

REGULAR MEETING

October 24, 2017

City of Newburgh Zoning Board of Appeals

Summary of record of actions taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on October 24, 2017 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
David Schwartz
Barbara Smith
Michael Papaleo
Austin Dubois

Members Absent: Lashawn Jasper
Corey Allen

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
Omar Balbuena-Palma, Secretary

Old Business:

Appeal No. 2017-16

Applicant: Levy L Maher

Owner: 59 Grove LLC

Location: 59 Grove Street

Requesting an AREA Variance for 322 feet on lot area, 5 feet on lot depth, 11 feet on the front yard setback, 8 feet on the east side yard setback, 10 feet on the west side yard setback and 4 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Desiree Osorio, Applicant, appeared before the Board representing the owner. The Applicant said the building is already a fully functioning two-family building and the intent is to receive Board approval in order to become compliant with the City Code. The Applicant said the current owner owned the property for two to three years before a discrepancy was noticed in the Certificate of Occupancy ("CO"). She said the property was sold as a two-family building but the CO on file with the Building Department shows a one-family building. She said no exterior nor interior work is proposed.

Mr. Papaleo clarified that two families with separate utilities currently occupy the building and that the County records and tax records also list the property as two-family.

The Applicant said that the current owner has done minor repairs on the property and that the discrepancy was discovered when an inspection was done on the property.

Mr. Dubois confirmed that the footprint of the building has not changed and will not change as a result of any board action.

The Assistant Corporation Counsel said that in order to bring the property into compliance, the Building needs area variances..

Ms. Smith said that perhaps a previous owner performed the work but never filed the permit and now the Applicant is before the Board for variance approval in order to update the CO. She is concerned that the building was inspected multiple times before the discrepancy was discovered by the final inspection.

The Assistant Corporation Counsel said that a two-family use is allowed by right and previously received site plan approval by the Planning Board.

Ms. Lugo said the issue seems to be is that the use was previously for a one-family and the previous owner did not change it legally.

The Chairperson opened the public hearing.

There was no one present to speak for or against this application.

Mr. Papaleo moved to close the public hearing.

Mr. Schwartz seconded the motion.

The motion carried unanimously.

Mr. Dubois moved to declare the application a Type 2 action under SEQRA.

Mr. Papaleo seconded the motion.

The motion carried unanimously.

Mr. Schwartz moved to approve the area variance requested as submitted by the applicant.

Mr. Papaleo seconded the motion.

The motion was carried 4-0 via roll call vote. (Ms. Smith voted against)

New Business

Appeal No. 2017-18

Applicant:Anthony F. Giordano

Owner: Anthony F. Giordano

Location: 323-325 Liberty Street

Requesting an AREA Variance for 15 feet on the East front yard setback and 10 feet on the North side yard setback which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

The Assistant Corporation Counsel said that Anthony Giordano would not appear. He said the Applicant has an application pending before the Planning Board to change the use of the building. He said the application is a Type 1 action under SEQRA and the Board may open the public hearing, carry it into the following month and vote to allow the Planning Board act as Lead Agency for the project.

The Chairperson opened the public hearing.

There was no one present to speak for or against this application.

The public hearing was carried to the next meeting.

Mr. Dubois moved to allow the Planning Board to act as Lead Agency under SEQRA.
Mr. Papaleo seconded the motion.
The motion carried unanimously.

The application was tabled until the next ZBA meeting.

Approval of Minutes

Mr. Schwartz moved to approve the September 26, 2017 minutes.
Mr. Papaleo seconded the motion.
The motion carried unanimously.

Meeting adjourned at 7:36 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson