

ZONING BOARD OF APPEALS MEETING

Summary of record of actions taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on March 27, 2018 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
David Schwartz
Barbara Smith
Austin DuBois

Members Absent: Michael Papaleo
LaShawn Jasper
Corey Allen

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

Old Business

Appeal No. 2018-05

Applicant: Elvia Camacho
Owner: Elvia Camacho
Location: 438 First Street

Requesting an **AREA Variance** for 10 feet on the west side yard setback and 15 feet on the front yard setback, which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Low Density Residential Zone.

Elvia Camacho, Property Owner, and her husband, Bruno Castillo, appeared before the Board.

The Assistant Corporation Counsel confirmed with the Owner and her husband that they are comfortable having the ZBA secretary translate the proceedings from English to Spanish and vice versa.

The Owner said the original intent was to change the use from a two-family dwelling into a three-family dwelling. He said they needed to repair and extend the deck to add a fire escape.

Mr. DuBois clarified that the deck is located in the rear of the property.

The Assistant Corporation Counsel said the Applicant is expanding the existing use and the Area Variance is required to comply with all existing zoning regulations.

Ms. Smith confirmed that the Owner will add a living space within the existing building.

The Chairperson opened the public hearing.

There was no one present to speak for or against the application.

Mr. Schwartz moved to close the public hearing.

Ms. Smith seconded the motion.

The motion carried unanimously.

Mr. DuBois moved to declare the application a Type II action under SEQRA.

Mr. Schwartz seconded the motion.

The motion carried unanimously.

Mr. DuBois moved to approve the Area Variance as requested

Mr. Schwartz seconded the motion.

The motion was carried 4-0 via roll call vote.

Appeal No. 2018-06

Applicant: Rene Gonzalez Orta

Owner: Rene Gonzalez Orta

Location: 129 Third Street

Requesting an **AREA Variance** for 10 feet on front yard setback, 5 feet on the west side yard setback, 3 feet on the east side yard setback, 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.

Rene Gonzalez Orta and Arturo Torres, Property Owners, and the Jim Gibbons, Project Engineer, appeared before the Board.

The Assistant Corporation Counsel said the property previously belonged to Letitia Myers and the current owners acquired the building on February 2, 2018.

The Project Engineer said the intent is to change the use of the building into a 4-family dwelling. He said the basement, first, second and third floors will all be two-bedroom units, though there are no proposed changes to the footprint of the building. He said most of the work will be interior and the exterior work is subject to Architectural Review Commission ("ARC") approval. He said the building does not meet the existing setbacks as defined by the City Code and they are requesting an Area Variance for relief. He said there is sufficient parking nearby on Chambers Street, Third Street and Lander Street. He submitted pictures of parking availability for the Board's consideration (which was made part of the record).

Mr. DuBois said that a 4-family dwelling is allowed in the Medium Density Residential Zone.

The Assistant Corporation Counsel clarified the Owners' are requesting an Area Variance for a 4-family dwelling.

The Project Engineer said the building layout allows for four dwelling units and the basement has a separate entrance underneath the stoop.

Ms. Smith clarified that the building will not be owner occupied and the intent is to rent each unit.

The Chairperson opened the public hearing.

Jim Gibbons, as owner of 130 and 132 Third Street, said he is in favor of the application.

There was no one present to speak against the application.

Mr. DuBois moved to close the public hearing.

Mr. Schwartz seconded the motion.

The motion carried unanimously.

The Chair said a unanimous vote in favor of the application is required from the Board for an approval because only 4 board members were present. She said if one member votes against the application, the application will be defeated. She asked the owners' if they wanted to proceed to a vote.

The Assistant Corporation Counsel said the individual Board members could express their reservations on the project if they had any.

Mr. DuBois said he feels comfortable approving the Area Variance.

The owners decided to move forward with the vote.

Mr. DuBois moved to declare Lead Agency pursuant to SEQRA.

Mr. Schwartz seconded the motion.

The motion carried 4-0

Mr. DuBois moved to issue a Negative Declaration pursuant to SEQRA.

Mr. Schwartz seconded the motion.

The motion carried 4-0

Mr. Schwartz moved to approve the Area Variance with respect to a Four-Family dwelling.

Mr. DuBois seconded the motion.

The motion was carried 4-0 via roll call vote.

Approval of Minutes

Mr. Schwartz moved to approve the February 27, 2018 minutes.

Ms. Smith seconded the motion.

The motion carried unanimously.

Meeting adjourned at 7:30 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson