

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 August 25, 2020 at 7:00 p.m. using Zoom videoconference.

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

Absent: Ben Brandt
Corey Allen
Barbara Smith

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

NEW BUSINESS

Appeal No. 2020-10

Applicant: Peak Summit Enterprises
Owner: William Sarvis & Anna R. Sarvis
Location: 13 North Plank Road

Requesting an **AREA Variance** for 7 & 12 feet on lot depth, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Ken Lytle from Peak Summit Enterprises, Applicant, appeared before the Board on behalf of the property owner.

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

- Subdividing the vacant land at 13 North Plank Road;
- Proposing new one-family dwelling in each lot;
- New York State Department of Transportation (“NYSDOT”) acquired part of the frontage at 13 North Plank Road in 1984;
 - NYSDOT provided a curb cut and sidewalk, as well as a driveway pipe, for the owner’s use for a future driveway to the property;
 - Acquisition now creates a subdivision issue;
- Requesting variance for lot depth;

The Assistant Corporation Counsel said the project is subject to GML §239 review and has been forwarded to the Orange County Department of Planning (“County”). He said the County has up to 30 days to respond and the Board may not vote on the application until a response is received or at least 30 days have passed. He said the Board may provide the applicant feedback and open the public hearing but any vote on the application must be tabled until the September 22 meeting.

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 Application was tabled and the Applicant was informed to attend the next ZBA meeting on September 22.

Appeal No. 2020-11

Applicant: 146 Johnston St LLC

Owner: 146 Johnston St LLC

Location: 146 Johnston Street

Requesting an **AREA Variance** for 300 feet on lot area, 2 feet 6 inches on lot width, 5 feet on the side yard setbacks, 6% on lot coverage and 3 off-street parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Anthony Williams, Applicant, appeared before the Board on behalf of the property owner, along with Michele Williams.

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

- Recently purchased the property;
- Building layout indicates a previous use for a three-family dwelling;
 - Existing Certificate of Occupancy is for a two-family dwelling;
- Proposing to convert the existing two-family dwelling into a legal three-family dwelling;
- No change to building footprint;
- Proposing to repair the building as is;
- Requesting Area Variance to move forward on the rehabilitation.

Ms. Lindell asked if the intent is to convert the second and third floor into separate apartments. She asked if there is an existing apartment on the lower floor.

Ms. Williams confirmed that each floor will be renovated into an apartment.

The Applicant said there is sufficient space available on the street and said he submitted new photographs depicting the existing parking availability for consideration. He said the previously submitted photographs showed parking availability of a different property.

The Assistant Corporation Counsel said the project is subject to GML §239 review and has been forwarded to the County. He reiterated that the County has up to 30 days to respond and the Board may not vote on this application until a response is received or at least 30 days have passed. He said the Board may provide the applicant feedback, open the public hearing but any vote on the application must be tabled until the September 22 meeting.

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 Application was tabled and the Applicant was informed to attend the next ZBA meeting on September 22.

Approval of Minutes

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

Ms. Lindell seconded the motion.

The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 7:20 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson