

REGULAR MEETING

May 23, 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 May 23, 2017 at 7:35 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

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

Members Absent: Lashawn Jasper
 Corey Allen
 Gary Campbell

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

New Business:

Mr. Schwartz motioned to approve the April 25, 2017 minutes.
Mr. Papaleo seconded the motion.
The motion carried unanimously.

The applicant for appeal number 2017-03 was not present at the opening of the meeting. The chairperson moved appeal number 2017-04 forward on the agenda.

Appeal No. 2017-04

Applicant: Timothy P Dexter, Jr
Owner: Dexter Development & Renovations, LLC
Location: 365 Ann Street

Requesting an AREA Variance for 4 feet on the west side yard setback and 6 feet on the east side yard setback, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium-Density Residential Zone.

Tim Dexter, Sr. appeared before the Board. He said his son, Tim Dexter, Jr., is the sole member of an LLC that owns 365 Ann Street and the adjacent vacant lot. Tim Dexter, Jr. proposes to build a 2-story, mixed-use building. The first floor will be a storage area and a small office for personal use; the second floor will be a 1-bedroom apartment. He said that the original building site plan

would have required an off-street parking variance. The new building site plan provides the required off-street parking, but requires side yard setback variances.

Tim Dexter, Sr. said the existing fence along one side yard belongs to a different property owner and that the Planning Board discussed installing a new privacy fence. He said they are open to landscaping suggestions if the Zoning Board requires it.

Ms. Lugo suggested to do landscaping instead of erecting a fence.

Chairperson Lugo opened the public hearing.

No one spoke for or against the application.

Mr. Schwartz moved to close the public hearing.

Ms. Smith seconded the motion.

The motion carried unanimously.

The Assistant Corporation Counsel said the project is an unlisted action pursuant to SEQRA and is an uncoordinated action. The Planning Board decided that they will be lead agency but no negative declaration was issued at the Planning Board meeting on May 16, 2017.

Mr. Schwartz moved to declare lead agency pursuant to SEQRA.

Ms. Smith seconded the motion.

The motion was defeated via roll call vote.

Mr. Schwartz moved to have a coordinated review pursuant to SEQRA with a recommendation that the Planning Board be the lead agency.

Mr. Papaleo seconded the motion.

The motion carried unanimously via roll call vote.

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

Mr. Papaleo seconded the motion.

The motion carried unanimously via roll call vote.

The Assistant Corporation Counsel said the Orange County Records show the property owner as CL Dexter Properties LLC. Tim Dexter, Sr. said CL Dexter Properties was also a single-member LLC with his son as the sole member, and he believes that CL Dexter Properties recently conveyed the property to Dexter Development & Renovations, LLC. The Board members agreed to approve the variance under either name.

Appeal No. 2017-03

Applicant: Belfry Arts (George Ian McMahon and Ashley Lyon)

Owner: Alexander Brezo and Elizabeth Brezo

Location: 236 S William Street

Requesting an AREA Variance for 10 feet on the side yard setback, 20 feet on the rear yard setback and 6 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low-Density Residential Zone.

Hannah Walsh appeared representing the applicant. She said the use is going to be changed from an auto body repair facility to an artist's workspace (Cottage Industry).

Mr. Papaleo clarified that the house will stay the same and the only change in use will be the garage.

The Assistant Corporation Counsel clarified that the application is not a Use Variance. He said the use is allowed by right in the Low-Density Residential Zone with Special Use Permit approval from the Planning Board. He said the Applicant received approval by the Planning Board on May 16th 2017 and is applying for Area Variances from the Zoning Board of Appeals.

The Applicant said that there will be no exhibits, shows, or event plans for the space. It will strictly be a workspace.

Chairperson Lugo opened the public hearing.

No one spoke for or against the application.

Mr. Schwartz moved to close the public hearing.

Ms. Smith seconded the motion.

The motion carried unanimously.

Mr. Schwartz moved to declare lead agency pursuant to SEQRA.

Mr. Papaleo seconded the motion.

The motion was defeated via roll call vote.

Mr. Papaleo moved to have a coordinated review pursuant to SEQRA with a recommendation that the Planning Board be the lead agency.

Mr. Schwartz seconded the motion.

The motion carried unanimously via roll call vote.

Mr. Papaleo moved to approve the area variances requested as submitted by the applicant.

Ms. Smith seconded the motion.

The motion carried unanimously via roll call vote.

Additional Business

Mr. Papaleo moved to begin all Zoning Board meetings at 7:00 p.m. beginning with the June 27th 2017 meeting.

Mr. Schwartz seconded the motion.

Mr. Schwartz moved to adjourn the meeting.

Mr. Papaleo seconded the motion.

The motion carried unanimously.

Meeting adjourned at 8:12 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson