

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 June 25, 2019 at 7:00 p.m. at the City of Newburgh Activity Center (Hall of Fame Building), 401 Washington Street, Newburgh, New York 12550.

Members Present: Joanne Lugo, Chairperson
Barbara Smith
Julie Lindell
Dianne Dixon

Members Absent: Michael Papaleo
Corey Allen
Ben Brandt
Melvin Hales (Alternate)

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

NEW BUSINESS

The Assistant Corporation Counsel informed the Applicant that only four (4) Board members were present at the meeting and any vote on the application would require a unanimous vote for approval. He said the Applicant could present its application to the Board but ask for a vote to be tabled until the next Zoning Board of Appeals meeting on July 23, 2019 where he expected more Board members present.

Appeal No. 2019-17

Applicant: Eulogio Santiago
Owner: 209 North Miller Realty Partners LLC
Location: 209 N Miller Street

Requesting an **AREA Variance** for 758 feet on the lot area, 26 feet on lot depth, 5 feet on the front yard setback, 5 feet on the side yard setbacks, 12% on lot coverage and 2 off-street parking spaces which do not meet the requirements of the Schedule of Use and Bulk Regulations in the Medium Density Residential Zone.

Eulogio Santiago, Applicant, appeared before the Board on behalf of the property owner, along with Jonathan Cella, Project Engineer.

The Project Engineer gave a brief review of the project and highlighted the following:

- Convert the building into a two-family dwelling within a pre-existing building;
- Top two (2) floors will be a duplex apartment;
- Property purchased under the assumption it was a legal two-family dwelling;
- Property appears to have been used as a two-family dwelling prior to its period of vacancy;
- Property located in the Medium Density Residential Zone and the use is allowed by right;
- No proposed changes to the buildings footprint and no increase to impervious surfaces;
- Area variances required per the Informational Report.

Ms. Lindell confirmed the property owner is 209 North Miller Realty Partners LLC and the Applicant is the managing member of the LLC.

The Applicant said the property was vacant for an extended period of time and automatically reverted back to its most restrictive use. He said there are two (2) gas meters installed on the building and it has been historically used as a two-family dwelling. He said the idea is to convert it back to its original use.

Ms. Lindell confirmed the Applicant will contact Central Hudson to install the required number of electric meters to the building.

Ms. Smith confirmed the building, when viewed from the rear, is at grade level with the appropriate number of egress windows installed.

The Applicant said the basement level is three (3) steps below grade when viewed from the front.

Ms. Smith asked for a clarification on question 15 on the Short Environmental Assessment Form ("Short EAF").

The Project Engineer said some questions on the Short EAF are automatically answered by the New York State Department of Conservation using the Geographic Information System mapping program. He said question 15 on the Short EAF was automatically answered "Yes" because the Atlantic Sturgeon and Bald Eagle are endangered/threatened species and their associated habitats are known to be within the boundaries of, or close to, the project site.

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.

The public hearing was closed.

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

Ms. Lindell seconded the motion.

The motion passed unanimously.

Ms. Smith moved to approve the Area Variance as requested
Ms. Dixon seconded the motion.
The motion passed unanimously via roll-call vote.

Approval of Minutes

Ms. Dixon moved to approve the May 2019 minutes.
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