

ZONING BOARD OF APPEALS MEETING

Summary of record of actions taken at the regular meeting of the Newburgh Zoning Board of Appeals (“ZBA”) held on February 25, 2020 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Michael Papaleo
Ben Brandt
Julie Lindell
Dianne Dixon
Melvin Hales

Absent: Barbara Smith
Corey Allen

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

OLD BUSINESS

Appeal No. 2020-01

Applicant: Dena Shottenkirk
Owner: Dena Shottenkirk
Location: 221 Third Street

Requesting an **AREA Variance** for 5 feet on the side yard setback, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Dena Shottenkirk, property owner, appeared before the Board.

The property owner said the intent is to demolish the existing addition on the rear of the building. She said the addition would be rebuilt and extended by approximately 30 feet.

The Chairperson said at the January ZBA meeting the Board asked the property owner’s proxy for additional information that he was unable to answer. She said at that time, the application was tabled and she requested a clarification from the property owner regarding the following:

- Height of the addition;
- Design plan for the addition and driveway;

- Carport proposal under the addition;
- Photographic evidence of similar structures in the neighborhood.

Mr. Papaleo asked if the driveway will be paved and said there may not be sufficient room under the addition for a car.

The property owner submitted images of the property (which was made part of the record) for consideration. She said the approximate height of the addition is eight (8) feet but it would gradually increase due to the degradation of the property. She said there is no guarantee that a carport underneath the addition is feasible but it is not an essential component of the project. She said she has no issue if she is not allowed to install the carport. She said there are no plans to pave the driveway.

Ms. Lindell said an additional parking space is a benefit to the property owner and by extension to the neighborhood.

The property owner agreed and said she is sharing the driveway with the neighbor next door.

Ms. Lugo asked if the design plans were completed.

The property owner said the design plans have not been completed. She said her engineer must evaluate the addition to determine the most efficient support system but before investing additional time/funds into the project, she was informed that she would need an area variance.

Mr. Papaleo asked if the Applicant is in compliance with the rear yard setback.

Mr. Brandt asked why the requested variance is only for the western side yard setback when the schematic show that the addition spans the full width of the property.

The Assistant Corporation Counsel said the area variance is based on the location of the building relative to the property line and the bulk requirements for the zone. He said the Building Inspector reviewed the proposal and determined that the project required a variance for the side yard setback only.

Mr. Papaleo asked if the Applicant considered reducing the width of the extension. He asked if the addition will block off access to the rear.

The property owner said she was unaware that her proposal triggered the need for an Area Variance. She said the proposed structure will be elevated and will not block off access to the rear. She said the building is small and the intent is to increase the space of the addition.

Ms. Dixon said five (5) feet of space makes a big difference.

Mr. Papaleo said he is concerned with the width of the driveway. He said it does not appear that a car may fit within the driveway.

The property owner said the building is 18 feet wide with a 7-foot driveway that is shared with the neighbor next door. She said the driveway issue is a separate concern that will be discussed with the neighbor.

Mr. Dixon and Ms. Lindell agreed.

Mr. Brandt said he is concerned with the architectural massing of the addition on the rear yard. He said the addition is out of character to the neighborhood because it is only one-story and extends further and deeper than any other addition in the neighborhood.

Ms. Dixon asked if the addition will be visible from the street.

The property owner said only a few feet of the addition will be visible from the street. She said the addition will be designed using bricks so that it matches the front of the building and it won't look out of place.

The Assistant Corporation Counsel clarified that the property is within the East End Historic District and any modifications to the exterior will require review/approval by the Architectural Review Commission ("ARC"). He said the architectural look of the building is not a consideration for this Board.

The property owner confirmed she is aware that ARC approval is required.

Mr. Papaleo asked for the height of the ground level on the rear of the building. He said parking a car may not be feasible under the addition.

The property owner said the height of the ground floor begins at eight (8) feet and gradually increases.

Mr. Brandt said there should be enough space for a car under the addition.

The property owner said a parking space may not be feasible but she is not too concerned with the parking space. She said she is more concerned over limiting the space of the addition.

Ms. Lindell said the addition is similar to a closed in deck.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Ms. Dixon moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to declare the application a Type II action under SEQRA.

Ms. Lindell seconded the motion.

The motion passed unanimously.

Ms. Dixon moved to approve the Area Variance as requested

Ms. Lindell seconded the motion.

The motion passed 4-2 via roll call vote.

The motion was approved 4-2 via roll call vote with the voting results as follows:

Ms. Lugo Voting for granting the variance

Mr. Brandt Voting against granting the variance

Ms. Dixon Voting for granting the variance

Mr. Hales Voting for granting the variance

Ms. Lindell Voting for granting the variance

Mr. Papaleo Voting against granting the variance

Approval of Minutes

Ms. Dixon moved to approve the January 2020 minutes.

Ms. Lindell seconded the motion.

The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 7:30 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson