

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 January 26, 2021 at 7:00 p.m. using Zoom videoconference.

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

Absent: Michael Papaleo
Barbara Smith

Also Present: Jeremy Kaufman, Assistant Corporation Counsel
Omar Balbuena-Palma, Administrative Assistant to City Manager
J.K. Gentile, Secretary

OLD BUSINESS

Appeal No. 2020-20

Applicant: Theodore G. Rieper
Owner: Zeqir Hakanjin
Location: 405 Grand Street

Requesting an **Area Variance** for 10 feet and 7.6 feet on the side yard setbacks 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.

Theodore G. Rieper, Applicant, appeared before the Board on behalf of the property owner.

The Applicant said he was unable to appear at the December meeting for personal reasons and gave a brief review of the project. He highlighted the following:

- Proposal is to convert the existing single-family dwelling into a three-family dwelling;
- No change to building footprint;
- Proposed use fits into the character of the neighborhood;
 - 407 Grand Street is an existing three-family dwelling;
 - 403 Grand Street is an existing single-family dwelling;
- Buildings at 405, 403 and 407 Grand Street were constructed circa 1920;
- Provided photographs to show parking availability over the course of 16 days;
- Neighbors have garages available for parking.

The Assistant Corporation Counsel said the action is considered a Type II action pursuant to SEQRA and the project is subject to GML §239 review. He said the County issued its comment letter and deferred to a local determination. He said the Board may vote on whether to grant the Area Variance after holding a public hearing.

Ms. Lindell said she is familiar with the area and parking availability is very limited by 8:00 p.m., notwithstanding the pictures provided by the applicant. She asked if the Applicant was aware of noise complaints from the community.

The Applicant said the photographs show sufficient parking availability around 7:00 p.m. he said he was not aware of any noise complaints. He said the property owner does not intend to rent the building to college students.

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 via roll-call vote.

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

Ms. Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

Ms. Dixon moved to approve the Area Variance as requested.

Mr. Allen seconded the motion.

The motion was denied 2-3 via roll call vote, as the decision lacked an affirmative vote of a majority (4 votes) of all of the members of the Board (7 members total), with the voting results as follows:

Mr. Allen	Voting for granting the variance
Mr. Brandt	Voting against granting the variance
Ms. Lindell	Voting against granting the variance
Ms. Dixon	Voting for granting the variance
Ms. Lugo	Voting for granting the variance

NEW BUSINESS

Appeal No. 2020-21

Applicant: Jessica Wickham
Owner: Durable Carrot LLC
Location: 20 Chambers Street

Requesting an **Area Variance** for 20 feet on the rear yard setback and one story on the building height, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Downtown Neighborhood Zone

Jessica Wickham, Applicant, appeared before the Board on behalf of the property owner.

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.

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

- Recently purchased the 90 year old building and the adjacent lots;
- Adjacent lots may be converted into parking later;
- Proposing to convert the existing auto body shop into a woodworking studio;
- Survey shows the building sits on the property lines on all sides.

Ms. Lindell confirmed the Applicant is not proposing to change the footprint of the building.

The Applicant said she may install windows on the bricked-in portions of the building later.

The Chairperson opened the public hearing.

There was no one present for or against the application.

The Chairperson moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion passed unanimously via roll-call vote.

The Application was tabled and the Applicant was informed to attend the next ZBA meeting on February 23, 2021.

Approval of Minutes

A vote on the November and December minutes was tabled until the February meeting.

With no further business to discuss, the meeting was adjourned at 7:43 p.m.

Respectfully Submitted:

Approved:

J.K. Gentile, Secretary

Joanne Lugo, Chairperson