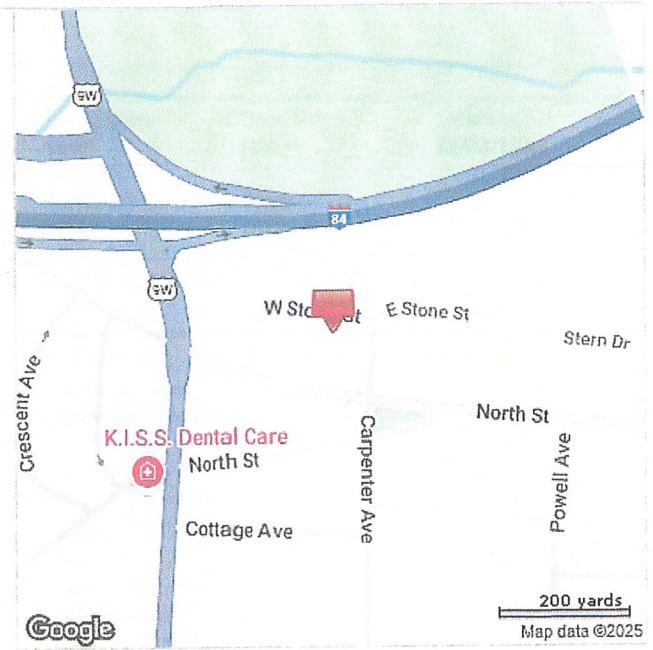
File No.: V503019A  
 Case No.:  
 State: NY Zip: 12550



PROPERTY MAP



\*Lot Dimensions are Estimated



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Donald L. DuBois, Jr. Executor, being duly sworn, depose and say that I did on or before

July 10, 2025, post and will thereafter maintain at

5 West Stone St 84-3-4 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.

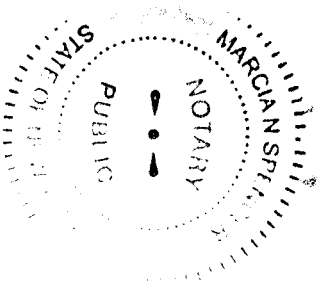
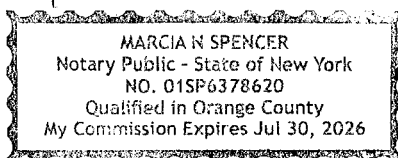
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Donald L. DuBois, Jr. Executor

Sworn to before me this 7<sup>th</sup>

day of July, 2025.

[Signature]









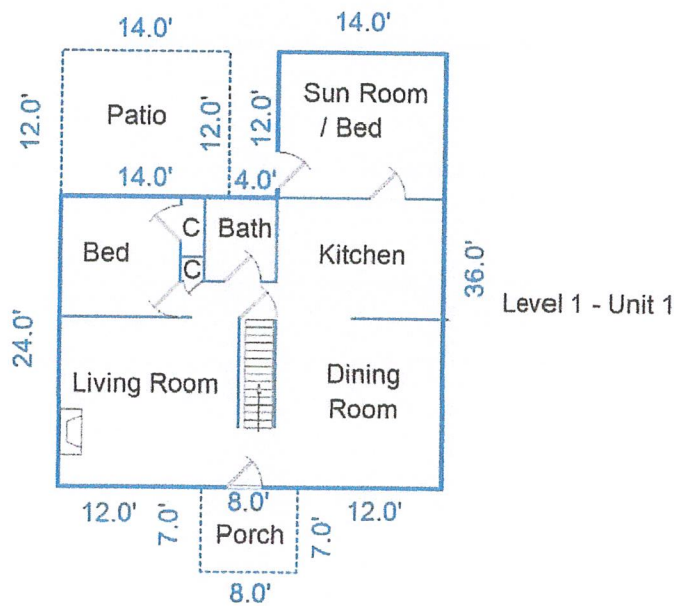
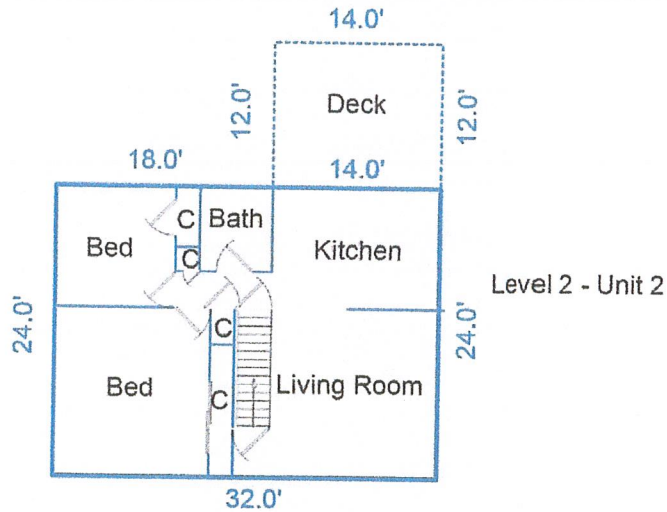




# FLOORPLAN SKETCH

Client: Donald DuBois, Jr.  
 Property Address: 5 West Stone Street  
 City: Newburgh

File No.: V503019A  
 Case No.:  
 State: NY Zip: 12550



AREA CALCULATIONS SUMMARY						AREA CALCULATIONS BREAKDOWN				
Code	Description	Factor	Net Size	Perimeter	Net Totals	Name	Base x	Height x	Width =	Area
GLA1	First Floor	1.0	936.0	136.0	936.0	First Floor		24.0 x	18.0 =	432.0
GLA2	Second Floor	1.0	768.0	112.0	768.0			14.0 x	12.0 =	168.0
P/P	Porch	1.0	56.0	30.0				24.0 x	14.0 =	336.0
	Patio	1.0	168.0	52.0		Second Floor		24.0 x	14.0 =	336.0
	Wood Deck	1.0	168.0	52.0	392.0			24.0 x	18.0 =	432.0
Net LIVABLE			(rounded)	1,704	5 total items	(rounded)			1,704	