

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 March 26, 2019 at 7:00 p.m. at the City of Newburgh Activity Center, 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Barbara Smith
Corey Allen
Ben Brandt
Julie Lindell
Dianne Dixon
Melvin Hales (alternate, voting)

Members Absent: Michael Papaleo

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

New Business

Appeal No. 2019-07

Applicant: Heather and Jeremy Moore
Owner: City of Newburgh
Location: 260 Liberty Street

Requesting an **AREA Variance** for 2 feet on the front yard setback, 5 feet on the side yard setbacks, 12% 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.

Heather Moore, applicant, appeared before the Board on behalf of the property owner, along with the project architect, Paul Henderson.

The applicant said she and her husband have lived for approximately 13 years in the City of Newburgh. She said they are under an agreement to purchase the building from the City of Newburgh. Their original intent was to renovate the existing building at 260 Liberty Street. She said due to the conditions of the building, compounded by the weather damage to the roof, and after obtaining asbestos reports and stability issues from the project architect, it is not feasible to renovate the building. She said they are now intending to demolish the building and construct a new two-story building on the exact footprint of the existing building. She said the new building will closely follow the style of the existing building.

The project architect submitted a parking study and seven (7) photographs for consideration (which were made part of the record). He said the requested setbacks were determined with the aid of the Building Inspector because they are in the process of obtaining a survey for the property. He said the setbacks take into account slightly larger walls to accommodate for better energy saving techniques.

Mr. Hales confirmed the applicant knew the adjacent property owners. He asked who owned the driveway.

The applicant said the driveway is owned entirely by Dan Gilbert next door. She said there is no available off-street parking on the property but may work out an agreement to share the driveway with Mr. Gilbert.

The project architect said the building behind 260 Liberty Street also belongs to Mr. Gilbert, but there is no access to the rear either.

Ms. Smith confirmed the intent is not to construct a one-family dwelling.

The applicant said the intent is for a two-family dwelling to help pay for the taxes.

Ms. Dixon confirmed the existing building is a non-confirming building and the intent is to construct a new non-conforming building on the same footprint.

Mr. Brandt said he understands the project is a huge undertaking and commended the Applicant. He said he is unsure why the building does not confirm to the zoning requirements but believes it was a conforming building at one time.

The Chairperson opened the public hearing.

Fredericka Dolores Lamot, 262 Liberty Street, said she is not in favor of the application because the application would destroy the sidewalk for four (4) parking spaces.

Ms. Dixon moved to close the public hearing.

Ms. Lindell seconded the motion.

The motion passed unanimously.

Mr. Brandt clarified that the sidewalk will not be disturbed to make four (4) parking spaces.

Ms. Smith said the parking variance does not mean that the applicant has the ability to reserve spaces on the street. Any people residing at the premises will have to find available parking somewhere on the street. Ms. Smith also asked if the project required site plan approval from the Planning Board.

The Assistant Corporation Counsel clarified that a two-family dwelling is allowed by right in the zone and approval by the Planning Board is not required. He clarified that the Applicant will close on the property soon.

Ms. Dixon moved to declare the application a Type II action under SEQRA.
Ms. Lindell seconded the motion.
The motion passed unanimously.

Mr. Allen moved to approve the Area Variances as requested
Ms. Dixon seconded the motion.
The motion passed unanimously via roll call vote.

Approval of Minutes

Ms. Lindell moved to approve the February minutes.
Ms. Dixon seconded the motion.
The motion passed unanimously.

With no further business to discuss, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted:

Approved:

Omar E. Balbuena-Palma, Secretary

Joanne Lugo, Chairperson