

# TOWN OF NEWBURGH

Crossroads of the

**Zoning Board of Appeals** 

AUG 2 6 2025

**Town of Newburgh** 

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: 8.4.2025

TO: THE ZONING BOARD OF APPEALS THE TOWN OF NEWBURGH, NEW YORK 12550 I (WE) James Saffioti **PRESENTLY** RESIDING AT NUMBER \_\_\_ 20 Jennifer Rose Way TELEPHONE NUMBER 845-541-8096 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: 5-1-14 (TAX MAP DESIGNATION) 20 Jennifer Rose Way (STREET ADDRESS) RR - Reservoir Residence District (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE

185 Attachment 5 - Table of Use and Bulk Requirements RR District - Schedule 1

Front Yard setback and Lot Surface Coverage

3.	IF VA	RIANCE 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:	_
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURG OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:	GH
4.	DESC	RIPTION OF VARIANCE SOUGHT: Front Yard Setback: Req=60', Requested=46.2'	
	Lot Sur	face Coverage: Max=10% , Requested = 17.5%	
5.		JSE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD DUCE UNNECESSARY HARDSHIP IN THAT:	D
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF A ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:	LL
		(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:	OF
	c)	THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:	
	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:	

a)	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE
	CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIE
	BECAUSE:
	The addition faces a private road and maintains residential scale. No views are blocked
	and no trees are removed. Design is consistent with the 1988 development character.
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:
	Rear yard is obstructed by pool, deck, landscaping, and septic system. Split-level design
	minimizes footprint and grade impact. Front addition is the only viable solution for layout
	and safety.
c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the 524 sf addition is above grade. Lot is legally undersized and non-conforming under current code. code.
c) d)	Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the  524 sf addition is above grade. Lot is legally undersized and non-conforming under current code.  code.  THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR
,	Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the  524 sf addition is above grade. Lot is legally undersized and non-conforming under current code.  code.  THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:
,	Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the  524 sf addition is above grade. Lot is legally undersized and non-conforming under current code.  code.  THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR
,	Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the  524 sf addition is above grade. Lot is legally undersized and non-conforming under current code.  code.  THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:  No grading changes or tree removal are proposed. Existing shrubs and condenser will be relocated. Stormwater and site conditions remain unchanged.  THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
d)	Setback reduction is 13.8' on a private road with no public frontage. Only 262 sf of the  524 sf addition is above grade. Lot is legally undersized and non-conforming under current code.  code.  THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:  No grading changes or tree removal are proposed. Existing shrubs and condenser will be relocated. Stormwater and site conditions remain unchanged.

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**

James Saffioti	, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 20 Jennifer Rose Wa	ay, Wallkill, NY 12589
IN THE COUNTY OF Orange	AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN F	FEE OF 20 Jennifer Rose Way
Wallkill, NY 12589	
WHICH IS THE PREMISES DESCRIBED	IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHOR	NIZED Nils Fredriksen - Fredriksen Architecture
TO MAKE THE FOREGOING APPLICATI	ION AS DESCRIBED THEREIN.
DATED: O = 1 * LO LS	Jaga -
WITNESS' SIGNATURE	VNER'S SIGNATURE
STATE OF NEW YORK: COUNTY OF OR SWORN TO THIS	ANGE: Lugust 20 25
MICHELLE ANDERSON NOTARY PUBLIC, STATE OF NEW YORK NO. 02AN0000746 QUALIFIED IN DUTCHESS COUNTY MY COMMISSION EXPIRES FEBRUARY 06, 2027	NOTARY PUBLIC

