

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 June 23, 2020 at 7:00 p.m. using Zoom videoconference.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Ben Brandt
Dianne Dixon
Julie Lindell
Barbara Smith

Absent: Michael Papaleo
Melvin Hales

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

NEW BUSINESS

Appeal No. 2020-06

Applicant: James A. Gibbons
Owner: 144 Tercera Corp
Location: 86 Lander Street

Requesting an **AREA Variance** for 4 feet and 8 inches on the front yard setback, 5 feet on the southern side yard setback, 21% on lot coverage and 4 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

James Gibbons, Applicant, appeared before the Board on behalf of the property owner.

The Applicant gave a brief overview of the project and said the intent is to restore the building and convert the use into a four-family dwelling. He said there are no proposed modifications to the building footprint and the property file indicated a previous use for a one or two-family dwelling. He said he submitted parking photographs for consideration to showcase the availability of parking in the area.

The Chairperson opened he public hearing.

Victor Velasquez, 88 Lander Street, spoke against the application. Mr. Velasquez said the building used to be a one-family dwelling and the intent to convert the building into a four-family dwelling will create more parking congestion.

Alvin Moonesar, 69-79 William Street, spoke in favor of the application. Mr. Moonesar said the funding involved in renovating properties is significant and the building at 86 Lander Street is just a shell of a building without a roof. He said the property owner needs the proposed use in order to earn enough income to pay off any outstanding loans on the property. He said he understands Mr. Velasquez concern but there are approximately 2-4 lots on Lander Street that are in need of development in order to get them back on the tax roll to lessen the tax burden for the community. He said he frequently drives near Lander Street and the street is usually half-empty. He said there are various forms of transportation available within the City of Newburgh.

There were no other comments for or against the application.

Mr. Allen moved to close the Public Hearing.

Ms. Lugo 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 6-0 via roll call vote.

Appeal No. 2020-08

Applicant: House of God Hebrew Pentecostal Church, Inc.

Owner: Seniors Research Institute Inc.

Location: 124 & 140 Overlook Place and 149 William Street

Requesting an **AREA Variance** for 1,689 feet on the lot area, 2 feet on the lot width, 18 feet on the lot depth, 15 feet on the front yard setback, 10 feet on the side yard setback, 20 feet on the rear yard setback, 50% on the lot coverage and 15 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Pastor Robert Diaz, House of God Hebrew Pentecostal Church, Inc., and Jonathan Millen, Land Surveyor from Automated Construction Enhanced Solutions, Inc., appeared on behalf of the property owner.

The Land Surveyor said the property owner's intent is to subdivide the lot at 140 Overlook Place. He said one (1) of the subdivided lots will be merged with 149 William Street and the other lot will be merged with 124 Overlook Place. He said the intent for the lot merged with 124 Overlook

Place is for conversion into a community parking lot. He said the existing buildings will remain the same and there are no additional developments proposed.

The Pastor confirmed the community lot will be available for public use when the Church is not operating.

Mr. Millen said the area variances are required for the subdivision and they will repair the existing parking lot and the sidewalk. He said the remaining portion of the community lot is not developed and will probably be utilized as a community area for the Church.

Ms. Lindell asked if the paved area will be increased. She asked if there is a plan for storm water run-off and if permeable pavers will be used.

Mr. Millen said there is existing pavement onsite now and the intent is to repave the area and match the existing material. He said the area around the parking lot will be brought into compliance and will conform to the Streetscape Standards. He said there will be no additional run-off on site since they are not increasing the paved area.

Ms. Lindell confirmed the parking lot will be restriped.

Ms. Dixon asked for a clarification on the retail parking requirements.

The Assistant Corporation Counsel confirmed the retail use requires 6 parking spaces. The Planning Board determined that 15 off-street parking spaces were needed for the House of Worship. He asked the Land Surveyor for the approximate number of parking spaces available in the existing parking lot.

Mr. Millen said the existing parking lot is approximately 10 thousand square feet and can reasonable accommodate 23 to 25 vehicles.

Ms. Lindell asked if the parking requirements will be accommodated by the parking lot.

The Assistant Corporation Counsel said the Board must consider the representations made by the Applicant when making its determination. He said the parcels for the House of Worship and the Retail space cannot accommodate any parking spaces and the Applicant is providing an adjacent parking area for those uses. He said the Applicant is requesting a variance for all of the parking requirements for the House of Worship and the Retail space.

Ms. Dixon said the parking lot seems to provide adequate parking for the existing uses.

Mr. Millen said there is ample room for additional parking spaces later if the Board considers the unpaved area on the vacant lot. He said the parking area takes up approximately 60% of the entire combined lot.

Mr. Brandt asked what changes are requested that trigger the area variance application.

The Assistant Corporation Counsel said the Applicant is seeks to reconfigure the lot line. He said this action triggers compliance with zoning regulations. He confirmed there are no proposed modifications to the existing buildings on any of the 3 parcels. He said the Applicant appeared before the Planning Board and received final plat approval on June 16.

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.

Mr. Allen 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 6-0 via roll call vote.

Approval of Minutes

Ms. Dixon requested a revision to clarify her comment on the February minutes.

The Secretary said the minutes will be amended accordingly.

Ms. Dixon moved to approve the February 2020 minutes as amended.

Ms. Lindell seconded the motion.

The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 7:35 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson