TOWN OF NEWBURGH

_Crossroads of the Northeast _____

ZONING BOARD OF APPEALS

OLD TOWN HALL 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD (845) 566-4901

APPLICATION DATED:

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

I (WE) John and Cleste Pera	PRESENTLY
RESIDING AT NUMBER 16 Wandering	br, Neuburgh, NY
TELEPHONE NUMBER 845-566-75 26	
LIEPERV MAKE APPLICATION TO THE ZONING BO	ARD OF APPEALS FOR

THE FOLLOWING:

A USE VARIANCE

AN AREA VARIANCE

INTERPRETATION OF THE ORDINANCE

- 1. LOCATION OF THE PROPERTY: 102 (TAX MAP DESIGNATION) Section 4 Blode landering br. 16 4 (STREET ADDRESS) (ZONING DISTRICT)
- 2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- 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: June 26, 2012
 - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: USe of sh-ed Keep pigeons. 40

- 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: The pigeons are used as therapy for Special needs foster children's, see <u>a trached Jetters</u>, #1, 2 (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: The shed is located in our backyard and the pigeons are Used for foster Kids. Foster care subsidizes our income

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE: Said shed Cannot be seen from the road and the pigeons are. a) ways in their coop.



7. ADDITIONAL REASONS (IF PERTINENT):

Celerte Rijo PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE: 12 SWORN TO THIS DAY OF 20 NOTARY PUBLIC

DANIEL J. WEINER Notary Public, State of New York No. 01WE6221430 Qualified in Dutchess County Commission Expires June 7, 20

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.

617.20 Appendix C State Environmental Quality Review SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)
celeste miloriena & John Tena Koep pigeuns in lot & Discimicant
3. PROJECT LOCATION
Municipality Newburgh county ORANGE
4. PRECISE LOCATION (Street address and road Intersections, prominent landmarks, etc., or provide map) 16 Wandering Dr.
Newburgh, NU 12550
5. PROPOSED ACTION IS:
6. DESCRIBE PROJECT BRIEFLY: Requesting 9. Variance to Keer Andre
6. DESCRIBE PROJECT BRIEFLY: Requesting 9. Variance to Krop Pigeons in 9 10x8 Pigeon Coop (shed).
7. AMOUNT OF LAND AFFECTED: 10 X B = 50 SQ · F+ . Initially acres Ultimately acres
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? Yes X No I'No, describe briefly The Pigeons are not destructive and
being used for therapeutic purposes.
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? Image: State or Local in the second sec
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? Yes No if Yes, list agency(s) name and permil/approvals:
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
Applicant/sponsor name: Celeste Rijo-Peria Date: 8/15/12
Signature: Celleste Rijo-Plina.
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment
OVER
1 Reset

PART II - IMPACT ASSESSMENT (To be completed by Le	ead Agency)
A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PAR	RT 617.4? If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FO declaration may be superseded by another involved agency.	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED C1. Existing air quality, surface or groundwater quality or quantity, nois potential for erosion, drainage or flooding problems? Explain briefly	a lovale avieting froffic pottern and what we have a
C2. Aesthelic, agricultural, archaeological, historic, or other natural or c	ultural resources; or community or neighborhood character? Explain briefly:
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant ha	bliats, or threatened or endangered species? Explain briefly:
C4. A community's existing plans or goals as officially adopted, or a change	in use or intensity of use of land or other natural resources? Explain briefly:
C5. Growth, subsequent development, or related activities likely to be in	duced by the proposed action? Explain briefly:
C6. Long term, short term, cumulative, or other effects not identified in C	C1-C5? Explain briefly:
C7. Other impacts (including changes in use of either quantity or type of	energy)? Explain briefly:
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CH ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:	ARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO Yes No If Yes, explain briefly:	POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
geographic scope; and (f) magnitude. If necessary, add attachmen sufficient detail to show that all relevant adverse impacts have been in	gency) e whether it is substantial, large, important or otherwise significant. Each n or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) ts or reference supporting materials. Ensure that explanations contain lentified and adequately addressed. If question D of Part II was checked ct of the proposed action on the environmental characteristics of the CEA.
	gnificant adverse impacts which MAY occur. Then proceed directly to the FULL
Check this box If you have determined, based on the information and ar NOT result in any significant adverse environmental impacts AND pro	nalysis above and any supporting documentation, that the proposed action WILL wide, on attachments as necessary, the reasons supporting this determination
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 OLD TOWN HALL 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550 (845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

-			
File No2301-12	Date:	June 26	, 2012
	CDI	400.0.00	
To: CELESTE RIJO-PENA	SBL	102-2-20	
16 WANDERING DRIVE	ADD:	16 WANDE	RING DRIVE
NEWBURGH, NY 12550	ZONE	<u>R-1</u>	
		•	•
PLEASE TAKE NOTICE that	your application	on dated	May 14,
20 12 for permit to keep the pigeons in the	he shed (pige	on coop)	·
At the premises located at <u>16 Wandering E</u>	Drive		
(REQUIRES A US	SE VARIANC		•
Is returned herewith and disapproved on the	following grou	inds:	
185 - 7 - F - UNSPECIFIED USES. ANY USE NOT SPECIFICALLY PERMITTED) SHALL BE [FEMED TO	BE
PROHIBITED.			
(REQUIRES A USE VARIANCE)	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -		-
	•	,	
	• •		
	J		BELL
Co: Town Clerk & Assessor File	V	1 .	

OWNER INFORMATIC	DN <i>Bùi</i>	LT WITH OU	T A PERMI	T YES	NO	23
NAME:	Celeste Rijo-	Peńa	<u> </u>		•	5
ADDRESS:	16 W	andering Drive	, Newburgh,	NY 12550	۰.	U
PROJECT INFORMAT	ION:				. ·	
TYPE OF STRUCTURE:	········	Use Var	iance to K	eep Pigeons	;	
SBL: 102-2-20	ZONE:		·····	•		
TOWN WATER: YES	/ NO	TOWN	I SEWER:	YES / 1	NO ·	
• •	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE]
LOT ARE	A	·				1
LOT WIDTH	H	2	······································		<u> </u>	
LOT DEPTI	Н		•			
FRONT YAR	p ·		**************************************	•		
REAR YARI	D			- 		
SIDE YAR		·				
MAX. BUILDING HEIGHT	Г	· · ·				
BUILDING COVERAGE	=					,
SURFACE COVERAGE	=					
INCREASING DEGREE OF N 2 OR MORE FRONT YARDS CORNER LOT - 185-17-A ACCESSORY STRUCT GREATER THEN 1000 S.F. (FRONT YARD - 185-15-A STORAGE OF MORE THEN HEIGHT MAX. 15 FEET - 185 10% MAXIMUM YARD COVE	URE: DR BY FORMU 4 VEHICLES 5-15-A-1	OPERTY	4		YE	ES / N ES / N ES / N
VOIE3.		• .			• •	
VARIANCE(S) REQUIRE	ED:	•	•			
1 185-7-F Unspecified uses.	Any use not s	pecifically per	nitted shall t	be deemed to	be prohibited.	•
		······································				
2						
23						

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June 2, 2012

Gerald Canfield Code Compliance Supervisor Town of Newburgh 308 Gardnertown, NY 12550

Re: Complaint No: 12-40, Celeste Rijo-Pena Sec-Blk-Lot: 102-2-20, 16 Wandering Dr., Newburgh

Dear Sir:

We would like to inform you that it was never our intention to break any law, harm or damage any neighbors' property. We were not aware of the code from the Zoning Board. We have had the pigeons for 11 years and never had any complaints. I have spoken with some of my neighbors and they don't seem to have any problems with the pigeons. Before the inspector came we were in the process of consolidating to one shed that was converted to a coop.

We are affiliated with The Astor Program for Children as foster parents. These children are children with special needs. They come to us with many emotional and social problems. Most of them take heavy medications and are under psychiatric treatment.

Through the years, we have found the pigeons to be a tool when dealing with the many issues these children have. When these kids come from school they have something to look forward to, they are calm and in touch with nature. The best counseling has happened in our backyard where serious issues have been resolved. It gives them the sense of ownership since many have never owned anything, a sense of family structure, responsibility, and the appreciation of nature. These children have social networking when meeting with other pigeon owners. They make long lasting relationships and learn how to socialize with strangers.

These pigeons are trained, they are homing pigeons and are not destructive. Pigeons have been useful in past wars, and even today they are part of science programs in many schools throughout the country. In our area, Warwick schools, and Fox Hill in Walden, pigeons are used as part of a science program.

We are requesting to keep our pigeons for all the reasons mentioned.

Thank you for your anticipated consideration.

Very truly yours, Celeste and John Pena Whn Kena



Hudson Valley Community-Based Behavioral Health and Prevention Services Therapeutic Program 13 Mt. Carmel Place Poughkeepsie, NY 12601-1714 Tel: (845) 452-6293 Fax: (845) 452-6235 Email: astor@astorservices.org Website: www.astorservices.org

...Because every child deserves a childhood

April 11, 2012

To Whom It May Concern:

Celeste and John Pena have been trained therapeutic foster parents for Astor Services for Children and Families for many years. During that time they have cared for numerous clients. The Pena's have provided a warm and loving home for them. Part of the benefit of living in the Pena home for these children came from helping to care for the Pena's Pigeons. It is very therapeutic for children, some who have been damaged in some way, to care for other living things.

Thank you for consideration of this important matter.

Sincerely,

Peggy Hall, RN Therapeutic Foster Boarding Home Program Nurse



Hudson Valley Community-Based Behavioral Health and Prevention Services

...Because every child deserves a childhood

Therapeutic Foster Boarding 13 Mt. Carmel Place Poughkeepsie, NY 12601 Tel: (845) 452-6293 Fax: (845) 452-6235 Email: astor@astorservices.org

June 25, 2012

Mr. & Mrs. John Pena 16 Wandering Dr. Newburgh, NY, 12550

Dear Mr. & Mrs. Pena:

Our next cluster meeting will be held **Monday**, July 2, from 6 – 8 pm at the school next door to our administrative offices. Peggy will be presenting the yearly medical review information.

ALL CLUSTER MEETINGS ARE MANDATORY. Again, if a meeting is missed, it will be your responsibility to arrange with staff to make up the missed training at the Astor office. Internet trainings will no longer be accepted to meet recertification requirements.

Kindly submit your paperwork to your worker that evening. This includes the Smoke Detector form (which needs to be signed by the child as well as the parent), Independent Living Skills form and medication sheets for any children on meds.

Also, remember to provide the office with your respite information as close to the 1st of the month so that respite payments can be made in a timely manner.

Reminder A finder's fee of \$200 will be paid to each family who successfully recruits a new family to the Program.

Very truly yours,

Gene/a

Gene Cavanaugh, LCSW-R Program Director TFBH Program

GC:cm

SPONSORED BY Catbolic Charities Archelioces of New York Develog Hep. Crosses Hep.



NEWBURGH ENLARGED CITY SCHOOL DISTRICT

Ralph A. Pizzo

Superintendent of Schools

David E. Noriega, Ed.D. Ed Forgit Mary Ellen Leimer Michael Pacella

Assistant Superintendent / Student Intervention and Support Services Assistant Superintendent / Curriculum & Instruction Assistant Superintendent / Human Resources Assistant Superintendent / Finance www.newburghschools.org

124 Grand Street Newburgh, NY 12550 P: 845-563-3500 F: 845-563-3501

June 28, 2012

Ms. Celeste Rijo-Pena 16 Wandering Dr. Newburgh, NY 12550

Dear Ms. Rijo-Pena:

The Newburgh Enlarged City School District and the members of the Board of Education, at its Regular Meeting held on 6/27/2012, accepted your letter of intent to retire effective 6/30/2012.

On behalf of Mrs. Dawn M. Fucheck, President of our Board of Education, along with the other members of the Board, Mr. Ralph Pizzo, Superintendent of Schools, and the Administrative Staff, we offer you our sincere thanks for your dedicated years of service to the District.

It is the sincere wish of everyone that you and your family experience many healthy and happy retirement years and that you will always possess very fond memories of the Newburgh School District.

Sincerely,

Mary Elfen Leimer Assistant Superintendent for Human Resources

MEL: rlg

cc: Personnel File L. Brunger



TOWN OF NEWBURGH

----Crossroads of the Mortheast-----OLD TOWN HALL 308 GARDNERTOWN ROAD NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT. TELEPHONE 845-564-7801 Fax Line 845-564-7802

June 25, 2012

Celeste Rijo-Peńa 16 Wandering Drive Newburgh, NY 12550

Re: Pigeon Coop Building Permit Application Tracking # 12-315 SBL: 102-2-20

Dear Mrs. Rijo-Peńa,

This letter is to inform you that the building permit application you submitted for a $10' \times 8'$ Shed is being reworded to say Pigeon Coop $10' \times 8'$. This application is being denied and you than could appeal the decision to the Zoning Board of Appeals.

