

APPLICATION TO THE HAMPTONBURGH  
ZONING BOARD OF APPEALS

DATED: May 17, 2021

TO: ZONING BOARD OF APPEALS  
TOWN OF HAMPTONBURGH, ORANGE COUNTY, NEW YORK 10916

I (WE) James + Donna Flannery PRESENTLY RESIDING AT

P.O. Box 237 Campbell Hall, NY 10916

TELEPHONE NO. (845) 283-3704

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE  
FOLLOWING:

X AN AREA VARIANCE

       A USE VARIANCE

       INTERPRETATION OF THE ORDINANCE

1. LOCATION OF PROPERTY:

SBL 7-1-79.1 (TAX MAP DESIGNATION)

Shea Rd. Campbell Hall (STREET ADDRESS)

R-3A (ZONING DISTRICT)

2. IS THIS PROPERTY WITHIN 500 FEET OF:

- A. A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT OR  
WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION?

YES ✓ NO       

**\*IF YOU ANSWER YES PLEASE COMPLETE THE ATTACHED  
AGRICULTURAL DATA STATEMENT**

- B. A COUNTY OR STATE ROAD (EXISTING OR PROPOSED)? YES ✓ NO

IF YES, PLEASE LIST: County Road No. 33

C. A COUNTY OR STATE PARK OR RECREATIONAL AREA (EXISTING OR PROPOSED)? YES \_\_\_ NO X IF YES, PLEASE LIST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. A MUNICIPAL BOUNDARY? YES \_\_\_ NO X IF YES, PLEASE LIST: \_\_\_\_\_

\_\_\_\_\_

E. THE BOUNDARY OF ANY COUNTY OR STATE-OWNED LAND ON WHICH A PUBLIC BUILDING OR INSTITUTION IS SITUATED (EXISTING OR PROPOSED)? YES \_\_\_ NO X IF YES, PLEASE LIST: \_\_\_\_\_

\_\_\_\_\_

3. PROVISION OF THE ZONING LAW APPLICABLE: (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER)

150 - 11A - d.

\_\_\_\_\_

\_\_\_\_\_

4. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

A. APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR; NOTICE DATED May 12, 2021, ATTACHED.

B. OR DENIAL BY THE PLANNING BOARD; NOTICE DATED \_\_\_\_\_, 20\_\_\_\_, ATTACHED.

5. DESCRIPTION OF VARIANCE SOUGHT:

Accessory buildings projecting nearer to the street than the principal building.

\_\_\_\_\_

6. IF AN AREA VARIANCE IS REQUESTED:

A. THE VARIANCE WILL NOT PRODUCE AN UNDESIREABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The barns in question are in use, and will remain in use. Continuity will be kept.

The parcel is part of a 155 year-old family farm within an agricultural district.

The proposed farmhouse will belong to the principal operator of the farm for the last 25 years, who has travelled there daily to operate and maintain.

- 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:

No house site is possible on parcel 7-1-79.1 without law 150-11A-d coming into question given the proximity of the barns to the road. A Variance therefore is essential.

- C. THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

There will be a clear view of the front of the house from the road, The Visual experience entering the driveway will be conventional: the house will be seen in the forefront, the barns seen in background.

- 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 proposed home is a conventional ranch style home utilizing a pre-existing driveway. It conforms with others in the neighboring area.

Owner occupation of farm property will enhance security and Stewardship capacity and allow for care of ailing family members living nearby.

- E. THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Siting choices are extremely limited but nevertheless do not self create need for variance as no site choice can avoid questions regarding law 150-11A-d.

7. 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 CANNOT REALIZE A REASONABLE RETURN, PROVIDED THAT LACK OF RETURN IS SUBSTANTIAL AS DEMONSTRATED BY COMPETENT FINANCIAL EVIDENCE BECAUSE:

N/A

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

N/A

C. THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

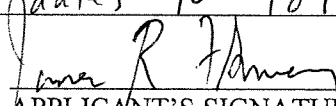
N/A

D. THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

N/A

8. ADDITIONAL REASONS (IF PERTINENT):

Wooden barn has historical significance to my family and continued efforts will be made to preserve it. It dates to 1893.

  
APPLICANT'S SIGNATURE

James R. Flannery  
PRINT NAME

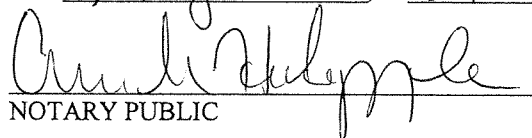
STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

SWORN TO BEFORE ME THIS 17<sup>th</sup> DAY OF May, 2021.

AMANDA R HULSEAPPLE  
Notary Public, State of New York  
Reg. No. 01HU6395308  
Qualified in Orange County  
Commission Expires July 22, 2023

  
NOTARY PUBLIC

DISCLOSURE ADDENDUM STATEMENT TO APPLICATION PETITION AND REQUEST

Mindful of the provision of Section 809 of the General Municipal Law of the State of New York and the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of this municipality, or of the Town or County of which it is a part, has any interest, financial or otherwise, in this application or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

☐ None  
☒ Name: James Flannery (Supervisor Orange County DSS)  
Address: PO Box 237 Campbell Hall, NY 10916  
Relationship or interest owner/applicant  
(financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board, Officer or Political Subdivision of the Municipality.

☐ Town Board  
☐ Planning Board  
☒ Zoning Board of Appeals

☒ Building Inspector  
☐ Other

Dated: 5/17/21

James Flannery  
Individual Applicant

\_\_\_\_\_  
Corporate or Partnership Applicant

By: \_\_\_\_\_  
(Pres.) (Partner) (Vice-Pres.) (Sec.) (Treas.)

GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK

"Section 809. Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them is:
  - (a) the applicant, or
  - (b) an officer, director, partner or employee of the applicant, or
  - (c) legally or beneficially owns or controls stock of a corporate applicant or is member of a partnership or association applicant, or
  - (d) is a part to an agreement with such an applicant, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor."

## AGRICULTURAL DATA STATEMENT

1. Name and address of applicant:  
James R + Donna L. Flannery  
P.O. Box 237 Campbell Hall, NY 10916
2. Location of the proposed action:  
Shea Road (County Road No. 33) Town of Hamptonsburgh SBL 7-1-79.1
3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) The type of action proposed (e.g. single-family dwelling or subdivision, multi-family development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) project density. (Attach additional description as necessary.)
- Size of Parcel: 25.1 ± AC Sec. 7 Blk. 1 Lot(s) 79.1
- Type of Action: Single Family Dwelling Density: 1 DU
4. Name, address and type of farm of owner(s) of land within the agricultural district which contains farm operation(s) and is located within 500 feet of the boundary of the property upon which the project is proposed:

Name: <u>Karen Flannery</u>	Name: _____
Address: <u>133 Shea Rd Campbell Hall</u>	Address: _____
Type of farm: <u>Hay + livestock</u>	Type of farm: _____
 Name: _____	 Name: _____
Address: _____	Address: _____
Type of farm: _____	Type of farm: _____

**Please provide an addressed *stamped* envelope for each parcel identified.**

5. **Tax map or other map** showing the site of the proposed project relative to the location of farm operation identified in the ADS.

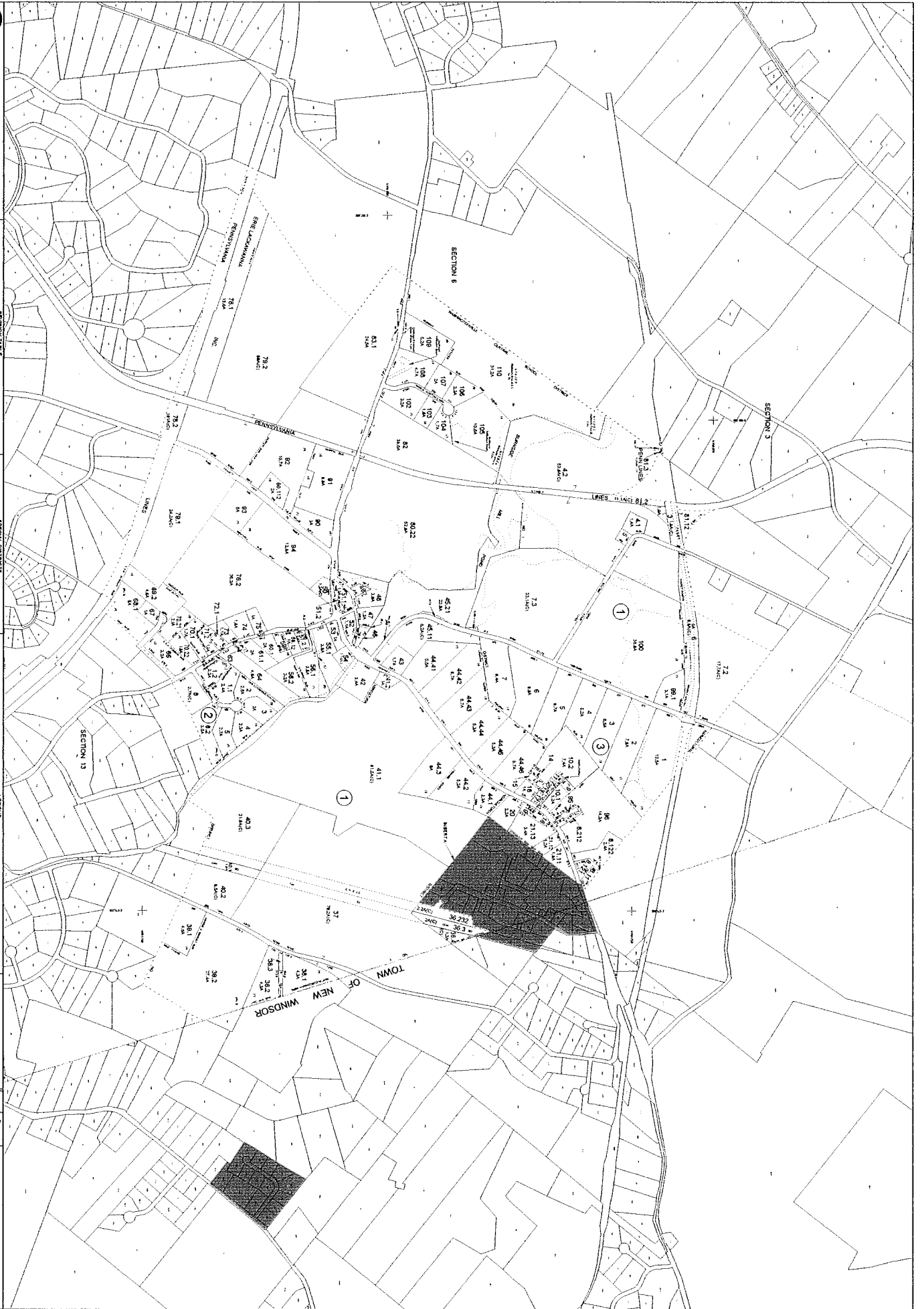
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FOR TOWN USE

This notice is issued pursuant to the requirement of Town Law 283-a. Known agenda and/or hearing dates are provided for your convenience.

**Applicant will appear before the Zoning Board of Appeals on**

\_\_\_\_\_ 20 \_\_\_\_\_ at 6:30 pm  
or as soon thereafter as the matter can be heard.



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

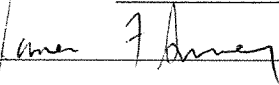
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

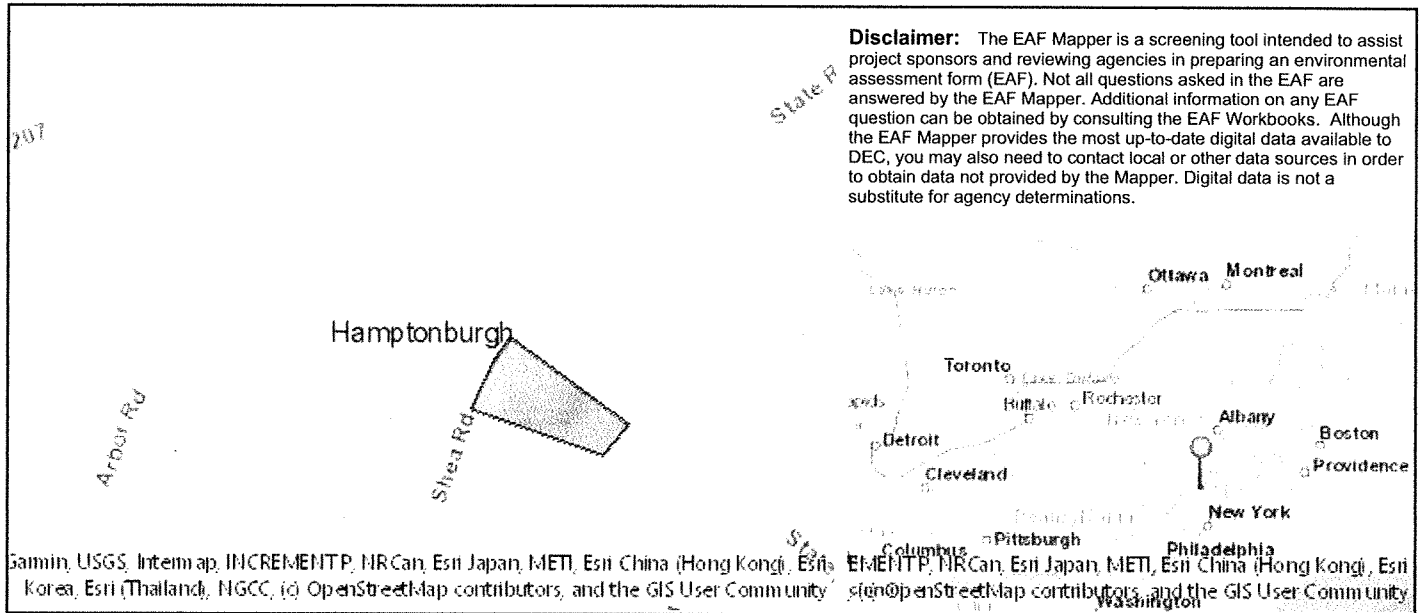
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>							
Name of Action or Project: Site Plan for James R. and Donna L. Flannery							
Project Location (describe, and attach a location map): Shea Road (Co. Rd. No. 33), Town of Hamptonburgh (SBL 7-1-79.1), Orange County							
Brief Description of Proposed Action:  Construction of a 3-bedroom single-family home on a 25.1 +/- acre parcel. The home will be serviced by an individual well and sanitary disposal system. There are two existing barns located on the parcel. Access to the buildings will be over an existing drive off of Shea Road (Co. Rd. No. 33).							
Name of Applicant or Sponsor:  James R and Donna L Flannery		Telephone: 845 283-3704  E-Mail: jamesfla5225@icloud.com					
Address: PO Box 237							
City/PO: Campbell Hall		State: NY	Zip Code: 10916				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input 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: OCDPW driveway permit (received) Town of Hamptonburgh building permit			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.   a. Total acreage of the site of the proposed action? <span style="float: right;">25.1 +/- acres</span> b. Total acreage to be physically disturbed? <span style="float: right;">0.6 +/- acres</span> c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">25.1 +/- acres</span>							
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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland							



5. Is the proposed action,	NO	YES	N/A
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?	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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Individual residential well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Individual residential sanitary disposal system	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" 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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Roadside swales/culverts along Shea Road - County Road No. 33	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<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? If Yes, describe:	NO	YES
	<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? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>James Flannery</u> Date: <u>5/14/2021</u>  Signature: <u></u> Title: <u>Owner</u>		



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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

**Town of Hamptonburgh**  
**Building and Zoning Department**  
**18 Bull Road**  
**Campbell Hall, New York 10916**  
**www.townofhamptonburgh.org**

**Office Hours: 8:00-3:00**  
**Inspections: 12:00-4:00**

**Donald Mekulik**  
**Code Enforcement Officer**  
**(845) 427-2424 Ext. 235**

May 12, 2021

James Flannery  
P. O. Box 237  
Campbell Hall, New York 10916

A review of the building permit application for the above mentioned project has been completed. The following will need to be addressed and resubmitted to the Building Department:

1. Garage under house shall be separated by fire resistant enclosure.
2. One plan calls for 14" sonotube, the other calls for 16" sonotubes ?
- ~~3.~~ Need Manual J and Manual S.
- ~~4.~~ Provide design for footing drains and fabric cover.
- ~~5.~~ Heat detection in Garage, Smoke not permitted.
- ~~6.~~ Specify plumbing material.
- ~~7.~~ Air Conditioning design.
- ~~8.~~ Heating fuel to be used.
- ~~9.~~ Specify handrail.
- ~~10.~~ No fresh air design.  
Note: for blower door test (Duct test)
11. Must apply to Zoning Board. House is behind the barns.
12. Engineering escrow \$2500.00.
13. RES Check Certificate. *I have*

Once all additional information is submitted a 2<sup>nd</sup> review by the Building Inspector will be completed.

Please feel free to contact our office if you have any further questions.

Respectfully,

Donald Mekulik  
Code Enforcement Officer

*area variance*