

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 July 28, 2020 at 7:00 p.m. using Zoom videoconference.

Members Present: Joanne Lugo, Chairperson
Corey Allen
Dianne Dixon
Melvin Hales (alternate, voting)
Julie Lindell
Michael Papaleo

Absent: Ben Brandt
Barbara Smith

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

NEW BUSINESS

Appeal No. 2020-07

Applicant: Arleen Perez
Owner: Arleen Perez
Location: 287 Third Street

Requesting an **AREA Variance** for 2 off-street parking spaces, which does not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Arleen Perez, property owner, appeared before the Board.

The property owner gave a brief overview of the project and highlighted the following:

- Proposing to convert the existing three story building into a two-family dwelling;
- Property is in the Medium Density Residential Zone located in front of Downing Park;
- Sufficient parking available in the area;
- Requesting a parking variance for two vehicles.

Ms. Lindell asked if there is an existing driveway or parking space on the property.

The property owner said the property does not have a curb cut, a garage or available parking spaces. She said there is an existing gate at the front of the property but the steep slope makes it all but impossible for vehicles to enter/leave.

Mr. Papaleo asked if the building was previously used as a two-family dwelling. He asked if the building is vacant.

The property owner said she is not aware of the building ever being used as a two-family dwelling. She said the building was left in disrepair and is currently vacant. She said the existing windows were reglazed and she had just begun to clean out the building before the COVID-19 epidemic began. She said she is now moving forward with renovations but requires an area variance before she can obtain a Building Permit.

Mr. Papaleo confirmed the intent is to renovate the building and occupy it.

Ms. Lindell said she has no further questions on the application.

The Assistant Corporation Counsel said the action is considered a Type II action pursuant to SEQRA and is subject to review by the Orange County Planning Department per GML§239. He said the application was forwarded accordingly and the response indicated no inter-municipal or county-wide impacts would result if the application was approved. He said the Orange County Planning Department recommended a local determination.

The Chairperson opened the public hearing.

There was no one present for or against the application.

Ms. Lindell moved to close the Public Hearing.

Ms. Dixon 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.

Mr. Papaleo moved to approve the Area Variance as requested

Ms. Lindell seconded the motion.

The motion passed 6-0 via roll call vote.

Appeal No. 2020-09

Applicant: Emmanuel Mozo-Perez
Owner: Emmanuel Mozo-Perez
Location: 26 West Street

Requesting an **AREA Variance** for 15 feet on the 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 Low Density Residential Zone.

Emmanuel Mozo-Perez, property owner, appeared before the Board.

The property owner said the corner property is in a residential area and the intent is to convert it into a two-family dwelling. He said the building was previously used as an office space and has sufficient parking spaces available.

Mr. Papaleo asked if the building was ever utilized as a two-family dwelling. He asked if the property owner had a copy of the Certificate of Occupancy.

The property owner said he does not have the Certificate of Occupancy readily available and he is not aware of the building ever being a two-family dwelling.

Ms. Lindell asked for the neighborhood details.

The property owner said the neighborhood is comprised of mostly two-family buildings.

The Assistant Corporation Counsel said the property is in the Low Density Residential Zone and the property owner intends the use to more closely align with the neighborhood.

Mr. Allen said the building used to be occupied by a lawyer's office.

The Assistant Corporation Counsel said the action is considered a Type II action pursuant to SEQRA and is subject to review by the Orange County Planning Department per GML§239. He said the application was forwarded accordingly and the response indicated no inter-municipal or county-wide impacts would result if the application was approved. He said the Orange County Planning Department recommended a local determination and that the Applicant obtained Site Plan approval from the Planning Board in June.

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 6-0 via roll call vote.

Approval of Minutes

Ms. Lindell moved to approve the June 2020 minutes as amended.
Ms. Dixon 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