# Short Environmental Assessment Form Part 1 - Project Information

### **Instructions for Completing**

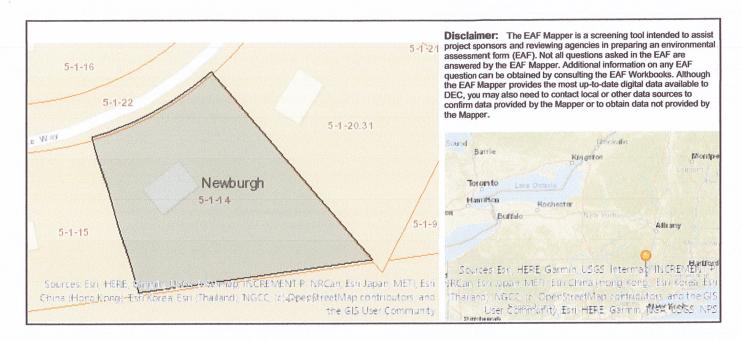
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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:					
Saffioti Residence Addition					
Project Location (describe, and attach a location map):					
20 Jennifer Rose Way, Wallkill, NY 12589					
Brief Description of Proposed Action:					
An approximately 15' x 15'-9" addition with covered entry is to be added to an existing split-le	vel home.				
Name of Applicant or Sponsor:	Telephone: 607-435-511	1			
Nils Fredriksen - Fredriksen Architecture PLLC	E-Mail: nils@fredriksenar	rch.com			
Address:					
45 1/2 Henry Avenue					
City/PO:	State:	Zip Code:			
Newburgh	New York	12550			
1. Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation?	ar law, ordinance,	NO YES			
If Yes, attach a narrative description of the intent of the proposed action and the may be affected in the municipality and proceed to Part 2. If no, continue to questions are the manual of the proposed action and the proposed action action and the proposed action action and the proposed action action action action and the proposed action action action and the proposed action a	environmental resources the stion 2.	nat 🗸 🗀			
2. Does the proposed action require a permit, approval or funding from any oth		NO YES			
If Yes, list agency(s) name and permit or approval: Town of Newburgh building permit					
3. a. Total acreage of the site of the proposed action?	0.93 acres				
b. Total acreage to be physically disturbed?	0.006 acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  0.93 acres					
Check all land uses that occur on, are adjoining or near the proposed action:					
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)					
✓ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Spe	cify):				
Parkland					

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<b>V</b>		
b. Consistent with the adopted comprehensive plan?		1	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
o. Is the proposed action consistent with the predominant character of the existing built of natural landscape.			1
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  , Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87			
If Yes, identify:			<b>V</b>
		NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		1	
b. Are public transportation services available at or near the site of the proposed action?		1	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		1	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
			1
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
		Ш	
11. Will the proposed action connect to existing wastewater utilities?		NO	MEG
		NO	YES
If No, describe method for providing wastewater treatment:		П	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district		NO	YES
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		1	
State Register of Historic Places?			
1. T. d		1	
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?	2		
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?		NO	YES
		1	V
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		1	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional			
☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES	
Federal government as threatened or endangered?	V		
16. Is the project site located in the 100-year flood plan?	NO	YES	
	V		
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	빌	V	
Will storm water discharges flow to adjacent properties?	✓		
<ul> <li>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</li> <li>If Yes, briefly describe:</li> </ul>	<b>√</b>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES	
or other liquids (e.g., retention pond, waste lagoon, dam)?  If Yes, explain the purpose and size of the impoundment:			
If ites, explain the purpose and size of the impoundment.	<b>V</b>		
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:			
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES	
completed) for hazardous waste? If Yes, describe:			
If ites, describe.	<b>✓</b>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/rane: Nils Fredriksen - Fredriksen Architecture PLLC Date: 8.25.2025			
Signature: Title: Architect		. —	
Digitation 1000, Samest			



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	, Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87
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, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the 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

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?	V	
2.	Will the proposed action result in a change in the use or intensity of use of land?	<b>V</b>	
3.	Will the proposed action impair the character or quality of the existing community?	V	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	V	
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?	<b>V</b>	
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?	V	
7.	Will the proposed action impact existing: a. public / private water supplies?	V	
	b. public / private wastewater treatment utilities?	<b>√</b>	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	V	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	V	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<b>V</b>	
11.	Will the proposed action create a hazard to environmental resources or human health?	V	

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.			
Fredriksen Architecture PLLC	8.25.2025		
Name of Lead Agency	Date		
Nils Fredriksen	Architect		
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)		

**PRINT FORM** 



# 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

# 2025-30

# NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 08/11/2025

Application No. 25-0812

To: James A. Saffioti 20 Jennifer Rose Way Wallkill, NY 12589

SBL: 5-1-14

**ADDRESS:20 Jennifer Rose Way** 

**ZONE: RR** 

PLEASE TAKE NOTICE that your application dated 08/04/2025 for permit to build a 15' X 15.75' front yard addition on the premises located at 20 Jennifer Rose Way is returned herewith and disapproved on the following grounds:

# Town of Newburgh Municipal Code:

- 1) Bulk table schedule 1: Requires a 60' minimum front yard setback
- 2) Bulk table schedule 1: Allows a maximum lot surface coverage of 10%.

Joseph Mattina

Cc: Town Clerk & Assessor (500')

File



# TOWN OF NEWBURGH ZONING CHART

NAME:	JAMES SAFFIOTI	ADDRESS:	20 J	20 JENNIFER ROSE WAY	AY
			M	WALLKILL NY 12589	6
STRUCTURE:	15' X 15.75 FRONT ADDITION	TYPE OF VARIANCE: AREA	ANCE: AREA		
S:B:L: 5-1-14	ZONE: RR	TOWN WATER: <u>NO</u>		TOWN SEWER: <u>NO</u>	
VARIANCE DISCRIPTION	CODE SECTION	MINIMUM	REQUESTED	VARIANCE	%
FRONT YARD	BULK TABLE SCHEDUL 1	,09	46.2'	13.8'	23%
LOT SURFACE AREA	BULK TABLE SCHEDULE 1	10% = 4050	17.5%=7079	3029 SF	7.50%
COMMENTS:					
	A CODE COMPLIANT PLAN REVIEW WAS NOT CONDUCTED	I REVIEW WAS NOT CO	NDUCTED		
IF A	IF APPROVED, APPROVAL FROM THE PLANNING BOARD IS REQUIRED. TON 185-22-C-(1)-c	NNING BOARD IS REQL	IRED. TON 185-2	22-C-(1)-c	
REVIEWED BY:	JOSEPH MATINA	DATE: 8-11-2025	11-2025	APPLICATION:	25-0812
				264-2015-30	08-77

Re: 20 Jennifer Rose Way 5-1-14

Dear Mr. Scalzo,

This letter is to indicate that I have reviewed the plans and discussed the proposed addition located at 20 Jennifer Rose Way. I have no objections and am in full support of this application.

Name:

Address:

8/25/25

Re: 20 Jennifer Rose Way 5-1-14

Dear Mr. Scalzo,

This letter is to indicate that I have reviewed the plans and discussed the proposed addition located at 20 Jennifer Rose Way. I have no objections and am in full support of this application.

Address: 26

Re: 20 Jennifer Rose Way 5-1-14

Dear Mr. Scalzo,

This letter is to indicate that I have reviewed the plans and discussed the proposed addition located at 20 Jennifer Rose Way. I have no objections and am in full support of this application.

Nama:

Address:

8/25/25

Re: 20 Jennifer Rose Way 5-1-14

Dear Mr. Scalzo,

This letter is to indicate that I have reviewed the plans and discussed the proposed addition located at 20 Jennifer Rose Way. I have no objections and am in full support of this application.

Name:

Address.

Address:

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

STATE OF NEW YORK: COUNTY OF ORANGE:
NILS FREDEINSEN being duly sworn, depose and say that I did on or before
September 11, 2025, post and will thereafter maintain at
20 Jennifer Rose Way 5-1-14 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 $26^{th}$
NICOLE DEGROODT NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01DE0037927 Qualified in Orange County Commission Expires May 29, 2029