You will soon receive a Zoning Board of Appeals Application packet for you to file. That process is described in the packet. In the event that your ZBA appeal is denied to keep the pigeons, the Building Permit can be reworded back to say Shed $10' \times 8'$.

If you have any questions, do not hesitate to call.

Respectfully,

Vames Campbell Asst. Building Inspector PHONE: (845) 564-7801

TOWN OF NEWBURGH INSPECTION VIOLATIONS

6.5.12

DATE

 $\mathcal{D}_{\mathcal{H}}^{(1)}$

Fax: (845) 564-7802

16 WONDERIJG DR. LOCATION

/2-315 PERMIT#

CAMPBELL INSPECTOR

FOOTINGS - FOUNDATION WALLS - WATER PROOFING - PLUMBING UNDER SLAB - SLAB - ROUGH FRAME/PLUMB - INSULATION SONO TUBES/PIERS - FIRE WALL - SEPTIC - FINAL - OTHER_____

#	VIOLATION	CORRI	The second s
<u> </u>		INITIALS	DATE
1	MEDOWLS @ OPEHIUG		
2	BLOCK FRONT & REDR WOUS		
3			
4			
5	HAS PIGEOLS		
6			
7			
8			
9	-		·····
10			
11			· · · · · · · · · · · · · · · · · · ·
12			
13			
14			
15			
	PASS FAIL - RE-INSPECTION REQUIRED - S		RK

COMMENTS:



Property Description Report For: Wandering Dr, Municipality of Newburgh

		Status:	Active
		Roll Section:	Taxable
		Swis:	334600
		Tax Map ID #:	102-2-20
No Photo		Property Class:	210 - 1 Family Res
Available		Site:	RES 1
		In Ag. District:	No
		Site Property Class:	210 - 1 Family Res
		Zoning Code:	-
		Neighborhood Code:	11012
Total Acreage/Size:	0.49	School District:	Valley Central
Land Assessment:	2012 - \$9,200	Total Assessment:	2012 - \$62,100
Full Market Value:	2012 - \$159,100		
Equalization Rate:		Legal Property Desc:	Lt 7 Dilorenzo SM 9663
Deed Book:	668	Deed Page:	272
Grid East:	601948	Grid North:	982500
Area			
Living Area:	1,551 sg. ft.	First Charry Aver-	000
Second Story Area:	0 sa. ft.	First Story Area:	999 sq. ft.
Additional Story Area:	0 sq. ft.	Half Story Area:	0 sq. ft.
Finished Basement:	552 sq. ft.	3/4 Story Area: Number of Stories:	0 sq. ft.
	JJZ 34, IC.	Number of Stories;	1
Structure			
Building Style:	Raised Ranch	Bathrooms (Full - Half):	1 - 0
Bedrooms:	2	Kitchens:	1
Fireplaces:	0	Basement Type:	÷ Full
Porch Type:	Porch-open/deck	Porch Area:	180.00
	a second and a second	- wrwit ratwar	100.00

Fireplaces:	0	Basement Type:	Full
Porch Type:	Porch-open/deck	Porch Area:	180.00
Basement Garage Cap:	1	Attached Garage Cap:	0.00 sq. ft.
Overall Condition:	Good	Overall Grade:	Average
Year Built:	1992		

Owners

Celeste Rigo-Watts 16 Wandering Dr Newburgh NY 12550

Sales

No Sales Information Available

Utilities

Sewer Type:	Comm/public	Water Supply:	Comm/public
Utilities:	Electric	Heat Type:	Hot wtr/stm
Fuel Type:	Natural Gas	Central Air:	No

Improvements

Structure	Size	Grade	Condition	Year
Porch-open/deck	180 sq ft	Average	Good	1992
Pool-abv grn	432 sq ft	Average	Good	2000
Porch-open/deck	81 sq ft	Average	Normal	1992

Land Types

Туре	Size
Primary	0.49 acres

Special Districts for 2012

Description	Units	Percent	Туре	Value	
Orange lk fire	0	0%		0	
Consol wtr 1	0	0%		0	
Consol wtr 2	0	0%	,	0	

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
2012	STAR RES	\$15,420	0	1999				0

